

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**UPLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 9<sup>th</sup> June 2014**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

**List of Background Papers**

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

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

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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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| <b>14/0225/P/FP Walcot Barns Forest Road Charlbury</b> |                                     |
| Date   | 18/02/2014/18/02/2014               |
| Officer  | Miss Dawn Brodie                    |
| Officer Recommendation                                 | <b>Grant, subject to conditions</b> |
| 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 was been called into Committee for determination by Councillor Leffman and has been returned to Committee following Cabinet's acceptance of the Council's position in relation to the Five Year Land Supply.

Since the consideration of the application at the April Sub Committee additional information has been received and re-advertised. This additional information includes details of blinds to be provided for the glazing in the broken roofline or alternative proposals for a more traditional rooflight form in the western elevation and an updated Great Crested Newt Survey.

## 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 and 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.

3.2 The applicant's Agent has provided the following comments in support of the scheme prior to consideration at the April Sub Committee Meeting:

#### Principle of the Proposed Development

*I note that the officers' report indicates that policy H10 of the adopted Local Plan 2011 identifies the criteria whereby proposals for the conversion of redundant agricultural buildings will be considered. The report also sets out paragraph 55 of the National Planning Policy Framework (NPPF), although provides no commentary as to why little weight has been attached to this paragraph. I also note that the first reason for the refusal of planning permission indicates that the proposal is contrary to the NPPF but provides no assessment as to why.*

*Para 214 of the NPPF states that for 12 months from the day of publication (March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the framework. Para 215 of the NPPF states that in other cases and following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.*

*Para 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of the special circumstances identified is:*

*Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.*

*Having regard to the above, para 55 allows for the re-use of redundant buildings for residential purposes without meeting the sequential test demonstrating that the building is not capable of being reused for employment, holiday accommodation or community uses as set out in policy H10 of the adopted Local Plan 2011. Given the inconsistency with para 55 it is suggested that the amount of weight that can be attached to policy H10 of the adopted Local Plan 2011 is limited.*

*Notwithstanding the above, I would suggest that policy H10 of the adopted Local Plan 2011 is out of date for other reasons.*

*Para 14 of the NPPF states that:*

*Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:*

*Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole; or*

*Specific policies in the Framework indicate development should be restricted.*

Para 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year housing land supply of deliverable housing sites.

Policy H10 of the adopted Local Plan 2011 is a policy that deals specifically with the supply of housing. Having regard to para 49 of the NPPF and the fact the Council is currently unable to demonstrate a five year housing supply, policy H10 is not considered to be up-to-date. Having regard to para 14 of the NPPF, the Council should resolve to grant planning permission unless doing so would significantly and demonstrably outweigh the benefits. As such, I am pleased to note that officers consider that the design approach is appropriate and would preserve the character and appearance of the wider Cotswolds AONB and the setting of the adjacent Oxfordshire Way. I also note that no objections have been raised by the County Council as highway authority. Charlbury Town Council also 'applaud' the proposal to bring Walcot Barn back into use.

### Conversion

I note officers concerns that the proposed development would involve major reconstruction. Other than the provision of a new roof structure, the proposed conversion would not involve major reconstruction. I also note that concerns have been raised regarding the structural integrity of the building and whether this will be further undermined by the proposed semi-subterranean addition. There is no reference in the officer's planning assessment to the Structural Survey that has been submitted in support of the application. The Structural Report was prepared by Tim Oliver of OMK Design Consultancy based in Woodstock. Tim is a qualified structural engineer with 25 years experience. OMK Design Consultancy were the structural engineers involved in the Grand Designs scheme at Barton on the Heath. Para 2.1 of the submitted Structural Report states that 'all of the intact structural fabric of the main barn appears both sound and stable'. Para 2.1 continues that 'it is our view that the existing structure is of adequate strength, stability and in suitable condition for the proposed development proposals presented on the Oxford Design Studio scheme. Para 3.3 of the Structural Report provides a method statement for the conversion and extension of the barn.

Whilst concern has been expressed regarding the impact the proposed subterranean development will have upon the structural integrity of the barn, officers have acknowledged that the addition will not be prominent in wider views, would not be harmful to the character of the immediate setting or the agricultural form of the building.

I would also suggest that the recent amendments to the GPDO which come into place on the 6<sup>th</sup> April are a material consideration. The amendments to the GPDO allow for the change of use of redundant agricultural buildings in the open countryside for residential purposes. The amendments also allow for the building operations that 'are reasonably necessary' to convert the building, including the replacement and rebuilding of roofs and exterior walls.

Whilst it is acknowledged that these new provisions do not apply within the Cotswolds AONB, it does clearly set out the Government's clear intent of allowing the conversion of redundant agricultural buildings for residential purposes

### Ecology

In terms of the concerns that have been raised in terms of the impact the proposed development may have upon protected species and particularly Great Crested Newts, Dr Guy Parker of Wychwood Biodiversity has provided the additional clarification:

No evidence of Great Crested Newts was found at Walcot Barns during 2 site visits made in late 2013 and early 2014. In addition, a data search requested from Thames Valley Environmental Records Centre revealed no records of newts within 1km of the proposed development. The closest observation recorded was of a newt found in a garden pond along Sturt Road, Charlbury in 2005.

However, there are ponds within 200m of Walcot Barns which are considered to provide potentially good breeding habitat for the Great Crested Newt according to the Habitat Suitability Index. The survey of the barn site revealed structures such as tyres and stone piles which could be suitable hibernating habitat for newts during winter months. There is therefore the possibility of Great Crested Newts using the site at certain times of the year.

It should be noted that the development of Walcot Barns would not affect potential breeding habitat of the Great Crested Newt. However, the clearance of tyre and stone piles from the site could reduce the availability of hibernating habitat.

To avoid impact to great crested newts and other protected species, and consistent with a precautionary approach, the following course of action is recommended:

- 1) A survey license should be applied for and Great Crested Newt survey to be carried out between April and June, focusing on the Walcot fish ponds to establish whether a breeding population of great crested newts occur within the vicinity of Walcot Barns. Standard survey methods will be used.
- 1) If Great Crested Newts are found to be present, or are likely to be present in the area, the impacts of the proposed development will be assessed, a mitigation plan will be developed and a mitigation license will be applied for. Please note that the impacts of this development would be restricted to the potential hibernating habitat and not the breeding habitat.
- 2) Once a license is granted, the development of Walcot Barns would be carried out in line with the agreed mitigation plan which would include prescriptions for impact mitigation as well as compensation. Mitigation measures would ensure that impacts to the Great Crested Newt hibernating habitat were minimised, through hand searching the site prior to clearance and ensuring operations occurred outside the hibernating period from October to March.
- 3) Compensation measures would include the provision of equivalent hibernating habitat as part of the Walcot Barns site development. Given the small scale of the potential impact, and its peripheral nature only affecting hibernation habitat, the mitigation and compensation measures would be straightforward with numerous precedents available.

These measures are in line with Natural England's best practice guidance for the protection of Great Crested Newts.

### Conclusions

To summarise, it is considered that:

- The proposed development would use a redundant or disused building and lead to an enhancement of its immediate setting and the wider Cotswolds AONB in accordance with para 55 of the NPPF;
- Policy H10 of the adopted Local Plan 2011 is inconsistent with guidance contained within para 55 of the NPPF and the amount of weight that should be attached to this policy for development management purposes is limited;



- Notwithstanding the above, on the basis that the Council are currently unable to demonstrate a 5 year housing land supply, having regard to paragraph 49 of the NPPF, policy H10 is not considered to be up-to-date;
- On the basis that the Council are unable to demonstrate a 5 year housing land supply, the Council should grant planning permission, unless doing so would significantly and demonstrably outweigh the benefits;
- The proposed development involves the provision of a new roof structure, however, the proposed development would not involve major reconstruction;
- The Structural Report submitted in support of the application states that all of the intact structural fabric of the main barn appears both sound and stable;
- The Structural Report submitted in support of the application confirms that the existing barn is of adequate strength, stability and suitable condition and will not be undermined by the proposed semi subterranean extension;
- The new provisions within the GPDO regarding the reuse of agricultural buildings for residential purposes is a material consideration;
- Officers acknowledge that the design approach is appropriate and would preserve the character and appearance of the wider Cotswolds AONB and the adjacent Oxfordshire Way;
- Dr Guy Parker of Wychwood Biodiversity has confirmed that there was no evidence of Great Crested Newts present at Walcot Barn during site visits in late 2013 and early 2014;
- Dr Guy Parker has provided mitigation measures that are in line with Natural England's best practice guidance for the protection of Great Crested Newts;
- No objections have been raised by the County Council as highway authority;
- Charlbury Town Council 'applaud' the proposal to bring Walcot Barn back into use;
- Officers have not identified harm associated with the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development is considered to be in accordance with the relevant 'saved' policies of the adopted Local Plan and guidance contained within the NPPF. As such, it is respectfully suggested that planning permission is granted.

In the event that the only outstanding matter is in respect of ecology matters, I would request that the application is deferred in order to allow this issue to be addressed.

### 3.3 In addition to the above statement the following letter was received with the amended plans submitted:

*Further to my e-mail of the 8th April 2014, my clients welcome your decision to report the application back to the Uplands Area Planning Sub-Committee on the 2nd June 2014.*

*As you are aware, para 14 of the National Planning Policy Framework (NPPF) states that:  
At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision-taking.*

*For decision taking this means:*

*Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:*

*- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.*

Para 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year housing land supply of deliverable housing sites.

It is agreed that the Council cannot currently demonstrate a five year housing land supply. Therefore, the key consideration is whether policy H10 of the adopted Local Plan 2011 deals with the supply of housing.

In your e-mail of the 2nd May it is suggested that policy H10 is not solely concerned with the supply of housing but is a broader based policy which is also concerned with strengthening the rural economy.

Policy H10 deals specifically with the conversion of existing buildings to residential use in the countryside and small villages. Policy H10 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 the retention of the building meets the overall sustainability objectives.

Whilst criterion (a) refers to employments uses, community uses or the provision of holiday accommodation, this policy specifically controls the conversion of existing buildings for residential purposes and therefore directly controls the supply of housing. This view is supported by case law, including *South Northamptonshire Council v Sec of State CLG and Barwood Land and Estates Ltd [2014] EWHC 573 (Admin)*.

I note in your e-mail of the 2nd May it is suggested that the Sub-Committee will need to take into account the contribution this proposal would make to the overall housing land supply. I can find no reference in the NPPF or the National Planning Policy Guidance (NPPG) which suggests that having regard to para 14 and 49 of the NPPF, policies for the supply of housing should only be considered out of date where the proposal contributes significantly to the supply of housing.

Para 14 of the NPPF is relevant if the proposed development relates to 1 or more dwellings. I do not intend repeating the justification set out within the statement submitted in support of the application. However, notwithstanding I remain of the view that para 55 of the NPPF provides a supportive context for this proposed development.

During the debate at the Uplands Area Planning Sub-Committee on the 7th April, I note that the following concerns were raised:

- 1) The structural integrity of the barn;
- 2) The impact the proposed development may have upon protected species; and
- 3) The impact the proposed roof light may have upon the Cotswolds AONB, particularly in terms of light pollution.

These issues are dealt with separately below.

#### Structural Integrity of the Barn

A Structural Design Strategy was submitted in support of the application. A copy of the report is attached. Para 2.1 of the Structural Design Strategy states that 'all of the intact structural fabric of the main barn appears both sound and stable'. Para 2.1 continues that 'it is our view that the existing structure is of adequate strength, stability and in suitable condition for the proposed development proposals'.

The Structural Design Strategy provides a method statement for the construction of the semisubterranean extension and the stabilisation of the existing fabric. The proposed stabilisation works includes hydraulically driven sheet piles which are smooth in operation and do not threaten the structure in the way that driven

piles do. They will follow this with underpinning which is a proven process and the construction of a retaining wall to allow for excavation

It should be noted that OMK were the engineers for the development at Underhill House, Barton on the Heath on the northern edge of the Cotswolds. This barn was completely ruinous by comparison and yet OMK devised a system for building under the barn whilst excavating for new residential accommodation adjacent and below the ground in a similar manner to the Walcot Barn approach. This innovative design solution was supported by Stratford on Avon District Council.

### Rooflights

Concern was expressed by Members of the Uplands Area Planning Sub-Committee regarding the proposed rooflight and particularly the impact of light pollution on the wider Cotswolds AONB.

In terms of the construction of the proposed rooflight, I can confirm the following:

- The roofline will be constructed within the depth of the main roof using rectangular tripleglazed panels carried in a sub frame along the line of the principal rafters with the tiled roof overlaid to form the broken line. The outer skin of the glazed units will be in nonreflective glass which will reduced the impact of the glazed roof; and
- The fixed glazing will be fitted internally with automatic blinds which will be designed to run vertically. The blinds will be controlled by a light sensor mounted at high level which will ensure that the blind closes automatically as darkness falls. This is common technology which is fully automatic and will prevent any artificial light pollution from the roof light.

The above is detailed on drawing no. W151-151.

The provision of the automatic blinds, their maintenance and retention can be secured by an appropriately worded planning condition.

If Members are minded to refuse planning permission on the basis of the form of the rooflight, I would be grateful if Members are asked to consider the alternative proposal detailed on drawing number W151-152. This alternative proposal omits any rooflight to the eastern elevation (facing Charlbury) and shows a more traditional barn rooflight to the western elevation.

It is respectfully suggested, that the revised rooflight proposals could again be secured by an appropriately worded planning condition.

### Protected Species

A Great Crested Newt survey was carried out on the 12th May 2014 by Rod d'Ayala, an ecological consultant who holds a Natural England Great Crested Newt Survey Licence. The Provisional Site Assessment that has been prepared following the survey on the 12th May 2014 is attached.

### The report concludes that:

In conclusion, there was no evidence of Great Crested Newts found during the survey and there is little likelihood that they will be breeding in the immediate area of Walcot Barns. If evidence is found and precautionary steps are undertaken prior to and during construction works, as outlined above, the mitigating steps can be taken in line with Natural England Guidelines.

Having regard to the above, it is considered that the second reason for the refusal of planning permission as set out in the officer's report to the April Sub-Committee has been addressed.

### Conclusion

*Para 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year housing land supply.*

*It is agreed that the Council cannot currently demonstrate a five year housing land supply. Policy H10 of the adopted Local Plan 2011 specifically controls the conversion of existing buildings for residential purposes and therefore directly controls the supply of housing.*

*Para 14 of the NPPF states that where relevant policies are considered to be out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.*

*As identified above, all of the concerns previously raised by officers and Members have been fully addressed and it is considered that the proposed development represents a sustainable form of development which fully accords with guidance contained in the NPPF. As such, it is respectfully suggested that planning permission is granted.*

#### **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

5.1 In considering the principle of residential development officers would have regard to the provision of the West Oxfordshire local Plan 2011 and the guidance of the National Planning Policy Framework.

5.2 A number of agents have sought to argue that policy H10 should not be used in respect of the assessment of applications for barn conversions to residential use. In particular it is argued:

- i) that the sequential test in H10 of non-residential use in priority to residential use is not reflected in paragraph 55 of the NPPF

- ii) that the new permitted development rights that allows some barn conversions without the need for full planning consent undermines the principle of seeking to resist residential use, and that
  - iii) the current lack of a full 5 year housing land supply means that as a housing policy H10 should be considered out of date and carry no weight.
- 5.3 Your Officers have taken Counsels opinion regarding these arguments and the outcome is that it is considered that H10 can still be afforded weight in determining most such applications.
- 5.4 With regards to the first argument, agents understandably focus in on paragraph 55 of the NPPF whereby barn conversions may be considered acceptable as an exception to the usual policies of restraint if they would lead to an enhancement of the setting of the building. However it is clear that the NPPF has to be read as a whole and paragraphs should not be considered in isolation to the rest of the document (as required by Paragraph 14). In that regard paragraph 28 of the NPPF exhorts planning authorities to enable enterprise in rural areas by way of conversion of existing buildings, rural diversification, supporting rural tourism and leisure and providing community facilities. These are exactly the priority uses that H10 seeks to promote and as such this part of policy H10 is still considered relevant and NPPF compliant. This viewpoint is confirmed in that H10 has been cited in 5 recent appeals as being in general conformity with the NPPF and in two of those the sequential test element has been specifically referred to by the Inspector before opining that it is NPPF compliant. The sequential argument that forms the basis of Policy H10 is therefore considered to continue to hold weight notwithstanding paragraph 55 of the NPPF.
- 5.5 With regards to the permitted development argument it is clear that the Government is seeking to be more permissive than was the case before the permitted development right was introduced and decisions should be taken with regard to that intent. That is not to state however that there is a no control retained. The permitted development right only applies in certain specified circumstances and even where it does apply is subject to a prior approval process that has a caveat that such approval may be withheld if the impact of granting consent would make it *'impractical or undesirable'* for the building to move to residential use. Such circumstances might be where the loss of employment or tourism potential or the harms of allowing residential use in terms of urbanising the countryside or unsustainable travel patterns outweigh the benefits of an approval.
- 5.6 The final point relates to the 5 year land supply issue. It is accepted that in the absence of the 5 year land supply adopted Local Plan strategic housing policies carry less weight than would otherwise be the case. There is debate as to whether policy H10 is a strategic housing policy but even were that to be considered the case the supply generated by the release of housing under a relaxation of this policy would not materially impact upon the housing supply position. Your officers would thus accept that in the absence of a 5 year supply the policy could be considered out of date but would argue that when taken in the round the provisions of paragraph 28 and 55 of the NPPF mean that the principles which underlie it remain NPPF compliant- as accepted by several different Inspectors in a number of recent appeal decisions.
- 5.7 In conclusion your officers would advise that where there is only the principle of contravention of H10 at stake and that in all other respects the scheme is a sustainable development that does not cause harm that a Policy H10 based refusal reason would not be likely to be supported. However, in the vast majority of circumstances there will be reasons of harm or inappropriateness that would apply that are supported in the NPPF when taken in the round that would mean that H10 can continue to be given weight in the determination of planning applications.
- 5.8 Considering the specifics of this scheme your officers would note that the building is in an open countryside location. On the basis of the comments above, weight can still be applied to the requirements of Policy H10 of the Local Plan which are generally in compliance with the NPPF when considered as a whole. In their initial statement of support of the application the applicant's

agent claims that the re-use of the barn for employment purposes would be harmful due to the level of external alterations which would be required to achieve natural daylight into the heart of the building. They further conclude that the conversion to holiday lets would be unviable and the scale and nature of the barn would mean sub-division into more than one unit would result in more openings and greater harm to its character. No evidence has been submitted to support this claim, neither has a viability study been provided. The other supporting information does note the potential for a live/work type approach through the provision of the offices and workshops associated with the proposed dwelling. Officers are of the opinion that the information submitted to support criteria a) is somewhat limited.

- 5.9 Criteria c) and d) of policy H10 require that the building is capable of accommodating residential without major reconstruction or significant enlargement and that the building makes a positive contribution to the character and appearance of the area. In your officers opinion the building does make a positive contribution to the character of the area. Members will need to consider whether the proposals for the replacement of the roof structure and the enlargement through the provision of the subterranean extension would result in compliance with this requirement of policy H10. The report submitted in support of the application concludes that the building is capable of conversion and that the extension could be constructed without any harm to the structural stability of the barn. In addition a strategy has now been submitted for the works proposed to ensure the structural stability of the barn during the works.
- 5.10 The new permitted development rights introduced in April 2014 allow for the conversion of agricultural barns to residential accommodation in certain circumstances. Importantly, this does not apply to development within the AONB and is restricted so officers can consider whether such accommodation would be impractical or undesirable. In this instance your officers consider that whilst the PD rights do not apply the barn is in a relatively sustainable location being within walking distance of the main part of Charlbury and Charlbury Railway station and as such, its conversion to residential would not be considered impractical or undesirable.

#### Design and impact on the wider AONB and adjacent Oxfordshire Way

- 5.11 Notwithstanding the in principle considerations, 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. However, the applicants agent has provided two design solutions, the first, to maintain the roof form as submitted but providing non-reflective glass and blinds to contain light spillage and the second providing a more discrete and appropriate roof light form on the western elevation. Either of these two options could be controlled by condition and officers note that Members had concerns with the roof proposal in its previous consideration of the application. 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.
- 5.12 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.

- 5.13 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.
- 5.14 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

- 5.15 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.
- 5.16 Further to the previous recommendation amended report have been submitted by the applicant's agent. These reports conclude that the site is not likely to support the great crested newts and that on the basis of the local habitat and the lack of presence of any sites within the near vicinity the proposed redevelopment plans could take place without requiring a license. As a precautionary measure only however, the applicant has proposed works which would seek to protect the species should they be encountered. This approach accords with the guidance of Natural England and, should Members be minded to approve the application, suitably worded conditions would be attached to secure this. On this basis, the previously proposed refusal reason in relation to newts has been overcome.

#### Highways and parking

- 5.17 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

- 5.18 As noted above the application has a number of principle considerations which are key to the determination of this application. Officers acknowledge that Policy H10 could be considered a strategic housing policy however; the Planning Inspectorate has supported its use in recent appeal decisions. On the basis of the submitted information officers are of the opinion that the development would not be of harm to the wider landscape, would not be of harm to the amenity of local residents, and would not be of harm to highway safety or local ecology. Furthermore, the site is in a relatively sustainable location where there is easy access to the nearby village of Charlbury and Charlbury Railway station is only a short walk from the site. On the other hand, the application has not reasonably considered what alternative uses would be provided which could support the local economy (in line with H10 and paragraph 28 of the NPPF), furthermore, does it

reasonably constitute a conversion given the level of works required to provide the accommodation? Considering the above, and strictly on balance, in your officers opinion the harm associated with the application would not significantly and demonstrably outweigh the presumption in favour of what is considered a sustainable development.

- 5.19 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is, on balance, 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) W151-102, W151-104, W151-103, W151-112, W151-106 and W151-152.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be carried out in accordance with the amended structural survey submitted on the 16th May 2014.  
REASON: to ensure that the development constitutes a conversion and would not result in excessive re-building of the property (Policies BE10 and H10 of the West Oxfordshire Local Plan 2011).
- 4 No demolition shall be carried out except where shown and noted on the approved drawings.  
REASON: To preserve the character of the original building. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the character of the original building. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 6 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 A to E of Part 1, Schedule 2, Article 3 shall take place.  
REASON: to preserve the agricultural quality of the barn (Policy BE2 of the West Oxfordshire Local Plan 2011).
- 7 The Office and workshop accommodation hereby permitted shall be used as ancillary to the existing dwelling on the site and shall not be occupied separately.  
REASON: Separate office and workshop accommodation in this location would given rise to harmful impact upon the amenity of the property hereby approved (Policies BE2 and H2 of the West Oxfordshire Local Plan 2011).
- 8 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. (Policies BE2 and NE4 of the adopted West Oxfordshire Local Plan 2011)



- 9 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, rooflights, glazed screens and glazed roofs 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. (Policies BE2 and NE4 of the adopted West Oxfordshire Local Plan 2011)
- 10 That the development shall be carried out in accordance with the recommendations set out in the amended ecology survey submitted on the 19th May 2014.  
REASON: In the interest of protected species at the site (Policy NE15 of the West Oxfordshire Local Plan 2011).
- 11 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 12 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).

In these cases the following note should also be added to the decision notice:

**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.

|  |                                     |
|--|-------------------------------------|
| <b>14/0299/P/FP The Chequers Church Road Churchill</b> |                                     |
| Date   | 03/03/2014 12/03/2014               |
| Officer  | Miss Dawn Brodie                    |
| Officer Recommendation                                 | <b>Grant, subject to conditions</b> |
| Parish   | CHURCHILL                           |
| Grid Ref:  | 428238,224129                       |

**APPLICATION DETAILS**

Erection of cotswold stone walling with timber entrance gates to enclose & create external dining areas. Construction of timber pergola and enclose existing escape stairs and kitchen entrance. Associated landscaping works to include low level external lighting and replacement of existing externally illuminated post sign in revised location.

**APPLICANT**

The Lucky Onion, The Chequers, Church Road, Churchill, Oxfordshire OX7 6NJ

## **BACKGROUND INFORMATION**

The application seeks planning permission for various alterations to the existing public house. There are two other applications relating to the site within this agenda, one for Listed Building Consent and the other for advertisement consent. The merits of the other two applications will also be considered as part of this report. The application relates to a Grade II Listed Building located within a Conservation Area. The site is in a prominent position within the village and is closely located to neighbouring properties. A previous application for similar development was withdrawn by the applicant due to the strong local objection to the scheme.

The application was deferred from consideration at the May 6<sup>th</sup> Sub-Committee Meeting to enable an appropriate officers from Licensing to attend the Sub Committee Meeting with regard to what falls under the control of the Licensing section.

### **I. CONSULTATIONS**

#### **I.1 Churchill and Sarsden Parish Council:**

*The Parish Council has given extensive consideration to the proposals and held an open meeting on 2nd April to allow the views of residents to be expressed and taken into account..*

*The Council wishes to object most strongly to these proposals on the following grounds.*

*1. The external eating and drinking areas to the side and rear of the Chequers represent a major intensification of the existing use and would as a result give rise to an intolerable increase in the level of noise and disturbance experienced by surrounding residents whose properties are only a few yards away. The amenity of these residents is already harmed by inconsiderate late night activities of the pub's clientele particularly at weekends and in the warmer months. Some of this, as you will be aware, resulted last year in the intervention of the Police and Licensing Authorities. To add to it would make things unacceptably worse.*

*2. The application acknowledges that there will be more use of areas currently used for parking as eating and drinking space but claims this would only have " a minor effect on privacy of the local occupants." This is no more than a self-serving assertion given the scale of the external space which would accommodate some 30 to 40 diners and countless drinkers.*

*3. The application further claims that because the site "is currently a public house with vehicular movement," the harm to the "quiet enjoyment of residents " would be minimal, whilst the extended dining area would " sustain an economic use of the business". The Parish Council rejects the implication that a bit more noise won't matter, and regards the further implication that the Chequers future should somehow be protected at the expense of neighbouring amenity as unreasonable.*

*4. The proposal would greatly exacerbate the parking congestion that already occurs on Church Road and it is perverse in those circumstances not only to add an area that would generate significantly more parking demand but at the same time to reduce the available on-site parking capacity by 4 spaces. Residents on Church Road frequently find difficulty in exiting their properties safely and on occasion are blocked in. Residents in Langston Close face a similar problem where there must also be real concern that a poorly parked car may prevent access by emergency vehicles.*

*5. Residents on Church Road and at the rear of the Chequers already experience car generated noise often very late at night and into the small hours. The intensification of use now proposed can only make the situation worse and that is a situation that residents whose amenity is already harmed, should not have to tolerate.*

*6. The submitted plans show 5 parking spaces to the front. Due to the proposed front retaining wall, these*

spaces are of limited depth to the extent that larger parked vehicles would project across the pavement. This would represent a safety hazard for pedestrians bearing in mind there is no footpath on the opposite side of the road.

7. One of the front spaces is immediately in front of the existing ramp giving disabled access to the building. Any parked vehicle would impede such access, and even though that is an existing situation, it is questionable whether increased parking demand should be allowed to add to the pressure.

Notwithstanding the above concerns, it is important for the Parish Council to emphasise that it regards the retention of the Chequers as important for the community, and does not wish to prejudice any reasonable steps the applicants consider to be necessary to ensure its future. However, these should not be, as here, at the expense of a further deterioration in the amenity of those residents nearby.

## 1.2 OCC Highways:

There are three issues from a 'highway' point of view - the encroachment on to the highway along the frontage, the encroachment on to the public footpath to the rear and car parking.

The proposed wall and extended flagstone area along the public house frontage encroaches on to the public highway. Should a planning permission be granted work should not be started on this area until the highway has been 'stopped up'. I understand OCC will resist any such 'stopping up'.

The proposed seating area/wall to the rear encroaches on to the public footpath. Should planning permission be granted work in this area should not commence until WODC have made a Footpath Diversion Order and the footpath diverted. The minimum width of the diverted footpath should be 1.5m and be located adjacent to the proposed wall (shown as item 03 on drawing 1732-02 ) and not through the car park as shown on the application drawing. The diversion will require the relocation of the proposed parking spaces 06, 07 and 08.

The proposal increases the seating area but reduces the number of parking spaces from 20 to 16 as shown on the drawings. I do not consider the proposed reduction will cause such harm in terms of highway safety and convenience as to warrant the refusal of a pp.

No objection subject to –

- Prior to any work of the construction of the wall and extension to the flagstone area along the public house frontage the area of highway be 'stopped up'
- Prior to any work on the seating area to the rear the public footpath be diverted in accordance with the associated Footpath Diversion Order, and a scheme to be submitted and approved.
- The parking layout to be amended in accordance with a scheme to be submitted and approved (spaces 06, 07 08).

Officers have discussed these matters with Highways officers who have confirmed that neither the Stopping up Order or Footpath Diversion Order are reasons not to determine the planning application. These are separate processes which may impact upon the implementation of the planning permission. The applicant has been informed of this matter and that, if they are not granted the necessary orders than it may prevent the implementation of their permission. They have advised that they wish for the application to be determined.

## 1.3 WODC Licensing:

No comments received to date (final date for comment 10<sup>th</sup> April 2014)

## 2. **REPRESENTATIONS**

- 2.1 Fourteen neighbours were notified of the application and fourteen letters of representation have been received. These can be summarised as follows:
- Inaccuracies, omissions and errors on the planning application and submitted drawings.
  - OS does not indicate the correct area of the site.
  - The existing and proposed front elevation does not show the neighbouring tree or telegraph pole located on the demise adjoining the Warren.
  - The proposed front elevation does not tally up with the layout plan.
  - The location of the new wall to the front elevation does not coincide correctly with the boundary.
  - The current pub sign which is located on highways property is to be relocated outside the applicants demise
  - The proposed parking layouts to the front show no indication of the dropped kerb in location to the proposed scheme.
  - Disabled access ramp.
  - Retractable awning is not apparent on any of the proposed drawings.
  - Hours of opening.
  - Clarification needed for the additional 48 outside seating spaces in relation to pergola.
  - The addition of loose dining tables and chairs may cause increased external numbers.
  - Noise due to increased amount of people.
  - A suggestion to have Ron Spurs-Principal Community and Licensing Officer, Andrea Thomas Licensing Officer, PC Duncan Johnson, Anti-Social Behaviour Officer and Neil Shellard, Shared Senior Technical Officer, Environmental Protection Team as consultees to the application.
  - Object to need for the additional area.
  - Loss of privacy within gardens and to local residents.
  - Cooking smells and smells from mechanical ventilation.
  - Location of bin shelter.
  - Traffic and parking control.
  - Safety of village children in relation to increased traffic caused by increased visitor numbers.
  - Adverse effect on the overall street scene.
  - Overdominance of the main arterial route through a small Cotswold village located within an AONB.
  - Serious harm to the amenity of surrounding properties through noise disturbance.
  - Increased congestion.
  - Increased dining/drinking capacity and reducing existing parking spaces.
  - Preventing access to Langston Close by emergency vehicles and egress on to Church Street unsafe and therefore adding parking demand will worsen the situation.
  - Objection that an extended dining/drinking area is required to sustain the business.
  - No interest in relation to the community.
  - Uncleared litter by new developers.
  - The proposal doesn't seem to be significantly different from the previous application that was withdrawn.
  - New owners not considerate to their neighbours.
  - Worried the pub will become another 'gastro' restaurant and lose local asset in the pub.
  - Suggestion that the wall to the back and side of the building is increased in height to prevent the wall being used as additional seating.
  - The proposed wall at the front which would significantly reduce the length of the car parking is unnecessary provided the seating area is defined and contained to a degree by the small amount of box planting.
  - Visual impact from pergola.
  - Impact of noise and cigarette smoke to residents in their gardens and open windows due to the proximity to the proposed smoking area.
  - Proposed walls making it hard for residents to reverse out of their parking areas.

- Access for delivery lorries.
- Local residents feeling unwelcomed and unsafe by new pub visitors.
- Anti-social behaviour of pub users.
- Adverse impact to the heritage and conservation of this small village
- Location of standing sign.
- Outside escape stairs and has it been approved by the Fire Officer.
- Outside lighting being too bright and timeframe it is left on.
- Horse manure and cigarette ends.
- Listed building impacts.
- Obstruction and removal of public footpath to side of the pub in Langston Close
- Problems with vermin.
- The proposed front low level wall is not within the boundary owned by the applicant.
- Only sufficient space for a low intensity village pub.
- Spoil the look of the beautiful heritage building.
- Disabled parking and access
- Noise will further increase impacts on local businesses such as the B&B

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

- 3.1 The applicant's agent has submitted a Heritage Statement with the application which sets out the works and key policies. This can be viewed online on the District Council's website or on the application file.

### **4. POLICY**

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

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- BE5 (Conservation Areas),
- BE7 (Alterations and Extensions to a Listed Building),
- BE8 (Development Affecting the Setting of a Listed Building),
- BE15 (Advertisements),
- BE19 (Noise),
- H2 (General Residential Development Standards),
- TLC12 (Retention of Existing Community Facilities).

- 4.2 In addition, the National Planning Policy Framework (NPPF) is of key 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 Conservation Area and the Listed Building;
- Impact upon residential amenity
- Signage impacts
- Parking, footpaths and highways.

#### Principle

- 5.2 In your officer's opinion, proposals which support the retention of useful community facilities such as Public Houses should be supported in principle. In many of the Districts villages public houses are being lost as they are considered unviable. Whilst there are no specific policies which support the expansion of existing community uses officers would note that the wording of policy TLC12 of the Local Plan and the NPPF specifically aim to ensure that such facilities are retained.

#### Impact upon the Conservation Area and Listed Building

- 5.3 The proposed external alterations to the building, the provision of the low Cotswolds stone walls and the formalisation of the outdoor space associated with the property are all relatively simple changes which do not have an adverse impact upon the character and appearance of the area. The changes improve the informal setting of the public house and as such, are considered to be a positive enhancement to the character and setting of the Listed Building. In your officers opinion the proposed changes would serve to preserve the character of the Conservation Area at the very least.

#### Residential amenity

- 5.4 Strong local objection has been received in relation to the intensification of the use of the public house and the use of existing parking spaces to provide an outdoor eating and drinking area. Officers acknowledge that the intensification of the use of the outdoor space of the public house would be of concern to local residents, particularly given the location close to neighbouring properties. Whilst this is the case, officers have considered case law in relation to the use of the land associated with the public house and note that the Development Control Practice Guidance states that: *'changes in the disposition of normal pub activities within the curtilage of that pub do not require planning permission, provided that they fall within the same planning unit. For instance a pub car park may be changed to a beer garden or a pub cellar may be changed to a function room. These are cases where one pub related ancillary use is simply taking the place of another'*. On this basis, the altered use of the land immediately outside of the rear door of the public house does not fall under the control of the Local Authority provided it is being used as part of the public house. On this basis, officers could not reasonably reject the application on the basis of this element of the scheme.
- 5.5 Given this officers will consider the impact of the development which does fall under the control of the District Council on the amenity of neighbours. The provision of the proposed pergola structure and walls are located approximately 20 metres away from the nearest residential property. On this basis officers do not consider that the low wall or pergola would be harmful in terms of amenity either through overbearing or loss of light implications.
- 5.6 The re-arrangement of the parking would not materially alter in terms of its relationship with neighbouring properties. Officers acknowledge that there is some noise and disturbance from vehicles accessing the leaving the site however, this would not significantly change due to the proposed scheme.
- 5.7 The works to the front of the property would not give rise to any harm to any neighbouring properties.
- 5.8 Whilst officers appreciate that there are genuine concerns form the neighbouring properties in relation to the noise and disturbance associated with the intensification of the use of the public house officers are unable to control this matter through planning law. This matter may however be addressed through licensing or Statutory Nuisance powers.

#### Signage

- 5.9 The proposed change to the position of the signage has been previously discussed with Conservation Architects. This approach was preferred to the provision of signage on the front of the building itself. The relocation of the sign also allows for better access to the front of the public house. The signage is appropriate in terms of colour and form and the amended plans have simplified the design and propose a more appropriate post to support the sign. The relocation of the signage away from the public highway would ensure that there is not unacceptable distraction of passing vehicles. The sign would not be of obstruction or harm to the safety and convenience of users of the public footpaths.

#### Highways, footpaths and parking

- 5.10 The proposed re-arrangement of the parking area does result in the loss of four parking spaces; however, the remaining twelve spaces to the rear are of better size and arrangement which should prevent cars parking partly within the access road to Langston Close. Officers acknowledge that this proposal would have a knock on impact upon vehicles parking on the highway however, given that the District Council could not prevent the intensification of the use of the public house, this could take place without any control and as such officers would question whether it is reasonable to refuse planning permission on this basis. The comments of the County Council as Highways Authority note other procedures which the applicant would have to address prior to the implementation of development and these have been discussed with the applicant. Furthermore, it has been established with the County Council that these procedures would not prevent the granting of planning permission.
- 5.11 On this basis officers could not substantiate a reason for the refusal of planning permission based on highway safety grounds.

#### Conclusions

- 5.12 Officers acknowledge and understand the strong local concern with the application and note that the proposal will impact upon neighbouring properties. Whilst this is the case, the District Council as Local Planning Authority can only control those elements which require planning permission. Given the nature of the changes detailed in the application, the use of the outside space for eating could not be controlled by the District Council and as such, officers do not consider that this element of the scheme could be used to justify the refusal of planning permission.
- 5.13 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) TC-PT-3232 - SIGN SPEC, 1732-01 REV C, 1732-10 REV B, 1732-08 REV E, 1732-02 REV P.  
REASON: For the avoidance of doubt as to what is permitted.

- 3 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before construction of the walls surrounding the outdoor seating area and shall thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 4 Before building work commences, a schedule of materials (including samples) to be used in the development (including walling, hardsurfacing and external materials of the pergola) 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)

#### NOTE TO APPLICANT

Prior to the commencement of any development on site the applicant shall apply and receive consent for a stopping up order relating to the highway to the front of the public house and a footpath diversion order in relation to the footpath to the rear of the public house.

|  |                                     |
|--|-------------------------------------|
| <b>14/0300/P/LB The Chequers Church Road Churchill</b> |                                     |
| Date   | 03/03/2014 03/03/2014               |
| Officer  | Miss Dawn Brodie                    |
| Officer Recommendation                                 | <b>Grant, subject to conditions</b> |
| Parish   | CHURCHILL                           |
| Grid Ref:  | 428238,224129                       |

#### **APPLICATION DETAILS**

Alterations to include erection of cotswold stone walling with timber entrance gates to enclose & create external dining areas. Construction of timber pergola and enclose existing escape stairs and kitchen entrance.

#### **APPLICANT**

The Lucky Onion, The Chequers, Church Road, Churchill, Oxfordshire OX7 6NJ

#### **SEE REPORT PREPARED FOR APPLICATION 14/0299/P/FP WHICH CONSIDERS THE MERITS OF THIS PROPOSAL**

#### **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 the plans accompanying the application.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.  
REASON: To preserve internal features of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)



- 4 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)

|  |                                     |
|--|-------------------------------------|
| <b>14/0301/P/AC The Chequers Church Road Churchill</b> |                                     |
| Date   | 03/03/201412/03/2014                |
| Officer  | Miss Dawn Brodie                    |
| Officer Recommendation                                 | <b>Grant, subject to conditions</b> |
| Parish   | CHURCHILL                           |
| Grid Ref:  | 428238,224129                       |

### APPLICATION DETAILS

Erection of replacement externally illuminated post sign in revised location.

### APPLICANT

The Lucky Onion, The Chequers, Church Road, Churchill, Oxfordshire OX7 6NJ

**SEE REPORT PREPARED FOR APPLICATION 14/0299/P/FP WHICH CONSIDERS THE MERITS OF THIS APPLICATION.**

### RECOMMENDATION

Permit subject to the following conditions:

- 1 This consent shall operate for a period of five years from the date of this notice.  
REASON: Imposed by virtue of R.13(5) of the above regulations.
- 2 That the development be carried out in accordance with plan No(s) TC-PT-3232 - SIGN SPEC.  
REASON: For the avoidance of doubt as to what is permitted.

|   |                      |
|---|----------------------|
| <b>14/0474/P/FP Holywell Barn Asthall</b> |                      |
| Date                                      | 28/03/201408/04/2014 |
| Officer                                   | Miss Dawn Brodie     |
| Officer Recommendation                    | <b>Refuse</b>        |
| Parish                                    | ASTHAL               |
| Grid Ref:                                 |                      |

### APPLICATION DETAILS

Conversion of existing barn to create dwelling with associated works and formation of vehicular access.

### APPLICANT

Yiangou Architects LLP, Dyer House, 3 Dyer Street, Cirencester, Glos GL7 2PP

### BACKGROUND INFORMATION

The application seeks planning permission for the conversion of a former agricultural barn to a dwelling. The application relates to a stone barn located in an isolated open countryside location and within the Cotswolds Area of Outstanding Natural Beauty. The site is located approximately 1.2 kilometres to the east of Swinbrook and 1.15 kilometres to the north east of Asthall. The site is accessed via a network of largely single track roads.

### I CONSULTATIONS

- I.1 Asthal Parish Council

*“Asthal Parish Council have come up with a 4-1 majority in favour of the application. However there was a strong objection from one Councillor and also from another resident.”.*

## 1.2 Objection from Councillor Nigel Olesen

*“I think it is a well know isolated agricultural landmark, and an inappropriate position for residential purposes.*

*There will be light pollution in the surrounding darkness, visible for miles.*

*It is a haven amidst the open fields for wildlife.*

*Barn owls are a bit more fussy than the plan makes out and this could ruin a valuable breeding site.”*

## 1.3 OCC Highways

*“No objection subject to conditions.”*

## 1.4 Natural England

*“Statutory nature conservation sites – no objection*

*Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.*

### *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.*

*If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).*

### *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'.

## 2 REPRESENTATIONS

2.1 Three neighbours were notified and one e-mail of representation was received from Pat Walker (no address supplied). The comments are as follows:

*I tend to agree with Nigel (Councillor above), especially regarding the barn owls, it could be a very big blot on the landscape!*

2.2 In addition, a letter of representation has been received from Mr Wixey of 27 Orchard Way Witney whose comments can be summarised as follows:

- As a licensed bird ringer I checked the barn on Wednesday April 30<sup>th</sup> and found a pair of barn owls in residence.
- No disturbance of these animals should be made in the breeding season nor until any young birds have fledged.
- If planning is allowed nest boxes should be provided as close to the existing site as possible.
- The birds are very scarce in Oxfordshire and all should be done to look after its habitat.

## 3 APPLICANT'S CASE

3.1 The applicant has provided the following documents in support of their application which have the conclusions or summaries detailed below:

We trust Officers will support these proposals. It is our view that the proposed development would be consistent with paragraph 55 of the NPPF and those parts of the development plan which are consistent with Government guidance. It is realistic to discount alternative uses of the building, given its siting and in any event this part of policy HI0 of the WOLP carries less weight in light of paragraphs 47, 51 and 55 of the NPPF and subsequent changes to the GPDO. The development would also provide for the enhancement of the immediate setting of the building and enhance the scenic beauty of the AONB in which it is set. It is a vernacular building which is worthy of retention.

3.2 Landscape and Visual Impact Assessment:

Overall, the Visual Effects of the proposals are generally considered to be of **negligible significance** with only **slight adverse effects** on limited and very local vantage points.

In conclusion, this LVIA finds that the very low level of change and potential harm to the AONB landscape would be balanced by the proposed landscape enhancements to the extent that there would in time be a benefit to scenic, cultural, wildlife and landscape interests, as required by the location's AONB designation.

### 3.3 Ecology Report:

Given the absence of any impact on the bat roost, no further surveys or mitigation measures were considered necessary, and a licence from Natural England will not be required.

This is based on the view that proposed activity is reasonably unlikely to result in an offence under Regulation 39 or 43 of the Conservation (Natural Habitats, & c.) Regulations 2010, (the Habitats Regulations), which defines 'European protected species of animals'.

To compensate for the loss of the Barn Owl roost site within the main barn, an external nest box will be erected on a nearby Pedunculate Oak tree 15 metres to the southeast of the existing roost site. This will be erected before any works on the building commence.

### 3.4 Structural Report:

Given the age of the Barns and the probable lack of continuous maintenance, they are in reasonable structural condition. Some work is required to tie the walls of the Main Barn together at the corners, but otherwise the stonework does not require to be re-built. The roofs are also in reasonable condition, with only minor repairs being required.

The most extensive work will be to underpin the footings which, at 300mm below ground level, are too shallow. Traditional mass concrete underpinning, to a depth of 750mm will be satisfactory. This is a very straightforward process involving a limited excavation under the external walls of the building. Each pin would be about 1m long. Care will be taken to ensure that the building walls are not destabilised by this process. On the basis of our inspection, there is every reason to suppose that the building can be successfully underpinned without the need for significant reconstruction works.

The conversion work will involve, in the Main Barn, the introduction of a first floor. This will provide sufficient lateral stability to the walls to the point where the bulge in the southern elevation will not need to be removed and reconstructed.

## 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; and
- Impact upon highway safety.

### Principle

- 5.2 In considering the principle of residential development officers would have regard to the provision of the West Oxfordshire local Plan 2011 and the guidance of the National Planning Policy Framework.
- 5.3 A number of agents have sought to argue that policy H10 should not be used in respect of the assessment of applications for barn conversions to residential use. In particular it is argued:
- iv) that the sequential test in H10 of non-residential use in priority to residential use is not reflected in paragraph 55 of the NPPF
  - v) that the new permitted development rights that allows some barn conversions without the need for full planning consent undermines the principle of seeking to resist residential use, and that
  - vi) the current lack of a full 5 year housing land supply means that as a housing policy H10 should be considered out of date and carry no weight.
- 5.4 Your Officers have taken Counsels opinion regarding these arguments and the outcome is that it is considered that H10 can still be afforded weight in determining most such applications
- 5.5 With regards to the first argument, agents understandably focus in on paragraph 55 of the NPPF whereby barn conversions may be considered acceptable as an exception to the usual policies of restraint if they would lead to an enhancement of the setting of the building. However it is clear that the NPPF has to be read as a whole and paragraphs should not be considered in isolation to the rest of the document (as required by Paragraph 14). In that regard paragraph 28 of the NPPF exhorts planning authorities to enable enterprise in rural areas by way of conversion of existing buildings, rural diversification, supporting rural tourism and leisure and providing community facilities. These are exactly the priority uses that H10 seeks to promote and as such this part of policy H10 is still considered relevant and NPPF compliant. This viewpoint is confirmed in that H10 has been cited in 5 recent appeals as being in general conformity with the NPPF and in two of those the sequential test element has been specifically referred to by the Inspector before opining that it is NPPF compliant. The sequential argument that forms the basis of Policy H10 is therefore considered to continue to hold weight notwithstanding paragraph 55 of the NPPF.
- 5.6 With regards to the permitted development argument it is clear that the Government is seeking to be more permissive than was the case before the permitted development right was introduced and decisions should be taken with regard to that intent. That is not to state however that there is a no control retained. The permitted development right only applies in certain specified circumstances and even where it does apply is subject to a prior approval process that has a caveat that such approval may be withheld if the impact of granting consent would make it *'impractical or undesirable'* for the building to move to residential use. Such circumstances might be where the loss of employment or tourism potential or the harms of allowing residential use in terms of urbanising the countryside or unsustainable travel patterns outweigh the benefits of an approval.
- 5.7 The final point relates to the 5 year land supply issue. It is accepted that in the absence of the 5 year land supply adopted Local Plan strategic housing policies carry less weight than would otherwise be the case. There is debate as to whether policy H10 is a strategic housing policy but even were that to be considered the case the supply generated by the release of housing under a relaxation of this policy would not materially impact upon the housing supply position. Your officers would thus accept that in the absence of a 5 year supply the policy could be considered out of date but would argue that when taken in the round the provisions of paragraph 28 and 55 of the

NPPF mean that the principles which underlie it remain NPPF compliant- as accepted by several different Inspectors in a number of recent appeal decisions.

- 5.8 In conclusion your officers would advise that where there is only the principle of contravention of H10 at stake and that in all other respects the scheme is a sustainable development that does not cause harm that a Policy H10 based refusal reason would not be likely to be supported. However, in the vast majority of circumstances there will be reasons of harm or inappropriateness that would apply that are supported in the NPPF when taken in the round that would mean that H10 can continue to be given weight in the determination of planning applications.
- 5.9 Considering the specifics of this scheme your officers would note that the building is in an open countryside location. On the basis of the comments above, weight can still be applied to the requirements of Policy H10 of the Local Plan which are generally in compliance with the NPPF when considered as a whole. In their statement in support of the application (Planning Statement) an assessment is made in relation to the relevance of policy H10 in relation to the requirements of the paragraph 55 of the NPPF. Whilst officers note these comments and that similar conclusions are drawn by other agents, your officers would note that the applicability of policy H10 is still in compliance with the NPPF (as detailed above). In this instance there has been no consideration of other uses for which both the Local plan and the NPPF consider appropriate in locations such as this, particularly for their support of the rural economy (paragraph 28 of the NPPF and E4 and TLCl of the West Oxfordshire Local Plan 2011).
- 5.10 In addition to this, whilst officers note that new permitted development rights have been introduced, it is important to note that these rights do not apply to sites in the AONB and that even where they do apply there remains a provision for the District Council to consider the acceptability of the scheme on the basis of it being undesirable or impractical. This site is in a very isolated open countryside location and is not served by public transport or public footpaths. In this case, the only means of transport would realistically be by the private car. On this basis, even if permitted development rights were to apply in this location, officers would be seeking to resist the development as it would be undesirable for a new dwelling in this location. This approach is backed up by the NPPF which notes that there should only be a presumption in favour of sustainable development. This is further supported by paragraph 55 of the NPPF which states that residential development in isolated open countryside locations should only be supported in 'special circumstances'. The applicants have claimed that the conversion of the building as well as strategic landscaping would lead to an enhancement of the immediate setting and comply with paragraph 55 of the NPPF. This matter will be considered further below.
- 5.11 Criteria c) and d) of policy H10 require that the building is capable of accommodating residential without major reconstruction or significant enlargement and that the building makes a positive contribution to the character and appearance of the area. In your officers opinion the building does make a positive contribution to the character of the area. The application does however, propose significant underpinning works which your Conservation Officers have expressed concern regarding. The structural statement submitted however, is confident that with appropriate measure this work could be carried out without major alteration or reconstruction of the barn.
- 5.12 Your officers note the concluding paragraph of the applicant's planning statement which states that, if officers are minded to refuse the application for a new unrestricted dwelling then it would be open to officers to restrict the use of the building to holiday let should they consider that such a condition would meet with the tests set out in the Planning Practice Guidance. Having regard to the guidance your officers would advise that the imposition of a condition in this instance would not be appropriate as it would essentially be granting planning permission for something which is fundamentally different to that which the applicant has applied for.

- 5.13 Officers acknowledge that the District Council does not have a five year land supply at this time however, paragraph 14 of the NPPF notes that the presumption in favour should apply unless the benefits associated with it would be significantly and demonstrably be outweighed by the harm associated with the development. Officers will provide a concluding paragraph at the end of the report which considers the balance of the merits of the scheme.

#### Design and impact on the AONB

- 5.14 The application proposes conversion of the barn with limited intervention to the main fabric. A lower 'cart shed' type element will however, be largely reconstructed with a slightly different form to that which exists now. The barn currently sits in an open landscape and reads as a barn in a prominent location. From the road serving the site, the secondary barn is not prominent. The application proposes the enclosure of the barn in a stone wall with the provision of parking and a timber shed to the front of the site. Whilst the shed will not be visible the stone wall will provide an enclosed form of development which provides for some domestication of the immediate area. The landscape assessment submitted concludes that the impact upon the wider landscape (the AONB) will be low and that in some cases the development would provide the opportunity to provide an enhancement of the area. From the main public vantage points officers would agree that the development would not be of harm to the character and appearance of the AONB but cannot conclude that the development would lead to an enhancement of the area.

#### Ecology

- 5.15 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.
- 5.16 The application has been submitted with an ecology report which reports the presence of barn owls and a high potential for transitory bats. They conclude that whilst there is potential for bats to using the barn as a habitat, the presence of the barn owls is likely to affect this in reality. They note that the main roost potentials for bats are to be retained as part of the scheme and that replacement owl boxes are to be provided to compensate for the loss of the roost inside the building. it also notes that no license will be required from Natural England to carry out the works.
- 5.17 On the basis of the submitted information, and that the development would preserve the potential of the barn to provide a habitat for bats your officers consider that the development is in line with the guidance and standing advice provided by Natural England and consider the development is in accordance with policy NE15 of the West Oxfordshire Local Plan 2011.

#### Highways and parking

- 5.18 Highways officers have considered the application and do not consider that the scheme would give rise to any highway safety concerns. Your officers would agree that the site would be served by adequate parking and that sufficient space would be provided to enable vehicles to enter and turn

in a forward gear. Finally, sufficient vision can be achieved at the access point to ensure that there is no harm to other road users.

### Conclusions

- 5.19 In reaching the recommendation in the officers report your officers have had due regard to the key considerations of the application, including planning policy. In your officer's opinion, the application would cause some harm to the landscape, but would not give rise to harm to highway safety, amenity or ecology (subject to appropriate conditions). Whilst this is the case, there has been no consideration of other uses which there is a supportive policy context for, nor, in your officers opinion, has the application demonstrated how the development would lead to an enhancement of the immediate surroundings as required by the NPPF (para 55). Officers acknowledge that the lack of a five year land supply is also a material consideration however, conclude, in this instance that the benefit associated with the very limited addition housing land supply does not outweigh the harms associated with an unsustainable open countryside location or where it has not been demonstrated that the site would lead to an enhancement of the immediate setting.
- 5.20 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:

That the proposed development would result in a provision of a dwelling in an undesirable unsustainable open countryside location with no access to services and facilities by means other than the private car. Furthermore, the applicant has not demonstrated that the alternative uses which would support the rural economy and would be more suitable to the rural location can be provided. The development is therefore considered contrary to Policy H10 of the West Oxfordshire Local Plan 2011 and the guidance of the National Planning Policy Framework.

|  |                                     |
|--|-------------------------------------|
| <b>14/0468/P/FP Cling Clang Farm Hyne Jones Field Church Enstone</b> |                                     |
| Date   | 17/02/2014 11/04/2014               |
| Officer  | Miss Dawn Brodie                    |
| Officer Recommendation   | <b>Grant, subject to conditions</b> |
| Parish   | ENSTONE                             |
| Grid Ref:  | 437986,224874                       |

## **APPLICATION DETAILS**

Erection of a storage barn for hay, straw, fodder and the sorting of wild boar livestock.

## **APPLICANT**

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

## **BACKGROUND INFORMATION**

The application seeks planning permission for the erection of an agricultural barn. The application relates to an area of land located to the south of Church Enstone and the north of Enstone. The holding comprises an area of rising land (south to north) and has historically been in agricultural use. There is limited agriculture on the site at present however, the applicant intends to establish an agricultural holding in the near future.



## **I PLANNING HISTORY**

Application 14/0274/P/FP for the provision of a mobile home was refused planning permission for the following reason:

*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.*

## **2 CONSULTATIONS**

### **2.1 Enstone Parish Council**

*“Enstone Parish Council OBJECTS to this current planning application on the grounds that to have wild boar so near to four public pathways is totally unsuitable and could cause a danger to the public”.*

### **2.2 OCC Highways**

*“No objections.”*

### **2.3 WODC Environmental Health**

*“No adverse observations or comments.”*

### **2.4 OCC Archaeology**

*“The application site lies within an area of archaeological potential; a number a Neolithic and Bronze Age artefacts, including arrow heads and a polished hand axe, have been recovered from across the immediate area. These artefacts may relate to prehistoric activity on this site but the exact nature and extent of this activity is currently unknown.*

*We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:*

*A) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.*

*Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment*

*B) Following the approval of the Written Scheme of Investigation referred to in condition A, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.*

*Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.”*

## **3 REPRESENTATIONS**

- 3.1 Fourteen neighbours were notified of the application and six letters of representation were received from R Nixon and I Cave of Talbot Cottage, P Cordery and D Fleming of Burmar Kennels, A Reed of 1 The Square, Mr and Mrs Wearing of 4 The Square, Mr Newman and Ms Kemp of 3 The Square and C Richards (no address supplied). The comments received can be summarised as follows:
- Any development associated with the breeding or keeping of boar should be rejected at least until the location of the project is made clear.
  - We object to the keeping of wild boar.
  - The site is not suitable for wild boar.
  - There are public footpaths crossing the site.
  - The effluent will end up in the river Glyme.
  - Access from Cling Clang lane is poor.
  - Increased numbers would lead in increased noise and odour.
  - The set up and running costs would be huge.
  - The access road is not suitable for heavy goods vehicles and it will not be suitable for increased use leading to a safety risk.
  - The track leading from the access to the site is not properly constructed and crosses public footpaths which are extremely popular with dog walkers.
  - By year three there could be over 100 boar on the land – how big could this grow in a 23 acre site.
  - The development would give rise to noise disturbance and odour.
  - There are safety concerns for users of the public footpath
  - The site is unsuitable and unsustainable.
  - We object to the rearing of wild boar for the following reasons:
    - Closeness of the village
    - They are dangerous animals
    - There are footpaths crossing the site
    - Effluent will run into the watercourse.
    - Odour.
  - How ill escaped animals be dealt with?
  - The site is within 20 metres of a watercourse.
  - Given the scale of the changes required for this use I would suggest that this site is not suitable for the proposed use.
  - The character of the area is of an open field – high fencing would destroy this.
  - The area would quickly become a muddy mess.

## **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),
  - BE12 (Archaeology),
  - H2 (General Residential Development Standards),
  - NE1 (Safeguarding the Countryside), and
  - NE3 (Local Landscape Character).

- 4.2 In addition the guidance within the National Planning Policy Framework is of key consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 Officers would ask Members to note that, in the consideration of this application the principle of breeding boar on the site is not a material consideration. Breeding of boar would, in your officer's

opinion, comply with the definition of agriculture and therefore that, in itself, does not require planning permission. Members are considering the provision of the building only as part of the application.

5.2 On this basis and taking into account planning policy, other material considerations and representations of the interested parties, your officers consider that the main issues are considered to be:

- Impact on the character and appearance of the area;
- Impact upon amenity;
- Impact upon highway safety; and
- Archaeology.

#### Impact upon the character and appearance of the area

5.3 The barn is located on a lower part of the site than the previous applications relating to the site. The whole holding is on ground which rises from the south to the north and the application is proposed on land at the more southerly end of the site. The land forms an open green area located between Enstone and Church Enstone and is crossed by a number of public rights of way. The proposed barn will be located close to the valley bottom and will be 223 square metres in footprint with an eaves height of 3.65 metre and a ridge height of 5.3 metres. The building is to be constructed of timber walls and a profile sheet roof.

5.4 The area between the two villages is sensitive and for this reason, is protected by an Article 1(4) directive preventing the erection of agricultural buildings without planning permission being required. In this instance however, given the relatively small footprint and its position on one of the lowest parts of the site, whilst visible, officers consider that the development would not be of harm to the open nature of this area of land. Whilst the building will be visible to people living in the vicinity and walkers on the nearby footpaths an agricultural building is something which would reasonably be expected in an area such as this and as such, officers do not consider that this would harm the intrinsic qualities of the area. Officers have suggested a condition requiring samples of the proposed materials to be submitted to ensure that the building assimilates well to its context. With this officers consider that the development is in accordance with policies BE2, NE1 and NE3 of the West Oxfordshire Local Plan 2011.

#### Residential amenity

5.5 The building, at its closest point, would be located over 200 metres from the nearest third party property. The building is to be mainly used for storage of hay; bedding and fodder however, it will be used for stock sorting from time to time. In your officer's opinion, this proposed use would not be harmful to the neighbouring properties in terms of odour or noise due to the separation distance. Furthermore, the separation distance will ensure that there is no harm in terms of overbearing or loss of light implications. As such, the development is in accordance with policies BE2 and H2 of the West Oxfordshire Local Plan 2011.

#### Highways and parking

5.6 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Officers acknowledge the comments in relation to the access track however, it is important to note that officers could not prevent the use of the site for boar. The provision of the building is unlikely, in itself, to generate such an increase in traffic movements to justify the refusal of planning permission. 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. The development is therefore in accordance with policy BE3 of the West Oxfordshire Local Plan 2011.

### Archaeology

- 5.7 Archaeology officers at County Council have noted that there may be present of archaeological remains in the area. They have not objected to the scheme however, have suggested conditions for watching briefs to ensure are finds are correctly recorded. With this condition, the development would comply with policy BE12 of the West Oxfordshire Local Plan 2011.

### Conclusions

- 5.8 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is 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 the plans accompanying the application.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 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)
- 4 The barn hereby approved shall only be used for agricultural purposes and shall be removed from the land within 3 months of the cessation of its use for agricultural purposes.  
REASON: To protect the amenity of the area. (Policies BE2, NE1 and NE3 of the West Oxfordshire Local Plan 2011)
- 5 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.  
REASON: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF.
- 6 Following the approval of the Written Scheme of Investigation referred to in condition A, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.  
REASON: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF.

|   |                                     |
|---|-------------------------------------|
| <b>14/0630/P/FP Malt House Witney Lane Leafield</b> |                                     |
| Date  | 01/05/201407/05/2014                |
| Officer   | Miss Dawn Brodie                    |
| Officer Recommendation                              | <b>Grant, subject to conditions</b> |
| Parish  | LEAFIELD                            |
| Grid Ref:   | 431819,215175                       |

## **APPLICATION DETAILS**

Demolition of existing barn (Retrospective) and erection of four dwellings with associated parking.

## **APPLICANT**

Hurlingham Capital Limited c/o Agent

## **BACKGROUND INFORMATION**

The application seeks planning permission for the erection of four dwellings. The application follows various previous consents for the site which span from two dwellings up to four dwellings. The history is detailed in the sections below. The site is located within the Conservation Area and the Cotswolds Area of Outstanding Natural Beauty and was formerly part used for employment purposes. Permission is however extant for the construction of four dwellings on the site. The site is on the edge of the village located behind a single storey barn which forms part of the street scene.

## **1 PLANNING HISTORY**

Planning permission was granted in 2004 under reference 04/2395 for the conversion of the existing barn to form two two bedroom houses, the conversion of the store to form a one bedroom dwelling and the erection of a two bedroom dwelling. This permission has been implemented and is extant.

Further consent was granted in 2011 under reference 11/0290/P/FP for the erection of a single dwelling (in place of the two bedroom property approved in the consent above).

Planning permission was refused for the conversion of former employment buildings to the rear of the site to a dwelling under references 08/1657/P/FP and 09/1570/P/FP. Both decisions were appealed and dismissed.

Planning permission was then granted in 2012 under reference 12/0479/P/FP for the conversion of the barn to a dwelling and the erection of a new dwelling to the rear.

## **2 CONSULTATIONS**

### **2.1 Leafield Parish Council**

No comments received to date (final date for comment 05/06/14)

### **2.2 OCC Highways**

No comments received to date (final date for comment 05/06/14)

## **3 REPRESENTATIONS**

3.1 Eighteen houses were notified of the application and no letters of representation had been received at the time of preparing the officers report. The consultation period does not however, expire until the 5<sup>th</sup> June and as such, updates will be given in the Additional Representations Report and/ or verbally at the Sub-Committee Meeting as necessary.

## **4 APPLICANT'S CASE**

4.1 The application has submitted and Design and Access Statement and Planning Statement in support of their application. They are concluded or are summarised as follows:

### **4.2 Design and Access Statement**

This proposal provides an opportunity to provide a high quality residential development, respectful of the previous built form on the site and to a scale and style which is respectful of its neighbours.

The barn has become redundant over the years and the ancillary buildings had fallen into disrepair resulting in an appearance of dereliction bordering on the eyesore.

The rebuilding of the barn in its previous form will re-instate both the street scene and pattern of development where a proportion of buildings are located tight to the highway.

This proposal provides an opportunity to create a high quality, low impact development which will positively enhance the street scene and the wider Conservation Area.

The adoption of simple traditional buildings forms arranged in a cohesive ordered arrangement creates an efficient and sympathetic form of development providing a high quality of amenity for the future occupants.

The traditional vernacular forms and choice of natural materials will ensure that the development on completion will sit comfortably within its setting with minimum impact on its immediate neighbours.

The closing of the existing 'barn' access and the improvement of the main site access will create a safer environment for drivers and pedestrians on Witney Lane.

The development is sustainable, being located within an established settlement close to the market town of Witney, and by adopting sustainable locally resourced materials and utilising low carbon technology.

### **4.3 Planning Statement**

The proposed development provides additional housing in a sustainable location in Leafield in accordance with the sustainable principles of development highlighted in the Framework. The principle of residential on this site was established under extant permission 04/2395/P/FP which is a material consideration in the determination of this application and is considered to hold significant weight.

It is considered that the proposal will provide a new and exciting point of interest within this area of Witney and will create a legible street frontage that will enhance the character of the conservation area. In this way the proposal will fully comply with WOLP policies BE2 and BE5.

The proposed housing addresses a clearly identified need within Witney and the design and form create an innovative and high quality design response to the context and constraints of the site, providing good connectivity by foot and cycle and safe vehicular access. The proposals are therefore considered to comply with policies BE2 and BE3 of the WOLP 2011 and relevant policies of the National Planning Policy Framework.

The proposals have had close regard to national and local planning policy, the comments and recommendations of West Oxfordshire planning officers and the views expressed by neighbours in

relation to the previous scheme at this site. It is therefore considered that the Council can fully support the application.

## 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 policies:

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- BE5 (Conservation Areas),
- BE6 (Demolition in a Conservation Area),
- NE4 (Cotswolds AONB),
- NE15 (Protected Species),
- H2 (General Residential Development Standards), and
- H11 (Affordable Housing).

5.2 In addition to the above, the National Planning Policy Framework is a material consideration.

## 6 PLANNING ASSESSMENT

6.1 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,
- Design and impact upon Heritage Assets,
- Impact upon amenity,
- Impact upon highway safety,
- Affordable housing, and
- Ecology.

### Principle

6.2 Proposals for new residential development in Leafield would have previously been considered in line with policy H6 of the West Oxfordshire Local Plan 2011. However, as Members will recall, Cabinet recently agreed a Housing Land Position Statement which accepted that the District Council does not have a Five Year Land Supply as required by the guidance of the National Planning Policy Framework (NPPF). Where such a position is accepted the NPPF states that (at para 49): '*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'. Paragraph 14 of the NPPF goes on further to state that:

*Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted*

Given the guidance of the NPPF, and that Leafield is considered to be a relatively sustainable location given the range of facilities and services provided for, officers therefore consider that the principle of the development is acceptable.

### Design and impact on Heritage Assets

- 6.3 The application proposes the demolition of the barn fronting Witney Lane. Previous applications have granted permission for the replacement (and raising) of the roof structure of the barn. The barn is in a poor state of repair and (whilst some of the structure has already been removed) there is significant leaning of the walls which remain. Policy BE6 of the Local Plan controls demolition in a Conservation Area and states that where buildings make a positive contribution to the area their loss should be resisted unless redevelopment proposals would lead to an enhancement of the area.
- 6.4 The application proposes the replacement of the existing structure with a practically identical structure. The building will maintain the semi-rural character of this part of the Conservation Area and would positively contribute to the character of the area through the use of appropriate materials and finishes. The development to the rear of the barn is all low in form, respecting the edge of settlement location. The materials proposed in natural stone, timber cladding and slate are all appropriate to a Conservation location and would preserve the character of this part of the Conservation Area.
- 6.5 The provision of a balcony on the end of plot 4 is not a traditional feature however, this is not visible from the public realm and would be relatively concealed by trees which exist along the boundary of the site. No trees are shown to be lost as part of the development proposal.
- 6.6 Given this, overall officers consider that the development would, at the very least preserve the character of the Conservation Area and as such, would be compliant with policy BE5 and BE6 of the Local Plan 2011 and the guidance of the NPPF.

#### Amenity

- 6.7 The application provides for three new build dwellings to the rear of the site and the replacement of the barn type structure to the road frontage with a similar structure. The proposed replacement barn will be essentially be the same as previous approvals at the site giving rise to no additional harm than previously consented schemes. The dwellings to the rear are largely in similar positions to previous approvals or previous employment structures on the site. Plots 3 and 4 of the proposed scheme do sit slightly closer to the boundary with The Malt House however; at the closest point the structure is 21 metres away from the rear elevation of that property. There are windows in the rear elevations of plots 3 and 4 which would give rise to some overlooking to the amenity space serving this property however, there has historically been a large level of mutual overlooking and as such, officers do not consider that this would be so harmful to warrant the refusal of planning permission. Whilst this is the case, the first floor French windows would provide for a greater perception and feeling of overlooking and as such, officers have suggested a condition which requires the omission of this element.
- 6.8 The development does not provide for any other overlooking of third party property and is set away from the boundaries of the site to ensure that the proposal would not give rise to any harmful loss of light or overbearing implications.

#### Highways and parking

- 6.9 At this time the comments of the County Council as Highways Authority have not been received. Whilst this is the case, the application provides for eight off street parking spaces which is sufficient for two spaces per dwelling. The provision accords with the standards set out in the Local Plan 2011. In addition, the application provides for one access point to serve all four dwellings whereas previous consents utilised a blind access through the building which caused significant concerns for local residents. Given the improved access provision and adequate off street parking your officers are of the opinion that the application is likely to be considered acceptable in highway safety terms however, an update as to the comments of the County Council will be provided as necessary.



### Affordable Housing

- 6.10 Planning permission was previously granted, and remains extant, for the provision of four dwellings. Whilst officers note that the affordable housing policy would normally be triggered by the provision of this many dwellings, given the fall back position of the implementation of the previous 2004 consent officers do not consider that there would be a net gain in the number of dwellings which could be constructed. On this basis officers consider that the development accords with the provisions of policy H11.

### Ecology

- 6.11 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
    - c) 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.
- 6.12 At the time of the officers visit to the site very little of the historic barn on the road frontage remained. Given that and the former corrugated roof covering officers do not consider that the remaining structure would provide any habitat for protected species. As such, following the guidance produced by Natural England officers do not consider that the development as proposed would give rise to such a harmful impact upon local populations of protected species to justify the refusal of planning permission. It is also important to note that planning permission has previously been granted for a replacement roof structure to the barn (which is extant) and as such, the works undertaken do not represent any breach in planning control at this time.

### Conclusions

- 6.13 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) P02, P06, P07, P05, P04 and P03.  
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 A to E of Part 1, Schedule 2, Article 3 shall take place.  
REASON: Due to the constrained nature of the site. (Policies BE2 and H2 of the West Oxfordshire Local Plan 2011)
- 4 Prior to the commencement of development amended plans for plot three shall be submitted to and approved in writing by the Local Planning Authority. The plans shall show the omission of the first floor french window serving the master bedroom (south east elevation).  
REASON: To protect the amenity of the neighbouring property at Malt House. (Policies BE2 and H2 of the West Oxfordshire Local Plan 2011)
- 5 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before development commences and thereafter retained until the development is completed.  
REASON: To safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 6 The external walls of the dwellings to be timber clad shall be constructed in accordance with a sample of which shall first be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 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 Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 8 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, rooflights and dormer windows 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 safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 9 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; all ground surface treatments and materials and means of enclosure and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 10 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 11 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 first occupation of any dwellinghouse.

REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 12 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 details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

#### NOTE TO APPLICANT

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after June 2014. As per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1))

Where communal drainage schemes are proposed approval of the scheme may be required from Oxfordshire County Council sometime after March 2015 and the scheme will need to be adopted under the Flood and Water Management Act.

| <b>14/0633/P/FP The White Horse Inn The Ridings Stonesfield</b> |                       |
|---|-----------------------|
| Date  | 01/05/2014 01/05/2014 |
| Officer   | Mr Phil Shaw          |
| Officer Recommendation  | Officer to report     |
| Parish  | STONESFIELD           |
| Grid Ref:   | 439314,217574         |

#### **APPLICATION DETAILS**

Conversion of out building to dwelling with associated parking.

#### **APPLICANT**

Mr John Lloyd, The White Horse Inn, The Ridings, Stonesfield, Oxfordshire, OX29 8EA

#### **BACKGROUND INFORMATION**

This application relates to the existing public house located in Stonesfield and seeks planning permission to change a function room in the grounds of the pub to a separate 3 bedroomed dwelling with a small courtyard garden to the rear. As part of the proposed alternative use there will be elevational changes and the roof and eaves would be raised. 2 dedicated parking spaces would be provided. The site lies within the AONB and the Stonesfield Conservation Area.

## PLANNING HISTORY

It is understood that the pub traded until 2000 and then closed, reopening in 2006. It was taken over by the current publican in 2009 with limited opening hours and has been trading profitably since then.

The function room/skittle alley secured consent in 1979.

An application was submitted under ref 13/0881 for demolition of the barn and erection of 2 detached dwellings. This was refused on three grounds:- that it had not been demonstrated that the loss of the function room would not harm the viability of the enterprise, that there was no affordable housing and that there was a loss of off street parking and inadequate and unsafe replacement access.

These refusal reasons provide the main context for the assessment of the merits of the new application.

## 1 CONSTRAINTS

- 1.1 The site lies within the Cotswolds Area of Outstanding Natural Beauty and the Stonesfield Conservation Area.

## 2 CONSULTATIONS

- 2.1 Stonesfield Parish Council

*“Recommends refusal as this will mean the loss of an important village amenity. The Council is also concerned that raising the roof by 900 mm would be detrimental to the surrounding area.”*

- 2.2 OCC Highways

No response to date.

- 2.3 WODC Env Health

*“No objections.”*

## 3 REPRESENTATIONS

- 3.1 A letter has been received from Mr Langley of Barretts Close raising the following summarised concerns:

- it is the loss of a unique music venue
- the monthly music nights are well supported
- barn has unique acoustics
- it is an excellent venue for a diverse range of village activities
- it is one of the last remaining barns in the village/conservation area
- barn is a prominent village land mark
- conversion would make a mockery of the conservation area
- Pub is the last one in the village
- the barn and parking are vital to its future
- owner does not promote use of the barn
- noise from the house will replace noise from the barn
- noise from the pub will impact on the amenity of the new house
- 16 spaces will be replaced with 9
- car park regularly exceeds capacity with associated danger and inconvenience of on street parking

- applicant should have maintained the building to a better standard and this is just asset stripping

3.2 The publicity period expires 05/06/2014.

#### 4 APPLICANT'S CASE

4.1 Writing in support of the proposals the agent has submitted a considerable volume of information comprising a Planning Design and Access Statement, details of bookings, structural report and a bat survey- all of which may be viewed in full on line or upon request to the case officer. It is considered that the main points raised may be summarised as follows:

- The village has a wide range of facilities including a post office, hairdresser, general store, primary school, village hall, sports and social club, industrial units and the pub adjoining the application site
- The site is surrounded by dwellings
- The application seeks to address previous refusal reasons
- NPPF advises that regard should be had to market signals and it is reasonable to assume that the pub was closed for 6 years as it was not viable
- There is a general presumption in favour of sustainable housing development
- Adopted policy TLC 12 allows for the loss of some community facilities if they are not viable or if there is adequate and accessible alternative provision - both of these can be demonstrated
- The principal use (the pub) will remain unaffected by the development
- H6 would allow the conversion of the barn to a dwelling
- On average barn is used 0-3 times per month
- Notwithstanding that the previous owner took part in a Channel 4 documentary about the re opening, the level of bookings of the function room remained low
- The barn bookings do not create a significant revenue typically generating £25 to £70 per meeting of one of the regular users
- When the costs are taken into account the net profit is modest due to the low spend per head meetings could as easily be held in the main public house which would reduce the overheads of employing additional staff
- Loss of the unit would not impact on viability of the overall enterprise
- There are other public halls available to serve the need (Village Hall, Club room, St James Centre, Sports and Social club) so the village is well served by alternative venues- some of which are licensed
- Barn is in a poor state of repair
- it is leaning, has cracks, moisture ingress, deflecting lintels, broken rafters and failure of the roof covering as well as movement of the front wall
- cost of rectifying the issues is not warranted due to the low income it generates
- barn will need to cease public use due to the defects and safety issues
- residential use would enable the remedial works to be undertaken
- barn conversion is in character with the building
- additional roof height is required to provide useable space
- visual appearance of the site will be improved
- there are no neighbour amenity issues due to the separation distances involved
- character and appearance of the area will be preserved
- new barn will have 2 dedicated spaces
- there will be a loss of 5 public spaces compared to the existing layout
- surveys show that over the last 6 months capacity has rarely exceeded 8 cars and is typically 4-5

- applicants wish to continue trading in the public house but the infrequent use of the barn does not contribute to the business
- upgrading the barn is not financially viable
- whilst barn has a number of bat droppings there is no evidence of roosting and it has little potential for roosting and as such a license will not be required but mitigation can be secured by condition e.g. bat boxes

## **5 POLICY**

- 5.1 It is considered that policies TLC 12, BE5 and H2 of the WOLP and the provisions of the NPPF and PPG are of most relevance. Members will note that H6 is not being quoted as the current lack of a 5 year land supply means that this policy would be considered out of date and thus the presumption in favour of sustainable development subject to there being no significant or demonstrable harms as set out in para 14 of the NPPF would apply.

## **6 PLANNING ASSESSMENT**

- 6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are:

- Overcoming the refusal reasons -namely the impact on viability of the pub, affordable housing and car parking
- impact on the Conservation Area
- amenity for the existing and new residents

### The previous refusal reasons

- 6.2 The previous refusal reason in respect of the viability issue was that it had not been satisfactorily demonstrated that the loss of the function room would not undermine the viability of the rest of the pub business. Substantial additional information has now been provided (as summarised in the applicants case section of the report) that would suggest that the room is little used, that it does not return a substantial profit when the costs of running it are taken into account, that the users booking the facility could be accommodated either in the main pub building at less cost or in one of the other range of public halls in the village and that the building is becoming unsafe for public use and it is not economic to repair it . To set against this the neighbour and the parish council advise that it is a valuable village facility and that it is not being marketed as extensively as it could be.
- 6.3 Having had regard to the evidence provided by the agent, and with particular regard to the range of alternative venues (including the main public house itself) your officers are now of the view that it would no longer be possible to sustain a TLC 12 based refusal reason in that sufficient evidence has now been provided to demonstrate that the use of the barn is not integral to the viability of the main business.
- 6.4 With regards to the affordable housing issue the previous scheme involved the provision of two dwellings and as such triggered the provisions of policy H11 requiring affordable housing. The revised scheme only involves one unit and as such the policy does not any longer apply.
- 6.5 The final refusal reason was addressed to the issue of the adequacy of the parking for the retained pub and the quality of the access. The access arrangement remains largely as existing but the level of parking is reduced compared to the current layout. That having been stated the existing layout has a number of spaces that are not readily useable and the figures provided by the agent would suggest that even with the reduced capacity it will rarely be exceeded if past levels of use are anything to go by. This viewpoint is contradicted by neighbours. At the time of agenda preparation the Local Highway Authority Area Liaison Officer has yet to assess the proposal from parking and

safety perspectives. Therefore, officers do not know if the Highway Authority considers 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. A verbal or additional representations report update will need to be given at the meeting.

#### Design and impact on Heritage Assets

- 6.6 The existing building is a non listed heritage asset prominently located within the conservation area. It is therefore important that its integrity is respected as part of any decisions as to potential re-use. The building is currently in a poor and deteriorating state of repair with several structural elements failing and water ingress into the structure. Relatively major works will become increasingly necessary as it deteriorates further and due to its position at the carriageway edge and within a public house car park there is a safety issue to be borne in mind as well. The proposed conversion is respectful in that it utilises some of the existing openings and has a pattern of fenestration that respects the barn-like character of the building- particularly on the road side elevation. The raising of the roof and eaves is a major intervention in the structure but is required if the proposed building is to have a useable first floor. Normally such an extensive intervention would not be supported but in this instance the roof has already been extensively compromised by the corrugated iron covering and will require further intervention to render it safe/fit for purpose. The building lies well within a sustainable settlement and given the presumption in favour of sustainable development your officers consider that notwithstanding the degree of alteration the reuse for housing can be supported as a means to safeguard the remainder of the building and to preserve/enhance the character of the conservation area by upgrading what is becoming a somewhat unsightly structure. In the absence of a strategic housing policy the reuse for housing in a village where infilling and conversion would in any event have been allowed further supports this approach.
- 6.7 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)*.
- 6.8 Deliberate capture or killing or injuring of an EPS  
Deliberate taking or destroying of EPS eggs  
Deliberate disturbance of a EPS including in particular any disturbance which is likely 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 to affect significantly the local distribution or abundance of the species to which they belong.  
Damage or destruction of an EPS breeding site or resting place.
- 6.9 Your officers do not consider that an EPS offence is likely to be committed due to the lack of a suitable roosting site and with the potential to secure biodiversity enhancements by imposition of mitigation conditions the ecological impacts are considered acceptable.

#### Neighbourliness/amenity

- 6.10 The proposed unit has been designed and orientated such that there will no undue issues of overlooking, overbearing, overshadowing etc. The proposed garden area for the new unit is relatively small for a family house and the new unit and its garden will sit in close proximity to the retained pub and its associated car park such that there may be some adverse amenity impacts. However these are not considered unprecedented in rural village situations, will be known to any purchaser as part of the decision as to whether to purchase and are not the subject of any concerns from Environmental Health officers as to the impact of the inter-relationship. On balance therefore the residential amenity is considered acceptable in planning terms.

6.11 With regards to the amenity impact on third parties the loss of the activity in the function room will move the level of activity associated with the pub further away from existing third parties and the alternative use is likely to cause less peaks of un-neighbourly noise and activity. This would therefore be likely to be a benefit to immediate neighbours.

#### Conclusions

6.12 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is likely to be acceptable on its planning merits provided that the County Council raise no objections on safety and parking grounds and subject to any further issues as may be raised in the balance of the consultation period.

### **RECOMMENDATION**

Officer to report.

|  |                                     |
|--|-------------------------------------|
| <b>14/0404/P/AC The Lamb Inn High Street Sipton Under Wychwood</b> |                                     |
| Date   | 18/03/2014                          |
| Officer  | Abby Fettes                         |
| Officer Recommendation   | <b>Grant, subject to conditions</b> |
| Parish   | SHIPTON UNDER WYCHWOOD              |
| Grid Ref:  | 427684,217356                       |

### **APPLICATION DETAILS**

Erection of various illuminated and non illuminated signs.

### **APPLICANT**

Greene King, PO Box 680, Bury St Edmunds, IP33 9GE

### **BACKGROUND INFORMATION**

The site is a public house in Sipton Under Wychwood. It is located within the Conservation Area and within the Cotswold AONB. It is not a Listed Building.

The application seeks consent for various replacement signs for the public house.

The application is brought to committee for determination as the recommendation conflicts with the Parish Councils comments.

### **1 PLANNING HISTORY**

1.1 No relevant history to this application

### **2 CONSULTATIONS**

2.1 Sipton Parish Council



*“There was concern about the impact on the conservation area with such large illuminated signs A and B (Policy BE5, BE8 - there are listed buildings in the area - , BE15, BE16, BE21, ) which would have a detrimental effect on the character and amenity of the area which as well as a conservation area contains at least one listed building.*

*Signs C,D and E are supported so long as there is no more illumination than at present- Signs A and B are supported but not illumination of those new signs, there is a street light in that setting so more lighting not needed.”*

### **3 REPRESENTATIONS**

- 3.1 Four properties were notified of the application and no responses have been received (closing date 21<sup>st</sup> April).

### **4 POLICY**

- 4.1 The relevant West Oxfordshire Local Plan policies are considered to be:

BE5 Conservation Areas  
BE15 Advertisements and signs  
NE4 Cotswold Area of Outstanding Natural Beauty

### **5 PLANNING ASSESSMENT**

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

- Design and impact on the Conservation area
- Highways

#### Design and impact on Heritage Assets

- 5.2 The site is a public house within the Conservation Area and AONB. It is not listed but there are two listed properties to the south west and south of the site. The proposal is seeking to replace existing pub signs with new corporate Green King branded signs. There is not proposed to be an increase in signs and they are all being replaced like for like in terms of their scale and location and lighting. The colour palette is considered to be acceptable.
- 5.3 The proposal includes two illuminated signs, labelled A and C on the plans. One is the hanging sign on the building and the other is on the corner of High Street and the A361. Both of these are illuminated at present so it is not considered that there would be any material change to the visual amenity of the area.
- 5.4 The Parish Council have raised concerns about the impact of the illumination on the conservation area and adjacent listed buildings. Given that there is existing illumination it is not considered that the character of the conservation area or the nearby listed properties will be adversely affected.
- 5.5 The proposals are considered to accord with policies BE15, BE8 and BE5.

#### Highways

- 5.6 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.

5.7 The proposals are considered to accord with BE15.

### Conclusions

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

## **RECOMMENDATION**

- 1 This consent shall operate for a period of five years from the date of this notice.  
REASON: By virtue of R.13 (5) of the above regulations.
- 2 That the development be carried out in accordance with the plans accompanying the application.  
REASON: For the avoidance of doubt as to what is permitted.

|   |  |
|---|--|
| <b>14/0522/P/OP Land at Rockhill Farm London Road Chipping Norton</b> |  |
| Date  | 09/04/2014   |
| Officer   | Abby Fettes  |
| Officer Recommendation  | <b>Grant, subject to the applicant first entering into a legal agreement</b> |
| Parish  | CHIPPING NORTON  |
| Grid Ref:   |  |

## **APPLICATION DETAILS**

Residential development comprising 80 unit extra care housing and up to 16 dwellings together with associated landscaping, parking and access into site.

## **APPLICANT**

OCC Property & Facilities, c/o Agent.

## **BACKGROUND INFORMATION**

The application seeks outline planning permission for the erection of an eighty bed roomed (1 & 2 bed apartments) extra care home and up to 16 residential dwellings. Access is to be determined but all other matters are reserved.

The application site is located to the north of the London Road, adjacent to the new hospital and care home. Vehicular access to the site is to be gained via Russell Way and the London Road.

The application site is located outside of the Chipping Norton Conservation and the Cotswolds Area of Outstanding Natural Beauty. There are no listed buildings within the vicinity of the application site and the proposed development does not impact any of the highway trees that are subject of Tree Preservation Orders on London Road.

## **I PLANNING HISTORY**

- I.1 12/1593 Erection of a primary health care centre with ancillary pharmacy and associated car parking, ambulance drop off zone and landscaping. Application on the adjacent site was approved by the Uplands sub committee in December 2012.

## 2 CONSULTATIONS

### 2.1 Chipping Norton TC

*“The scale and height of the proposal was seen to be tall and overbearing on this major entrance to this market town. The main road facing block to be reduced in height to two storeys and set back from the highway to match housing opposite. Concern was also expressed about the increasing demographic imbalance within Chipping Norton with the impending application by Beachcroft Carehouse (40) on the Penhurst site and this site putting additional pressure on the two local doctors practices with aging residents, many of whom are not from this community. There also seems to be not enough car parking spaces allocated for the 80 unit block.”*

### 2.2 OCC Single response

*“No objection subject to conditions and S106 contributions.”*

### 2.3 Thames Water

*“Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.*

*The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand”.*

### 2.4 Environmental Health

*“No objection subject to conditions regarding ambient noise levels in the care home.”*

### 2.5 Crime Prevention Design Advisor

*“The only advice I can offer at this juncture is to refer the applicants to the principles and standards of the Association of Chief Police Officers (ACPO) crime prevention initiative for the built environment, Secured by Design (SBD). I urge them to incorporate said principles etc within the proposals and to contact me as soon as possible so that they may be advised on how to achieve this.*

*To ensure that the opportunity to design out crime is not missed I request that a condition be placed upon any approval for this application”.*

### 2.6 Public Art

*“The Council’s arts and leisure team will look to work with the developer to integrate creative elements into the design of the scheme. The proposals should then be expressed in a Public Art Statement which should accompany subsequent planning applications. The Council’s arts and leisure team can assist with pre-app discussions in this regard; advise on securing public art expertise; and assist with the creation of a Public art statement.*

*The Council Plan, the Local Plan and the Infrastructure Delivery Plan state that the Council will maintain or improve the health and wellbeing of the District’s residents by working with partners to provide public health initiatives, health facilities and health services (1)*

*Arts Council England and the Department of Health published a ‘A prospectus for arts and health’ in 2007’ includes an evidence base for the impacts of arts and health projects, including public art projects (2)*

*See the Council Plan priority to ‘Work in partnership to sustain vibrant, healthy and economically prosperous towns and villages with full employment’ (pages 10 to 11). See the Local Plan’s references to health throughout its core objectives and core policies. See the Infrastructure Delivery Plan’s section on Health (pages 60 to 64).*

*<sup>2</sup> Department of Health and Arts Council England, A prospectus for arts and health (Arts Council England, 2007).”*

## 2.7 WODC Drainage

*“No objection subject to drainage condition.”*

## **3 REPRESENTATIONS**

3.1 31 neighbours have been notified of the application and no responses have been received to date (publicity expired 15<sup>th</sup> May).

## **4 APPLICANT’S CASE**

4.1 The applicant has submitted the following documents in support of their application and they are summarised as follows:

### 4.2 Planning Statement

- The application proposal is consistent with the policies in the Development Plan with national planning policy as set out in the NPPF.
- Emerging local planning policy strongly supports housing provision for older people and, more generally, there is a need for both specialist and mainstream market housing which this development will help to meet.
- The proposals would not lead to significant environmental effects and subject to the imposition of appropriate planning conditions and other obligations, the effects of the development can be successfully mitigated.
- The planning balance weighs in favour of granting planning permission as a result.

### 4.3 Design and access statement

- The application site lies on the eastern edge of Chipping Norton where the predominant land use to the east is agricultural.
- The site is bordered to the east by vegetation in the form of a hedgerow and recent 10m deep strategic planting belt.
- To the south lies a tall coniferous hedge with deciduous under-storey and beyond that a row of regularly-spaced mature deciduous trees close to London Road.

- The initial approach to the development of a scheme for this site involved the development of alternative land budget options that were shared with the District Council in 2010 prior to settling on a preferred mix.
- The decision was taken to create frontage development on the London Road elevation and the immediate return elevation only, for privacy purposes.
- The creation of the 'care quarter' at Rockhill Farm lends itself to similar kinds of development on the adjoining care home and hospital site.
- The average housing density within the application site will be approximately 70 dwellings per hectare (The town houses to the front of the site would be at a much lower density of 56 dwellings per hectare).
- Buildings will be orientated to take advantage of the benefits of solar gain.
- The development of 2.5 to 3 storey buildings is complimentary to the existing development in the area.
- The buildings are proposed to be constructed of a palate of local materials and finished combined with modern materials.
- Access to the site from the town centre will be facilitated through the extension of the footpath on the London Road frontage to connect to the bus stop and by bringing footpaths into the site on the east side of Russell Way.
- The site will be accessible, with good bus, cycle and pedestrian links to and from the town centre.
- Russell Way has been constructed to a standard suitable to accommodate large HGVs and therefore access for emergency vehicles will be readily available.

#### 4.4 Voluntary Environmental Impact Assessment

- Ecology evaluation is that the ecological receptors at Rockhill Farm are likely to be valuable only at the scale of the site and its immediate surroundings. Recommend removing scrub only outside bird nesting season.
- Landscape assessment in the medium to long term and assuming the adoption of appropriate mitigation measures there would be no significant residual effects on local landscape character or existing visual receptors.
- Noise assessment has demonstrated that the area will no be subject to a noticeable increase in noise in the vicinity of the site. With the adoption of the recommended mitigation measures no adverse noise impacts are anticipated at the site.
- Air quality report concludes that no significant impacts associated with construction are anticipated and potential impacts associated with dust would be negligible.
- Suds should be implemented
- Transport assessment concludes that the site is accessible by all modes thus reducing the need to travel and that there are no transport related reasons why the proposed development should not take place.
- It is anticipated that residents will be largely based on site and undertaking localised trips to Chipping Norton facilities, their propensity to use sustainable modes is additionally significant

#### 4.5 Statement of community involvement

- Supporting report detailing the findings of the community consultation exercise and engagement with representatives of the local community undertaken prior to the submission of the outline application.
- An exhibition was held at Lower Hall of the Town Hall, Chipping Norton Market Place on the 26th June 2013.
- The exhibition was advertised by leaflet distributions, letters to key parties including District and County Councillors, online presence, posters within schools and town councils.

- The key issues that came out of the consultation exercise were parking (especially on London Road), traffic on London Road, speed of traffic on London Road, the design and appearance of the London Road frontage development and the height of the buildings on London Road.

## 5 POLICY

5.1 Your officers consider that the following policies of the adopted West Oxfordshire Local Plan 2011 are particularly relevant:

- BE2 (General Development Standards)
- BE3 (Provision for Movement and Parking)
- H1 (Proposal 1)
- H2 (General Residential Development Standards)
- T1 (Traffic Generation)
- TLC1 (New Tourism, Leisure and Community Facilities)

5.2 Guidance within the West Oxfordshire Design Guide and the West Oxfordshire Landscape Assessment is also considered to be relevant.

5.3 Guidance within the National Planning Policy Framework is also considered to be particularly relevant.

## 6 PLANNING ASSESSMENT

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

- Principle of development
- Design and form
- Neighbourliness
- Highway issues
- Ecology

### Principle of development

6.2 The application site comprises part of the allocated site at Cromwell Park, Chipping Norton within the adopted West Oxfordshire Local Plan 2011. Proposal 1 under Policy H1 states the following:

*“Land adjacent to Cromwell Park is allocated for mixed use development as defined on the Chipping Norton Inset Map. Within the allocated area provision will be made for:*

- a) Employment (B1) uses on the former highway depot land (0.9ha);*
- b) Structural Landscaping (0.6ha);*
- c) Non-residential uses on a minimum area of 1.6 ha, to include employment (B1) and community health care facilities (Use Class C2);*
- d) Housing on the residual area to include up to 50% affordable housing.*

6.3 The provision of an extra care home and 16 residential dwellings on this site would accord with criterion (d) of the above allocation. Furthermore, policy TLC1 of the adopted Local Plan 2011 identifies that planning permission will be granted for community facilities to meet local needs where they would not have an adverse impact upon the character of the locality or generate unacceptable levels of traffic on the local highway network. The site will be required to provide 50% of the proposed units as affordable. The Town Council have expressed concern about an over

provision of accommodation for an elderly demographic in Chipping Norton. However recent applications within Chipping Norton have resulted in the loss of over 30 sheltered accommodation properties, the town is a service centre and it is considered an appropriate location for this type of development.

#### Design and form

- 6.4 The application is outline and the design is a matter that is reserved so the drawings submitted are indicative. However, officers are satisfied that this level and type of development is appropriate for this site. The proposal is for residential development of flats and houses along the site frontage with London Road, and the ECH sited behind.
- 6.5 The perimeters set out in the supporting documents are that the buildings will be 2.5-3 storey which is reflective of other developments in the vicinity of the site. The residential properties opposite the site on London Road are 2 storey, and the doctors surgery behind is 2 and 3 storeys and the hospital to the east is predominantly 2 storeys high. Your officers do not consider that 2.5/3 storey on the road frontage or beyond would be overbearing. The materials proposed will reflect the local vernacular, however the ECH is likely to be of a more modern design, in line with the surgery that is currently being constructed to the rear of the site.
- 6.6 Having regard to the above, the proposed development is considered to be in accordance with Policies BE2 and H2 of the adopted Local Plan 2011 and guidance contained within the West Oxfordshire Design Guide.

#### Neighbourliness

- 6.7 It is not considered that the development will be detrimental to the amenities of adjacent site users. The site is allocated for mixed use development in the Local Plan and it is considered that the site uses work well together. It is considered to accord with local plan policy H1 proposal 1 and with H2 and BE2.

#### Highways and parking

- 6.8 The Highway Authority have commented that the proposal would not have any significant impact upon the capacity of the local highway network. However it will increase trips through the sensitive town centre adding to air quality problems that have been identified. To mitigate, therefore, they would seek encouragement of more sustainable modes of transport and to further this aim, a financial contribution towards public transport improvement is sought.
- 6.9 The site is located next to the Premium Bus Route from Chipping Norton to Woodstock and Oxford. The County Council has a policy (2003) to increase bus frequency on this route, funded by developer contributions. The current bus service to London Road has some deficiencies, such as reduced frequencies before 1000 and after 1630, and the absence of early buses towards the Town Centre and Cornish Road. The financial contribution would provide funding towards a strategy of providing two buses per hour along London Road on weekday daytimes and hourly at other times.
- 6.10 The submitted interim travel plan for the care home is of a good standard; however, it will need to be updated to a full travel plan with a staff and users travel information survey within one month of occupation. Similarly the actions of the travel plan must be updated to take in to account the results from these travel surveys.

6.11 Parking is considered to be of an acceptable level for the proposed use. SUDs drainage is proposed for the site and will be conditioned. Officers consider that the development would not be unacceptably harmful to highway safety and that it accords with local plan policy BE3.

#### Ecology

6.12 Ecology has been considered within the Environmental Impact Assessment submitted in support of the application and concludes that due to the minimal nature conservation value of the habitats present and the lack of potential protected species there would be no significant ecological impact associated with the proposals. It is considered to accord with policy NE13.

#### Conclusions

6.13 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.

6.14 The heads of terms confirmed for the S106 package are as follows:

| <b>Requested by</b> | <b>For</b>                | <b>Cost</b>          |
|---------------------|---------------------------|----------------------|
| OCC                 | Special needs education   | £3702 (index linked) |
| OCC                 | Public transport services | £96,000              |
| OCC                 | Travel Plan monitoring    | £2040                |
| WODC                | Public Art Statement      | Nil                  |

## **RECOMMENDATION**

Grant subject to the applicant first entering into a legal agreement. Conditions will be finalised and reported prior to the meeting on 9<sup>th</sup> June.