

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 12th August 2024

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

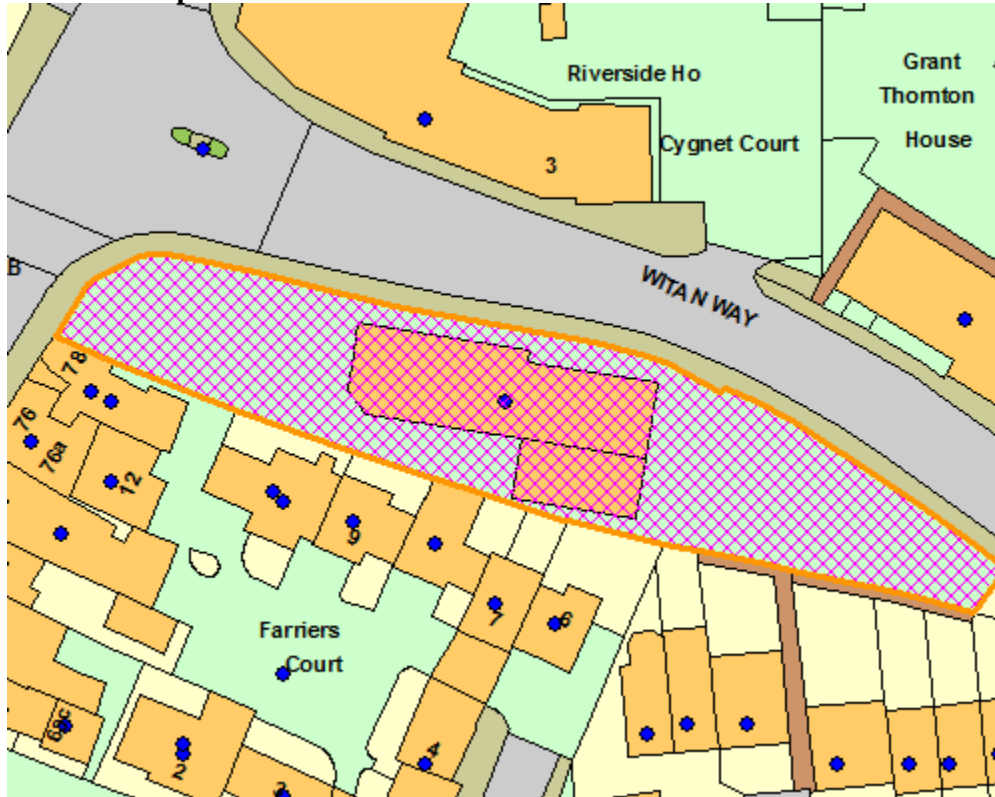
Please note that:

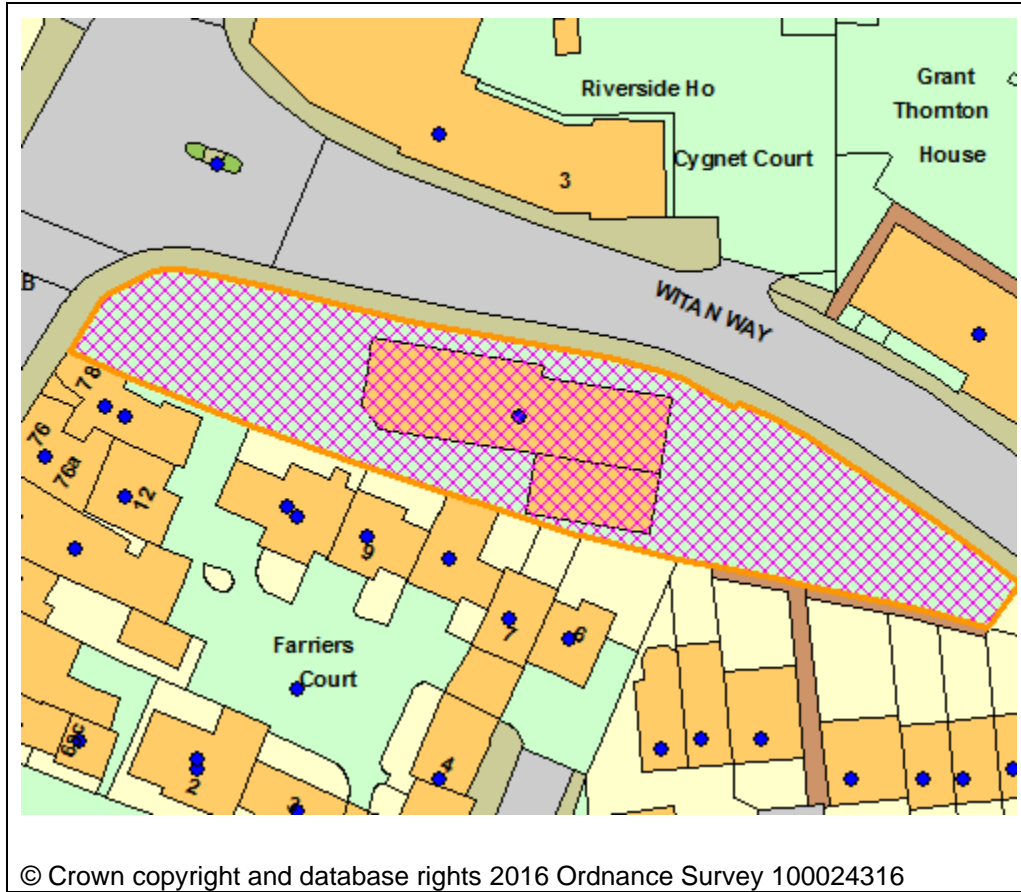
1. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

Item	Application Number	Address	Officer
1	23/03056/FUL	Welcome Evangelical Church, High Street, Witney	James Nelson
2	24/01056/FUL	The Chequers Inn, 6 The Green, Cassington	Clare Anscombe

Application Number	23/03056/FUL
Site Address	Welcome Evangelical Church High Street Witney Oxfordshire OX28 6HL
Date	31st July 2024
Officer	James Nelson
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435778 E 210032 N
Committee Date	12th August 2024

Location Map





Application Details:

Alterations and extensions to church building (amended plans)

Applicant Details:

Mr Craig Gibson
Welcome Evangelical Church
High Street
Witney
Oxfordshire
OX28 6HL

I CONSULTATIONS

Environment Agency

Initial Comments 20.03.2024

OBJECTION- The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. Based on the submitted FRA and accompanying plans, it is unclear whether the built

development in this proposal lies within Flood Zone 2 or 3 and whether there is any built increase in the 1% annual exceedance probability (AEP) + climate change (CC) allowance.

Reconsultation 09.05.2024

Objection maintained.

Reconsultation 11.07.2024

Upon review we are satisfied the additional information provided addresses our earlier concerns. We withdraw our previous objection and recommend the below planning condition is included on the decision notice *Condition as per section 6.*

Conservation And Design
Officer

Initial Comments 24.01.2024

This is an interesting modern structure, prominently located on a nodal corner of the Conservation Area, where its characterful split west gable provides something of a landmark.

The current proposal is for sizable extensions. The additions to the south and east are relatively unproblematic, but that to the west end would be prominent, fussy, busy, and truly transformative - and that distinctive split west gable would be lost. In my view they need to start again with this part of the proposal. I suggest that a very low single storey extension might work here. And as this is a modern structure I wouldn't rule out an extension in plane, carrying the split west gable form further west, and exactly as existing - providing that the design is good, and the roof materials matched.

Comments on amended plans 04.03.2024

No objection.

Env Health Noise And
Amenity

No objection to this proposal but I would ask for the following conditions to be attached to any consent granted:

Hours of work in connection with the application shall be restricted to 08:00-18:00 Monday-Friday, 08:00-13:00 on Saturday with no working on Sundays or Bank/Public Holidays.

Prior to the commencement of any work that applicant shall submit to, and have approved by, the Local Planning Authority, a construction Management Plan. The plan shall include, but not limited to, details of how noise and dust are to be minimised and controlled, how delivery of materials and material storage are to be undertaken, waste management and materials recycling and contractor welfare.

Reason: To protect the amenity of the neighbourhood.

Environment Agency

See above.

Parish Council

Initial consultation

While Witney Town Council does not object to this application in terms of material concerns, it notes the increased footprint and would ask that mitigating measures are considered to help decrease the strain on the local sewer network. There are known issues locally, particularly during heavy rainfall and subsequent high infiltration rates. Members ask that a SUDS strategy and mitigating measures are considered to help decrease the possibility of surface water flooding in this area, in accordance with policy EH7 of the West Oxfordshire Local Plan 2031.

Amended Comments

Witney Town Council notes the amended documents submitted for this application but recognises the concerns of the Environment Agency and their technical expertise in relation to an acceptable flood risk assessment. In its previous response, the Council noted the increased footprint and asked that mitigating measures be considered to help decrease the strain on the local sewer network and commented on known local issues, particularly during heavy rainfall and subsequent high infiltration rates. Given the site location and associated flood risk, the Council stressed the importance of flood protection from both surface and potential sewage water for this site, and neighbouring properties, in accordance with policy EH7 of the West Oxfordshire Local Plan 2031. As these, and more importantly, the Environment Agency requirements have not been met, Witney Town Council objects to this application.

Conservation And Design
Officer

See above.

Env Health Noise And Amenity

See above.

OCC Highways

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:

- G28 parking as plan.
- G11 access specification.
- Prior to 1st use of the proposed access the provision of 2.0 x 2.0m pedestrian awareness visibility (no obstruction in the splay to exceed 0.6m high).
- G13 close ex access(s) reinstate highway kerblines and footway.

INFORMATIVE

Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council

WODC Drainage

No objection subject to surface water drainage condition as per section 6.

District Ecologist

The ecological report has concluded that the building on site holds negligible suitability for roosting bats, therefore this constraint do not need to be considered further. However, the report recommends that a pre-works inspection of the vent gap identified on the south west corner of building 1 is carried out to ensure that bats are absent. Furthermore, the site is in close proximity to the Lower Windrush Conservation Target Area and the Grimes Meadow and Little Grimes Local Wildlife Site, and the report has made outlined that best practice measures are to be adhered to during construction to minimise the impacts of pollution to these areas as well as precautionary methods of working to safeguard species on site. Therefore, the above compliance condition is recommended to ensure that these precautionary measures are carried out.

The planning system should aim to deliver overall net gains for biodiversity as laid out in paragraphs 180, 185 and 186 of the revised NPPF (2023) and local plan policy EH3. The applicant intends to install a green roof as part of the development as well as landscaping enhancements; therefore, the above landscape enhancement conditions are recommended to ensure appropriate species and establishment details secure a net gain. In addition, the Councils mapping system shows records for multiple swift hotspots and records for bats in the wider landscape, including soprano pipistrelle and brown long-eared bat. Therefore, the above enhancement condition is recommended to provide additional roosting and nesting opportunities and increase biodiversity on site. The above lighting condition is recommended to ensure that any external lighting is sensitively designed to reduce light spill and that additional lighting is not directed towards enhancement features for roosting bats and nesting birds.

I note that the site falls within an Amber impact risk zone for great crested newts as per the district licensing mapping, however, given the scale of the development, the overall hard-standing nature of the site and surrounding areas, and lack of ponds within 250m of the site, it is unlikely that great crested newts will be a constraint to development and therefore does not need to be considered further.

Green roof later removed from scheme.

Parish Council	See above.
OCC Highways	See above.
WODC Drainage	See above.
Environment Agency	See above.

2 REPRESENTATIONS

Initial Consultation

2.1 A total of 12 objection comments were received at the initial consultation stage. The following material planning considerations have been raised:

- Matters relating to alteration of boundary wall (subsequently removed from the scheme).
- Disturbance/dust during construction.
- Increased disturbance from events due to increase in capacity and proximity of facilities to residential dwellings.
- Loss of light and overbearing impacts.
- Loss of privacy/ overlooking from proposed rooflights.
- Lack of parking.
- Excessive scale and bulk.
- Flood risk/susceptibility to flooding/sewerage capacity.

Reconsultation on Amended Plans

2.2 The amended submission necessitated a re-consultation in order to allow third parties the opportunity to make representations in light of the changes made to the scheme. A further 8 comments have been received in response to the amended plans. The following additional planning matters are raised:

- The reduced proposals would still result in loss of light, overbearing, overlooking and disturbance to Farriers Court.
- Proposal remains excessive in scale and too close to historic boundary wall.
- Parking, construction disturbance and flooding/drainage concerns unaddressed.

3 APPLICANT'S CASE

3.1 A Design and Access Statement was submitted alongside the application. The following points remain pertinent given the changes made to the scheme.

3.2 'The application site is the main building of the church and existing car parks to support the use of the church. The site is situated centrally within Witney and is accessed by 2 of Witney's main roads, The High Street and Witan Way. The Site also falls within the Witney & Cogges Conservation Area... The main body of the church is roughly 1920s and has been altered and extended a number of times of the years. The most significant extension to the East constructed in 1970 and then a second extension to form the first-floor rooms over the drive in 1995.'

3.3 'The alterations and works proposed to the church are in response to the growth of the congregation and the increased outreach within Witney and its services that the church provides. The leadership team have put a short statement together of their internal and outreach services that they offer.'

3.4 'Two of the major issues with the current building are the separation of the core building services and the lack of space within the main hall due to the orientation and the location of the current main entrance... The proposed removal of the front carpark has a number of benefits, removing the site entrance from the High Street and its closeness to the junction. The main benefit is to allow an area of garden to be formed, introducing an area of greening to a part of Witney that is heavily developed and to provide and soften the setting of the church.'

3.5 'The proposal to remove the parking at the front of the site and the High Street access is to improve safety concerns and remove proximity to the main junction and traffic lights. The northern site access is proposed to be relocated 3-4m further down the site to improve the site access and move it further away from the traffic lights. The added benefit would be to allow disabled parking closer to the rear entrance of the building... Due to the loss of the front carpark and the removal of 6 parking spaces, we have improved the rear car layout to increase the number of car spaces to 10 and included a large array of Bicycle racks to encourage more sustainable methods of travel to the building. The church also has a long-standing relationship with River side house and the use of their car park on the weekend. The site is also within 200m of the Witan Way public carpark. The church are putting together a transportation strategy to encourage the church congregation to use public transport, public parking and cycling to reduce the demand of on-site parking.'

3.6 The amended plans are accompanied by a 'Statement of Alterations', which provides a summary of the changes made to the scheme in response to Officer's initial concerns. The key points are set out below.

3.7 'Size of the western extension to form the new Main lobby:

- The main two-story extension has been reduced significantly and the width and height of the extension altered to match that of the original building.

3.8 External appearance and angle of the western extension:

- Based on the comments from the conservation officer, the single-story aspect of the main extension has been removed and the external appearance has been altered to maintain the original features of the existing building. Keeping it parallel with the original building and maintaining the existing roof line.

3.9 Size and height of the southern extension:

- The depth and overall length of this extension has been reduced to allow for a passageway between the boundary wall and the new extension.
- The roof style has been changed from a mono pitched lean-to roof to a single flat roof to reduce the mass of the extension and reduce the impact on the neighbouring properties.
- Sedum roof has been removed to reduce requirements for future maintenance.

3.10 Location of the southern extension to the boundary wall:

- To remove the need for any works to the boundary wall, the extension has been brought further into the site.'

4 PLANNING POLICIES

OS1 Presumption in favour of sustainable development
OS2 Locating development in the right places
OS3 Prudent use of natural resources
OS4 High quality design
E5 Local services and community facilities
E6 Town centres
T2 Highway improvement schemes
T3 Public transport, walking and cycling
T4 Parking provision
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH13 Historic landscape character
NPPF 2023
DESGUI West Oxfordshire Design Guide

PLANNING ASSESSMENT

Background

- 5.1 This application seeks consent for alterations and extensions to an existing church building at the Welcome Evangelical Church, High Street, Witney.
- 5.2 The application has been altered by the submission of amended plans which have been subject to re-consultation. A summary of the amendments made has been provided by the applicant and is summarised in Section 3.
- 5.3 The proposal is brought before Members of the Committee due to the objection of the Town Council and councillor call in.
- 5.4 The application site occupies a prominent corner plot at the conference of Witan Way and High Street. The site is within the Witney and Cogges Conservation Area and lies in close proximity to the following listed buildings:
- 64, 76,76A and 78, High Street- Grade II Listed and located adjoining the western corner of the site;
 - 71 High Street- Grade II Listed and located approximately 23m from the western corner of the site;
 - 75-79 High Street- Grade II Listed and located approximately 19m west of the application site; and

- 92 and 94 High Street- Grade II Listed and located approximately 29m north of the application site.

5.5 The application site is also washed over by Flood Risk Zone 2 and partially within Flood Risk Zone 3.

Relevant Planning History

5.6 The application site benefits from a long-established use as a place of worship, which falls under Use Class F1 under the Town and Country Planning (Use Classes) Order 1987 (as amended). In 2013 under ref. 13/0643/P/FP, permission was granted for works to alter the external appearance of the building and provide a porch, inter alia. In 2018, the building's windows and a fire door were replaced under ref. 18/02905/FUL.

Development plan

5.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In this case, the development plan is the West Oxfordshire Local Plan 2031 ('WOLP').

5.8 Taking into account planning policy, history, other material considerations and the representations of interested parties, officers consider that the key considerations in this assessment are:

- Principle
- Siting, Scale and Appearance
- Impact upon Heritage Assets
- Impact upon Neighbourly Amenity
- Flood Risk/Drainage
- Highways
- Ecology

5.9 Each will be fully considered in the following sections of this report.

Principle of Development

5.10 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. The application site lies within the built-up area of Witney, the largest of the 'main service centres' in the District. Given the proposal would supplement an existing land use in a sustainable town centre location, your officers consider that the proposal accords with the spatial requirements of Policy OS2 as well as E6, which seeks to protect town centre uses.

5.11 WOLP Policy OS2 also sets out a series of general principles with which all development should comply. Those relevant in this case are that new development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere; and
- Conserve and enhance the natural, historic and built environment.

5.12 Policy E5 is also relevant with regard to development affecting local services and community facilities, which includes places of worship. Policy E5 states:

'The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities.'

5.13 Your officers consider that the proposed alterations and extension to support the existing use of the site would accord with the provisions of E5, which seeks to support the development of such facilities. The proposed development is therefore considered acceptable in principle subject to consideration of the remaining matters below.

Siting, Scale and Appearance

5.14 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139). The general principles of WOLP Policy OS2 require all development to 'be of a proportionate and appropriate scale to its context' and 'form a logical complement to the existing scale and pattern of development and/or the character of the area'.

5.15 The proposed works include a two-storey extension to the west elevation continuing the form and height of the existing block and projecting approximately 10m. To the south elevation, a flat roofed single storey addition is proposed. This would be staggered in footprint due to the shape of the plot and reach a modest height of approximately 3m. An existing undercroft would also be infilled to provide further internal space and a porch/WC added to east elevation. The proposals also include changes to fenestration on the east elevation, the insertion of solar panels to the south-facing roof slope and rooflights to serve the upper floor of the building. An external stair would be removed. In terms of materials, the proposal would largely read as in keeping with the existing building, with matching stone and render used as well as concrete tiles as well as aluminium glazing, standing seam zinc and timber. Proposed site works include changes to landscaping as well as the parking/access arrangement.

5.16 Your officers consider that the amended proposals are appropriately sited within the large plot, logically continuing the line of the current main block whilst retaining a sufficient amount of open space in the western portion of the site to retain a significant set back from built form directly fronting the High Street. In addition, the proposed extensions and alterations to further increase

internal space to the south elevation would be largely shielded in the street scene and would make efficient use of the site without bringing built form closer to Witan Way. Overall, the extensions and alterations would read as in keeping with the host building in terms of design and appearance. In terms of scale and form, the extensions would be sufficiently secondary and subservient to the existing building and could be successfully accommodated within the large plot. The proposed site works would result in a minor benefit to the visual amenity of the area, subject to final details. As such, your officers consider that the proposal would accord with the above policy context with regard to design and is therefore acceptable in these terms.

Impact upon Heritage Assets

- 5.17 Given the application site lies within the CA, officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.18 As the proposed development would lie in close proximity to the listed buildings set out above, your officers are required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.
- 5.19 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 200 requires the applicant to describe the significance of affected heritage assets. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building or conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use. WOLP Policies OS4, EH9, EH10, EH11 and EH13 are directly relevant to the application with regard to the impact of the proposal upon designated heritage assets.

Main elements contributing to the significance of listed buildings and the character and appearance of the CA

- 5.20 The significance of the CA is charted in the Witney & Cogges Conservation Area Character Appraisal, which forms a material consideration in this assessment. The CA extends over the historic core of Witney, centred around the High Street, Corn Street, Mill and Bridge Streets, Woodgreen and Newland. The CA also includes the historic village of Cogges and intervening valley floor (Langel Common). The historic development of the town has been largely shaped by the wool trade, influenced by the town's location along the Windrush Valley, becoming a well-established town and local centre of the trade by the latter half of the C13, when the pattern of development around which the CA is located developed. By the start of the C17, specialisation in blanket production had developed, growing rapidly with industrialisation in the C19. As the blanket industry declined, the second half of the 20th century saw an explosion in suburban growth and in 1981, construction

began to facilitate development of the area between High Street and the Windrush, including the construction of the adjacent 'Witan Way'.

5.21 In terms of architecture, the building materials used throughout Witney and Cogges show a marked degree of consistency, and are fundamental to the distinctive built character of the town, with grey oolitic limestone dominant as a walling material and Stonesfield slates used for roofs, necessitating a steep roof pitch. Vernacular buildings tended to use rubble or dressed stone in narrow, irregular courses, with higher status houses of the C18 and C19 using more ashlar-cut stone. Rendered and painted finishes are also a characteristic feature, albeit secondary to limestone. The listed buildings listed above reflect and positively contribute to the wider character of the CA, being largely humble vernacular structures of traditional form and materials.

Impact of the scheme upon the significance of listed buildings and the character and appearance of the CA

5.22 The application site occupies a nodal corner of the CA and is considered an interesting modern structure characterful split west gable. The design and location of the building mean that it reads as somewhat of a landmark building. The building addresses Witan Way as well as the High Street, but is well set back from the latter and therefore has a limited impact upon the settings of the listed assets identified. The proposed development would continue the current form and design of the west elevation, whilst retaining a significant gap in the western part of the site, thus providing a visual break between the extended building and listed buildings, as well as retaining a sense of spaciousness on this prominent street corner. The proposed additions to the southern elevation, as well as other minor changes and additions described above, would result in a very limited impact upon the character and appearance of the area as well as retaining the existing character of the building and avoiding any impact upon the southern boundary wall. As a result, your officers consider that the proposal would preserve the character and appearance of the CA as well as the setting of listed buildings. The application therefore accords with WOLP Policies OS4, EH9, EH10, EH11 and EH13 as well as relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF 2023, West Oxfordshire Design Guide 2016 and the Witney & Cogges Conservation Area Character Appraisal.

Impact upon Neighbourly Amenity

5.23 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the NPPF and the West Oxfordshire Design Guide.

5.24 The application site shares a boundary with 6-12 Farriers Court, which lies immediately to the south of the site. Your officers consider that these properties are those with the potential to be most affected by the proposal given its siting and orientation in relation to neighbouring properties. The original and amended scheme has drawn significant objections from residents of Farriers Court on the grounds outlined above. The majority of the concerns relate primarily to loss of light/outlook and overbearing concerns, as well as overlooking and loss of privacy/disturbance.

5.25 In terms of overbearing, loss of light and outlook, the proposed single storey addition to the south elevation has been amended to bring it away from the shared boundary and to a flat roofed, single storey design, which would therefore ensure that any impacts in this regard would be minimal. The proposed two storey extension would extend the main block of the Church to the west, closest to the boundaries with 9-11 Farriers Close, creating a relationship similar to that which 8 Farriers Close

currently shares with the Church. The proposed drawings demonstrate that the extension would result in a slight contravention of the 25-degree rule (30 degrees). However, officers recognise that this does not form part of the statutory development plan and whilst this increase in massing would undoubtedly result in some loss of light to the rear facing windows and amenity spaces of nos. 9-11, given the north-facing orientation of the rear elevation of these properties, the proposals would not block direct sunlight at any time of year. Further, the proposals would result in a similar arrangement as currently exists with 8 Farriers Court and is characteristic of relationships between buildings in back land locations in town centre locations. As a result, your officers conclude that the revised scheme would be acceptable in terms of overbearing, loss of light and outlook.

5.26 With regard to overlooking, the majority of proposed rooflights would serve a double height space, meaning there would be no potential for overlooking to result. The proposed rooflights serving first floor rooms would be set over 1.7m above finished floor level, as shown in the proposed sectional drawings. No overlooking impacts are therefore identified.

5.27 Turning to noise and disturbance, the existing use of the site is long established and would be unchanged as a result of this application. Whilst the extended building would be increased in capacity, your officers conclude that there is no evidence that this would result in an unacceptable impact in amenity terms. In addition, the Council's Environmental Health (Noise and Amenity) Officers have raised no objection on these grounds either during or post construction. Your officers therefore consider the application acceptable in terms of its impact on neighbourly amenity.

Flood Risk/Drainage

5.28 WOLP Policy EH7 sets out that:

'Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk... a site-specific flood risk assessment will be required for... any proposal in Flood Zone 2 and 3'.

5.29 The application site is traversed by Flood Risk Zone 2 and encroached upon by Flood Risk Zone 3, lies in close proximity to the River Windrush and has been subject to flooding in the past according to the Environment Agency's (EA) data and local reports. As such, the EA were consulted on the application. Having originally raised objection upon review of the submitted and revised Flood Risk Assessment (FRA), the latest FRA (V2) is considered sufficient by the EA to withdraw their objection to the scheme subject to compensatory water storage and finished floor levels being installed as per the submission. Further, the Council's internal Drainage Officers have not objected to the application subject to condition. On this basis, your officers consider that the scheme has demonstrated compliance with Paragraph 173 of the NPPF and WOLP Policy EH7 and is acceptable in this regard, subject to planning conditions.

Highways

5.30 WOLP Policy OS2 states that new development should be provided with safe vehicular access. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'. Policy T4 states that: 'parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership'.

5.31 The proposal would lead to the closing of an existing access into the west portion of the site and this outdoor area given over to amenity space and cycle parking. As such, the parking capacity of the site would be reduced. However, the Highways Authority (HA) have been consulted on the revised application and confirmed that given the sustainable town centre location of the site, this is acceptable in accordance with WOLP Policy T4. Further access changes off Witan Way are proposed and also considered acceptable subject to condition to ensure adequate visibility. The proposal is therefore acceptable in highways terms.

Ecology

5.32 WOLP Policy EH3 states:

'The Biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.'

5.33 An ecological report has been submitted and reviewed by the Council's Biodiversity Officer. The Report concludes that the building on site holds negligible suitability for roosting bats but recommends that a pre-works inspection of the vent gap identified on the south west corner of building 1 is carried out to ensure that bats are absent. Furthermore, the site is in close proximity to the Lower Windrush Conservation Target Area and the Grimes Meadow and Little Grimes Local Wildlife Site, and the Report has made outlined that best practice measures are to be adhered to during construction to minimise the impacts of pollution to these areas as well as precautionary methods of working to safeguard species on site. Therefore, a compliance condition is recommended to ensure that these precautionary measures are carried out as well as conditions to secure ecological enhancements in accordance with Policy EH3 and paragraphs 180, 185 and 186 of the NPPF. The application is therefore considered to accord with the above policy context with regard to biodiversity matters. Your officers have removed the recommended condition relating to a 'green roof' as this element of the scheme has been removed in the amended plans.

Recommendation

5.34 In light of this assessment, the application is considered to accord with West Oxfordshire Local Plan Policies OS1, OS2, OS3, OS4, E5, E6, T2, T3, T4, EH7, EH8, EH9, EH10, EH11 and EH13, as well as relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF 2023, West Oxfordshire Design Guide 2016 and the Witney & Cogges Conservation Area Character Appraisal. Your officers therefore recommend the application for approval, subject to the conditions as set out in Section 6 of this report.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the southern elevation of the building other than that expressly authorised by this permission.

REASON: To safeguard privacy in the adjacent properties.

5. The proposed rooflights serving the southern elevation of the building shall be installed at a minimum sill height of 1.7 metres above finished floor level.

REASON: To safeguard privacy in the adjacent properties.

6. In the construction of the development hereby approved, the hours of work shall be restricted to 08:00-18:00 Monday-Friday, 08:00-13:00 on Saturday with no working on Sundays or Bank/Public Holidays.

REASON: To safeguard the amenity of people living and working in the surrounding area.

7. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 80.65 metres above Ordnance Datum (AOD), in accordance with section 5.3 of the FRA.
- 5.4m³ of compensatory storage shall be provided as shown in section 5.4 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: This condition is in accordance with paragraph 173 of the National Planning Policy Framework (NPPF) and Cotswold District Local Plan policy EN14. It seeks to:

- Reduce the risk of flooding to the proposed development and future occupants.
 - Prevent an increase in the risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided, and the proposed development does not cause a loss of floodplain storage.
 - To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded.
8. The development shall be completed in accordance with the recommendations in Section 4.2, Table 8 of the consultancy report (Preliminary Ecological Appraisal and Preliminary Roost Assessment Issue 4, Arbtech Consulting Ltd, 20th March 2024) All the recommendations shall be implemented in full, according to the timescales laid out in the recommendations, unless

otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

REASON: To ensure that habitats and species, including bats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. 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.

10. Prior to the development hereby approved first coming into use, the proposed access shown on the approved plans shall be formed and the existing access closed by the erection of a boundary wall to match the adjacent walling in terms of height and appearance and the reinstatement of the highway kerblines and footway.

REASON: To ensure a safe and adequate access.

11. Prior to first use of the proposed access, 2.0 x 2.0m pedestrian awareness visibility splays shall be provided and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.6 metres above the level of the access they are provided for.

REASON: In the interests of highway safety.

12. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include, but not limited to, details of how noise and dust are to be minimised and controlled, how delivery of materials and material storage are to be undertaken and waste management.

REASON: To safeguard the amenity of people living and working in the surrounding area.

13. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

14. Within six months of the commencement of development, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as species rich planting of native trees and native hedgerow and wildflower planting) and a 5-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework, West Oxfordshire District's Local Plan Policy EH3 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

15. Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: To enhance the site for biodiversity in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework, West Oxfordshire District's Local Plan Policy EH3 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

16. Prior to the erection of external walls, details of the provision of integrated bat roosting features (bat boxes/tubes incorporated into the walls of new extensions, positioned no lower than 4m above ground level on south/south-west elevations) and integrated nesting opportunities for birds (two to four swift bricks incorporated into the walls of new extensions on north/north-east facing elevations) shall be submitted to the local planning authority for approval. These will include a technical drawing showing the types of features, their locations within the site and their positions. The approved details shall be implemented within 3 months of the completion of the development hereby approved and thereafter permanently retained.

REASON: To provide additional opportunities for roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and Section 40 of the Natural Environment and Rural Communities Act 2006.

17. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;

- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), West Oxfordshire District's Local Plan Policy EH3 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

18. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

INFORMATIVES :-

1. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1)).
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (VI.2 December 2021).
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1)).
 - CIRIA C753 SuDS Manual 2015.
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015).
2. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species

Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

If a bat or evidence of bats using a feature on site is discovered prior to or during development all work must stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note must be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant.

This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended). This advice note should be passed on to any persons/contractors carrying out the development.

3. Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

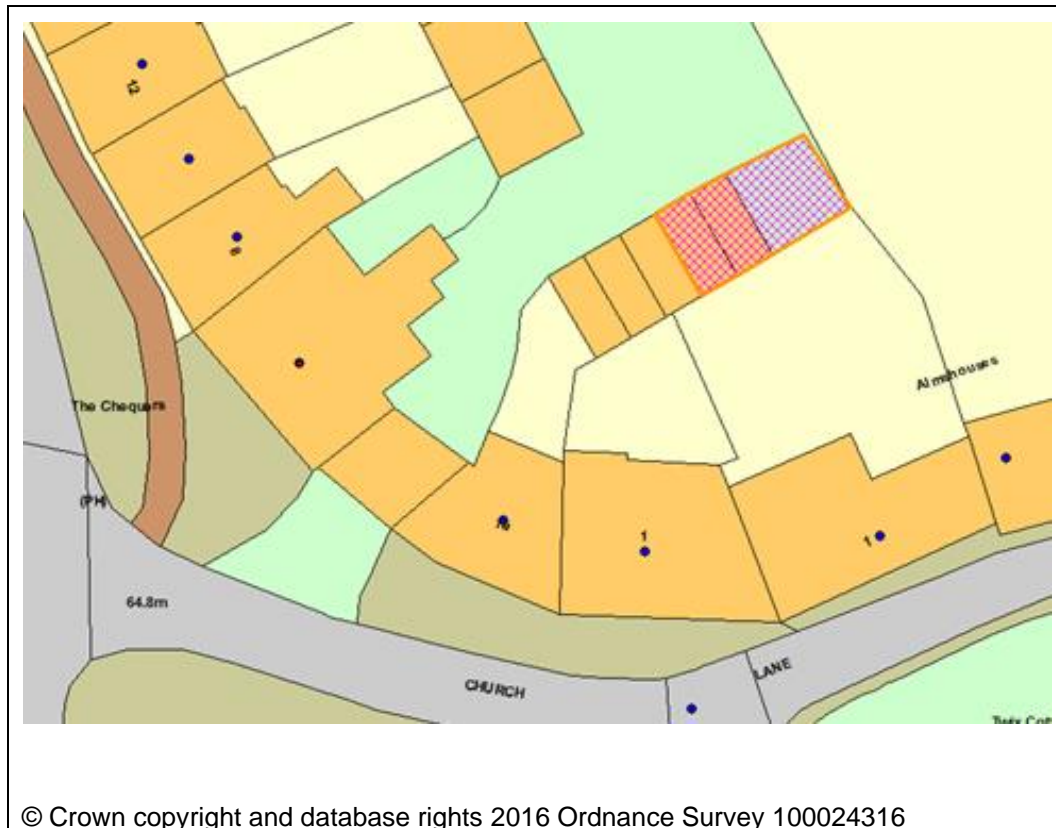
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 31st July 2024

Application Number	24/01056/FUL
Site Address	The Chequers Inn 6 The Green Cassington Witney Oxfordshire OX29 4DG
Date	31st July 2024
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Cassington Parish Council
Grid Reference	445391 E 210639 N
Committee Date	12th August 2024

Location Map



Application Details:

Change of use of self-contained staff living accommodation ancillary to the public house to an AirBnb (C3 dwellinghouse) (retrospective)(amended description).

Applicant Details:

Mr Babu Odedra
The Chequers Inn
6 The Green
Cassington

Witney
Oxfordshire
OX29 4DG

I CONSULTATIONS

Parish Council	No objection to the property remaining ancillary to the public house, with a change of use to a short-term holiday rental, with the occupants having use of the public house car park for their vehicles.
OCC Highways	No objection.
Newt Officer	No Comment Received.
Env Health Noise And Amenity	<p>The following condition (or likewise) is recommended to prevent prolonged exposure to noise from the neighbouring car park and garages:</p> <p>1. The proposed holiday accommodation shall be used for holiday purposes only and shall not be used as any individuals main or sole dwelling. It shall not be occupied for a period exceeding 4 weeks for any single letting, and there shall be no return within 4 weeks by the same household. A register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council.</p>

2 REPRESENTATIONS

- 2.1 Two third party representations have been received raising objections to the application. In summary, the following concerns have been raised:
- Impact on the conservation area.
 - Impact on highways and parking.
 - Poor design and layout.

3 APPLICANT'S CASE

- 3.1 The applicant states that the accommodation is to be used as part of the ongoing pub business.

4 PLANNING POLICIES

OS1 Presumption in favour of sustainable development
OS2 Locating development in the right places
T1 Sustainable transport
E4 Sustainable tourism
T2 Highway improvement schemes
T4 Parking provision
EH10 Conservation Areas
EH8 Environmental protection
CASSNP Cassington Neighbourhood Plan

NPPF 2023
T3 Public transport, walking and cycling
E5 Local services and community facilities
EH9 Historic environment

5 PLANNING ASSESSMENT

5.1 This application relates to two former garages located in the car park to the rear of The Chequers Inn public house in Cassington. The site lies in the Cassington Conservation Area, Oxford Green Belt and the Cassington Neighbourhood Plan Area.

5.2 The proposed development is to 'change the use of self-contained staff living accommodation ancillary to the public house to an Air Bnb (C3 dwellinghouse).'

5.3 Planning permission was granted under ref. 21/01654/FUL in August 2021 for the conversion of the building and roof space to create self-contained staff living accommodation. Condition 4 of the consent stated that the accommodation should only be occupied by members of the family or staff employed at The Chequers Inn because the accommodation does not provide sufficient private amenity areas to serve a separate dwelling in this location.' The applicant now wishes to widen the use of the accommodation for use as rental accommodation (described by the applicant as an 'Air Bnb' and for use not as a sole or main residence) because there is demand for ground floor rooms for accessibility reasons.

5.4 The application is before Members for determination because the view of the Parish Council is contrary to the Planning Officer.

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

- The principle of development;
- Impact on amenity;
- Impact on highway safety and parking;
- Impact on the Green Belt; and
- Impact on conservation area.

Principle of Development

5.6 The proposal is to change the use of the building to an 'Air BnB' which would fall within use Class C3 (dwellinghouse) of the Town and Country Planning Use Classes Order (1990 as amended).

5.7 Cassington is listed in Table 4b of the West Oxfordshire Local Plan (WOLP, 2018) as a village. Policy OS2 (Locating development in the right places) of the WOLP (2018) states that development in villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. All development should also meet the general principles of policy OS2. This includes development being compatible with adjoining uses and not having a harmful impact on the amenity of existing occupants and development forming a logical complement to the character of the area. Development should also be provided with safe vehicular access and conserve and enhance the historic environment. Development in the Green Belt should also comply with national policies.

5.8 The loss of the staff-living accommodation is not considered to conflict with any policies of the WOLP. The proposed use is small scale and is not considered to be out of keeping with the existing character of this part of the village which has a mix of uses, including residential and community facilities. It is also considered that the proposed use could help to support the vitality of the surrounding area through increased spending as well as support the vitality of the existing public house as a community facility.

5.9 Policy E4 of the WOLP (Sustainable Tourism) states that new tourist facilities should be located within villages and reuse appropriate existing buildings. The proposed development would make use of an existing building and is located within a village. Therefore, it accords with policy E4 of the WOLP.

Impact on amenity

5.10 In terms of impact on amenity, the proposed development has 2 bedrooms and windows to the front. The internal amenity space amounts to circa 56sqm. The minimum gross internal floor areas set by national government state that this should be a minimum of 79 sqm for a 2 bedroom, 4 person, 2 storey dwelling. Further, the proposal does not include any external amenity space. The Environmental Health Officer has raised concern regarding exposure to noise from the neighbouring car park and garages. Therefore, subject to a condition requesting that the building is not used as a main or sole dwelling and is only occupied for short-term holiday lets, the proposed change of use is considered to be acceptable on amenity grounds.

5.11 Regarding impact on the amenity of neighbouring residents, due to the permitted use of the building for staff accommodation which already generates a degree of comings and goings, but also the proximity of surrounding dwellings to the public house and that no concerns have been raised by the Environmental Health Officer, it is unlikely that the proposed use would have a harmful impact on the amenity of neighbouring residents.

Impact on highway safety and parking

5.12 In terms of impact on highway safety and parking, no car parking is to be allocated for use by occupants. The Parish Council have raised concern regarding the lack of allocated parking and impact on the adjacent highway network. Paragraph 115 of the NPPF (2023) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. The Highways Officer has been consulted and considers that the proposed development will not have a significant detrimental impact in terms of highway safety and convenience on the adjacent highway network. Therefore, the proposed change of use is considered to be acceptable on highway safety and parking grounds.

Impact on the Green Belt

5.13 In terms of impact on the Green Belt, paragraph 155 of the NPPF (2023) states that material changes in the use of land and the re-use of buildings that are of permanent and substantial construction are not considered to be inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within the Green Belt. It is not considered that the proposed change of use would harm the openness of the Green Belt or conflict with the purposes that are set out in the NPPF (2023).

Impact on the Conservation Area

5.14 In terms of impact on the Cassington Conservation Area, due to the nature of the proposed use, its former use for staff accommodation and surrounding uses, it is not considered that the change of use would harm the significance of this part of the Cassington Conservation Area.

Other Matters

5.15 The Parish Council have raised concern regarding the use of the building separate from The Chequers Inn. Policy E5 of the WOLP seeks to support the development and retention of local services and community facilities to meet local needs. Officers consider that the use of the building to support the existing pub business is a benefit of the scheme and so an ancillary condition is proposed to tie the use of the building to the pub business.

Conclusion

5.16 In conclusion, taking into account planning policy, other material considerations and the representations of interested parties, the proposed development is considered to comply with policies OS2, E4, E5, T1, T2, T3, T4, EH8, EH9 and EH10 of the WOLP (2018), the Cassington Neighbourhood Plan and the relevant paragraphs of the NPPF (2023) and so is recommended for approval, subject to conditions.

6 CONDITIONS

1. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

2. The occupation of the accommodation shall be limited to holiday tenancies not to exceed 8 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods. A register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council.

REASON: To prevent prolonged exposure to noise from the neighbouring car park and garages and because the accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation.

3. The accommodation hereby permitted shall be used ancillary to the existing public house (The Chequers Inn) at all times and shall not be occupied as a separate dwelling.

REASON: To secure the benefits of the scheme in supporting the existing business in accordance with Policy E5 of the West Oxfordshire Local Plan (2018).

Contact Officer: Clare Anscombe

Telephone Number: 01993 861672

Date: 31st July 2024