

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 8th February 2021

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

List of Background Papers

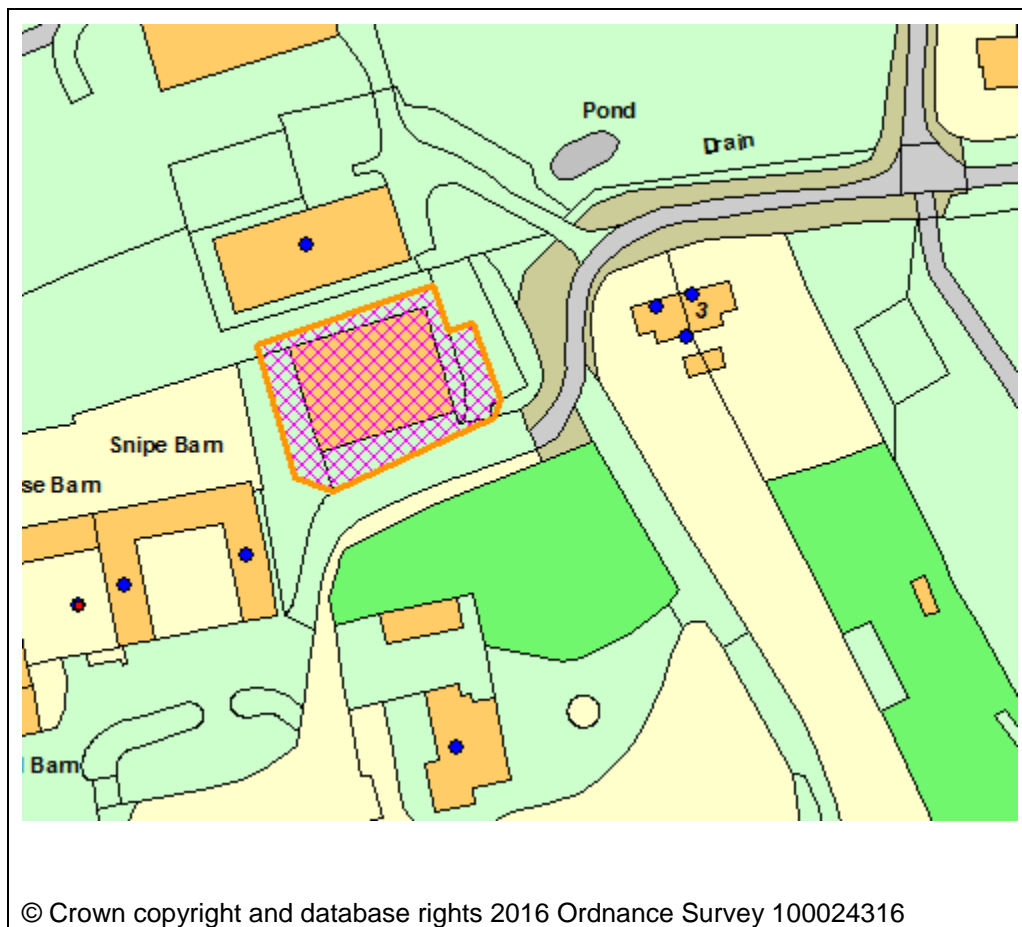
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	19/03222/FUL
Site Address	Chimney Farm Barns Chimney Bampton Oxfordshire OX18 2EH
Date	27th January 2021
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	435749 E 200889 N
Committee Date	8th February 2021

Location Map



Application Details:

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

Applicant Details:

Mr Fergus Mitchell, C/O Agent

I CONSULTATIONS

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|-----|-------------------------------------|---|
| I.1 | WODC Drainage Engineers | No objection subject to condition. |
| I.2 | Conservation Officer | Just as before, this is a fairly restrained conversion of a low-lying structure - and it remains acceptable from our point of view. |
| I.3 | Biodiversity Officer | No objection subject to conditions. |
| I.4 | OCC Highways | The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network |
| | | <p>Recommendation:</p> <p>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</p> |
| I.5 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.6 | Parish Council | <p>Chimney Farm Barns have been the subject of 12 previous planning applications since 2002, against which, the Parish Council has objected consistently - objections that have been supported subsequently by WODC through a series of refusals. This latest application, the 13th, was submitted the day after the previous one, with which it is virtually identical, was refused. Unsurprisingly therefore, all the previously-stated Parish Council objections remain extant and provide the first basis of the Council's continued objection. Secondly, the Council understands that there are reasonable grounds to suspect that the proposed development may in itself be unlawful, given that the original pre-authority decision to permit conversion from storage to dwelling (Ref 19/01114/PN56, granted 6 Jun 19) is now subject to legal challenge and is to be referred to the Local Government Ombudsman as a Stage 3 Complaint. Taking each of these 2 in turn:</p> <p>a. Firstly, the Parish Council OBJECTS to this planning application and is of the opinion that under the WODC Local Plan 2031 - inter alia, Policies OS2, OS4 and H2:</p> <p>i) The application does not satisfy the criteria of Policy OS2 which states 'development in small villages, hamlets and open countryside will be limited to that which is appropriate for a rural location and which respects the intrinsic character of the area'. Chimney is a small isolated hamlet, situated in the centre of the BBWOT Nature Reserve and Upper Thames Conservation Area. In the past 5 years, it has already been enlarged by</p> |

60% from 5 to 8 dwellings. There are neither amenities, nor public transport and the hamlet lies at the end of a single-track, no-through road, with already inadequate parking capacity within the settlement.

- ii) The proposed development does not satisfy the conditions of Policy H2 as it is neither essential nor affordable nor is there an occupancy need. It is overly urbanising and the proposed design, virtually unchanged from its predecessor (other than the addition of internal blinds), includes 15 skylights, 3 large floor to ceiling windows and 17 other windows that would cause serious detriment to the 'dark skies' character of the hamlet, as well as the potential for noise pollution. The council noted the amended plans forwarded by WODC on 20 January 2020 with the sky lights removed but felt that these points still stand.
- iii) The planning design continues to fail to satisfy the conditions of Policy OS4 in that it does not respect the historic, architectural and landscape character of the landscape. The provision of parking is inadequate, given there is no other parking available in the hamlet, thereby impacting upon the use and enjoyment of land and buildings nearby. It proposes the change of use of agricultural land to the west, with commensurate removal of mature trees and shrubs. Indeed, this land is outside the curtilage and not in the deeds of the building in question, thereby not benefitting from the GPD rights that allow change of use. The Appeal Inspector in the 2018 appeal highlighted specifically that the band of trees enhanced the setting when he said in his decision 'in particular the loss of the small cluster of trees to the west of the site and numerous changes to the elevations proposed would noticeably and detrimentally change the rural setting. As such these trees should be protected and preserved.....'.
- iv) Chimney is not joined to the mains water supply and is dependent for water upon a private property in Chimney. Applicant has yet to provide evidence that the supply is adequate to support this development without risking the supply to existing residents. There is no mains sewage and the existing septic tank was installed for 9 bedrooms which have already been extended to 16. If this development goes ahead that will add another 5 bedrooms so

there are concerns that the size of tank is insufficient to support the usage.

- b. If WODC is minded to approve the subject application, it is the view of the Parish Council that 2 Conditions be set:
- i) A restriction on holiday let usage to only allow use as a private dwelling house. There is already a detrimental impact upon the 15 permanent residents of Chimney and its rural tranquillity from the up to 37 visitors to the adjoining holiday lets. The subject application risks increasing visitor numbers to in excess of 50, if a restriction is not made.
 - ii) Removal of permitted development rights to control and further development that would be detrimental to the rural setting and permanent residents of the hamlet. In 2017, the WODC Appeal Inspector placed a similar restriction by removing the 6 weeks occupancy restriction. The history of the adjoining barns, where additional bedrooms were added through conversion of an office, utility and study space suggest that the same could happen to the subject building if a restriction is not placed upon it.
- c. Secondly, the Parish Council **OBJECTS** to this application as it is predicated upon a potentially unlawful pre-authority decision (19/01114/PN56 dated 6 Jun 19) to permit the property's change of use from B8 (Storage) to a dwelling under Class C3 Residential, citing Class P of Schedule 2 of the Town and Country Planning (General permitted Development) (England) Order 2015. Following an unsuccessful Stage 2 Complaint by a parish resident and pending elevation by them under Stage 3 to the Local Government Ombudsman, they have sought specialist legal opinion that has stated, inter alia, that 'As a matter of both fact and law, the position is quite clear and Class P did not apply' and urges the local planning authority to rectify the mistake and revoke the original permission. It is the Parish Council's commensurate view therefore, that any determination by WODC of the current application must be at least deferred until the administrative and legal challenge process is complete.

The Parish Council requests that WODC refuse the application. Furthermore, given the history of development applications at the site, and that the lawfulness of the pre-authority decision is subject to formal challenge, the Parish Council urges that this application is

determined through the Lowlands Planning Committee and not decided under delegated powers.

Additional comments regarding amended plans submitted to the Local Planning Authority on 06/11/2020:

1. The Parish Council welcomes the latest design as a further improvement on the previously submitted designs and it has addressed some of the issues previously raised. However, mindful of the Local Planning Authorities (LPA) position on converting this barn (outlined in their recent detailed Appeal Statement) and the Appeal Inspector's judgement, we believe that this latest application requires further revision before submission to the Lowlands Planning Committee.
2. Firstly, the Parish Council **OBJECTS** to this planning application and is of the opinion that under the WODC Local Plan 2031 - inter alia, Policies OS2, OS4 and H2:
 - i) The application does not satisfy the criteria of Policy OS2 which states 'development in small villages, hamlets and open countryside will be limited to that which is appropriate for a rural location and which respects the intrinsic character of the area'. Chimney is a small, isolated hamlet, situated in the centre of the BBWOT Nature Reserve and Upper Thames Conservation Area. In the past 5 years, it has already been enlarged by 60% from 5 to 8 dwellings. There are neither amenities, nor public transport and the hamlet lies at the end of a single-track, no-through road, with already inadequate parking capacity within the settlement.
 - ii) The Parish Council acknowledges that further changes have been made to the design in response to our previous objections, however, the revised proposal still does not satisfy the conditions of Policy H2 as it is neither essential nor affordable, nor is there an occupancy need. It is overly-urbanising and the proposed design, though many of the windows have been removed/changed, will contribute to the noise and light pollution of the area negatively impacting on the existing inhabitants. On a similar note, the Parish Council fully supports the support calls by the Ecology officer for any exterior lighting to be subject to a condition to approve prior to installation, to ensure it does not contribute to light pollution or impact the nocturnal

habits of the bats and owls that have been documented as living in the locality.

- iii) The Parish Council questions the need for 4 openings on the western elevation and a door to the rear. Specifically, given the LPA's Design Guide on converting agricultural buildings 'discourages the introduction of new openings', the Parish Council also notes that 2 of these openings, in bedrooms that already have a main window, open out onto a dense cluster of trees and bushes that are planted right up to the wall of the building. Therefore, they do not offer a decent outlook or will afford much light, so we do not believe they are necessary. This has increased our concern that the longer-term intention is to remove all or part of the cluster of trees to the west. The Parish Council has raised this concern previously throughout the planning and appeals history with this building, with both the LPA and Appeal Inspectors all agreeing on their amenity value and their loss being detrimental to the setting. The rear door in the rear elevation is unnecessary as there is no residential curtilage in this plan and direct access to the garden, boot/utility room is already in the design.
- iv) The planning design continues to fail to satisfy the conditions of Policy OS4 in that it does not respect the historic, architectural and landscape character of the landscape. It still has an excessive residential curtilage, beyond what the Parish Council considers had been allowed as residential under Class P change of use, as outlined in some detail in the LPA 2020 appeal statement. The Parish Council continues to have reservations on the amount of parking that has been allowed for, given there is no other parking available in the hamlet, thereby impacting upon the use and enjoyment of land and buildings nearby.
- v) Chimney is not joined to the mains water supply and is dependent for water upon a private property. The Applicant has yet to provide evidence that the supply is adequate to support this development without risking the supply to existing residents. There is no mains sewerage, and the existing septic tank was installed for 9 bedrooms which have already been extended to 16. If this development goes ahead with its additional 5 bedrooms, there

are real concerns that the size of tank will be insufficient.

3. The Parish Council requests that WODC refuse the application. Furthermore, given the prolonged history of repeated development applications at the site, and that the Parish Council feels that the hamlet of Chimney has already sustained more inappropriate development than it should have, we urge that this application is determined through the Lowlands Planning Committee and not decided under delegated powers. The Parish Council fully supports the representations made to the LPA by the residents of Chimney, specifically Mr and Mrs Bradley and Mrs M Carter.
4. However, if WODC is minded to approve the subject application, it is the view of the Parish Council that 3 Conditions be set:
 - i) A restriction that allows use as a private dwelling house only, and not for holiday let usage. There is already a detrimental impact upon the 15 permanent residents of Chimney and its rural tranquillity from the up to 37 visitors to the adjoining holiday lets. The subject application risks increasing visitor numbers to in excess of 50, if such a restriction is not made.
 - ii) A condition to prevent the removal or reduction of the cluster of trees at the western end of the building to ensure their amenity value is retained.
 - iii) Removal of permitted development rights to control any further development as it would be detrimental to the rural setting and permanent residents of the hamlet. In 2017, the WODC Appeal Inspector placed a similar restriction by removing the 6 weeks occupancy restriction. The history of the adjoining barns, where additional bedrooms were added through conversion of an office, utility and study space suggest that the same could happen to the subject building if a restriction is not placed upon it.

1.7 Thames Water No comments to make.

2 REPRESENTATIONS

2.1 Four objection letters have been received to date. Comments have been summarised as follows:

- Urbanising impact on the historic, agricultural, rural setting
- Proposed design is not sympathetic to the historical rural heritage of the building or the surrounding hamlet
- Impact a holiday let would have the historic, agricultural, rural setting
- Noise and disturbance
- Concern regarding removal of PD rights
- Parking
- Concern with proposed urbanising design
- Concern with removal of agricultural land
- Light pollution
- Concern regarding use as holiday let
- Impact on waste water and sewage
- Design, appearance and materials
- Parking and traffic generation
- Removal of agricultural land
- Noise and disturbance
- Light pollution
- Urbanising impact
- Design and layout
- Scale
- Access
- Planning creep
- Highways
- Neighbourliness
- Increase in visitors to Chimney
- Wish to restrict use to a single permanent dwelling

3 APPLICANT'S CASE

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

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

4 PLANNING POLICIES

OS4NEW High quality design
 OS2NEW Locating development in the right places
 EH13 Historic landscape character
 T4NEW Parking provision
 EH2 Landscape character
 EH3 Biodiversity and Geodiversity

EH9 Historic environment
DESGUI West Oxfordshire Design Guide
NATDES National Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is a resubmission of refused application 19/01878/FUL. The proposal is for building operations and introduction of windows and door openings to facilitate the residential use of the modern farm building at Chimney Farm Barns following the change of use from storage (use class B8) to a self-contained residential dwelling (use class C3) by prior notification 19/01114/PN56.
- 5.2 The application site is located in Chimney, a small hamlet set close to the northern banks of the River Thames. The settlement is on flat and relatively open ground, with long views. It is located approximately 2.3 km to the south east of Aston, 4.5 km to the south east of Bampton and approximately 10 km to the south of Witney.
- 5.3 The application building is set within a group of buildings which were formally associated with Chimney Farm, however all farming activity has now ceased.
- 5.4 Relevant planning history:
- Planning application Ref: 17/01915/FUL for conversion of the barn into two self-contained dwellings was refused on 08/08/2017. Subsequent appeal PINS Ref: APP/D3125/W/17/3191947 was refused by the decision dated 29/08/2018.
 - Prior approval notification Ref: 19/01114/PN56 for change of use from B8 storage building to residential dwelling was approved on 06/06/2019.
 - Planning application Ref: 19/01878/FUL for Building operations and introduction of windows and door openings to facilitate the residential use of the modern farm building at Chimney Farm Barns following the change of use from storage (use class B8) to a self-contained residential dwelling (use class C3) by prior notification 19/01114/PN56 was refused on 23/12/2019.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Scale and Design
 - Visual Amenity
 - Residential Amenity
 - Ecology
 - Highways

Principle

- 5.6 In terms of the principle of development, the Parish Council have objected to the proposal with regard to the adequacy of the application site for residential development. However, under the relatively recently introduced prior approval notification process (Ref: 19/01114/PN56 dated 06/06/2019) the application was not deemed to require prior approval. As such, the principle of residential development at the application site has been established.

Scale and Design

- 5.7 Third party representatives and the Parish Council have objected to the proposal on design grounds and state that it does not adhere to Policy OS4 of the adopted West Oxfordshire Local Plan. With regard to scale, the proposal is for building operations associated with the introduction of windows and door openings to facilitate the residential use of the barn and as such will not result in a change of built form at the site. In terms of design, amended plans submitted to the Local Planning Authority on 6th November 2020 have sought to mitigate the concerns with the previous refused application by reducing the number and size of window and door openings and by removing all rooflights. Your Conservation Design Architect was consulted as part of the planning process and reiterated their comments from the previous planning application 19/01878/FUL; stating that the building operations are fairly restrained and are therefore considered acceptable from a Conservation perspective.

Visual Amenity

- 5.8 With reference to visual amenity, third party representatives and the Parish Council have objected to the proposal with reference to the urbanising impact it will have on the character of the surrounding rural setting. Given that this latest proposal illustrates a reduction in the number openings to the existing building, your officers and your Conservation Design Architect consider that the change of external appearance of the building will not be out of character with the immediate setting or wider surrounding area. Conditions have been placed on the planning permission with regard to submission of materials and samples in order to safeguard the character and appearance of the area.

Residential Amenity

- 5.9 The proposal will not result in a change of built form at the site and as such your officers consider that it will not have a negative impact on overbearing or loss of light. Due to the nature and location of the development your officers consider that the proposed alterations and introduction of windows at ground floor level will not result in a detrimental impact on overlooking or loss of privacy for surrounding neighbours.
- 5.10 The Parish Council and third party representatives have raised concerns regarding the impact the proposed development would have on the mains water supply to Chimney and the impact it would have on waste water/sewage. Thames Water and WODC Drainage Engineers were consulted as part of the planning process and raised no objection to the proposal subject to condition.
- 5.11 Third party representatives have raised concerns regarding noise, disturbance and light pollution. The amended plans illustrate the removal of rooflights with only four photovoltaic panels remaining in the roof structure. It should also be noted that the area surrounding Chimney is not a designated dark sky area within the adopted West Oxfordshire Local Plan. As

such, your officers consider that the level of noise, disturbance and light generated by the proposed C3 use will not be enough to unduly affect the amenity of neighbouring properties.

- 5.12 The Parish Council and third party representatives have raised a concern regarding possible holiday let use at the site and the inclusion of a condition restricting the proposed use to that of a residential dwelling only. However, your officers have to assess applications on their individual merits. As such, the proposed application is for building operations to facilitate the residential use of the modern farm building. Given that a holiday use is not proposed, your officers consider that including a condition restricting the proposed use to that of a residential dwelling only as being unnecessary and unreasonable. However, as certain types of holiday use can be regarded as constituting a material change of use no longer associated within C3, officers consider it prudent to include an informative reminding the applicant that a holiday let usage at the application site may constitute a material change of use and such use may be inappropriate in this particular location.
- 5.13 The Parish Council and third party representatives have raised a concern regarding the removal of existing trees to the west of the building. However, the submitted plans illustrate the retention of these trees. A condition has also been placed on the planning permission seeking the retention of these trees.

Ecology

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

Highways

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

Conclusion

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

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.

3. The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
4. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework, The West Oxfordshire Strategic Flood Risk Assessment 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 additional works being required to ensure flooding does not result, which may result in changes to the approved site layout being required.
5. The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
6. A sample of the proposed timber cladding with proposed treatment shall be submitted to and approved in writing by the Local Planning Authority before any wall building commences.
REASON: To safeguard the character and appearance of the area.
7. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
8. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
9. The development shall be completed in accordance with the recommendations in section 4 of the Preliminary Ecological Appraisal and Bat Assessment, dated July 2019 (Revision 03) and prepared by Turnstone ecology. All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
REASON: To ensure that the species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter

15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. Before development takes place, details of the provision of bat roosting features (e.g. bat boxes/tubes/access tiles on south or southeast-facing elevations) and nesting opportunities for birds (e.g. barn swallow nesting ledges, house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) on trees and integrated within the walls of the building shall be submitted to the local planning authority for approval. The details shall include drawings showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

11. Before occupation, full details of a barn owl box and its location shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full.

REASON: To provide a nesting site for barn owls as a biodiversity enhancement in accordance with Policy EH3 of the Local Plan and paragraphs 170-175 of the NPPF.

12. Prior to occupation, a "lighting design strategy for biodiversity" (for Common Pipistrelle and Brown Long-eared bat species) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- i) identify those areas/features on site that are particularly sensitive for bats and bat roosts;
- ii) show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy before the development hereby approved is first brought into use, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

13. Prior to the development of the site hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the following biodiversity enhancements:

- i) Planting of hedgerows using native tree and shrub species;
- ii) Native and locally characteristic tree planting;

- iv) A 5-year hedgerow management plan; and a 5-year aftercare maintenance plan for all landscaped areas. 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 the sooner. The provisions of the management and maintenance plans shall thereafter be complied with.

REASON: To provide full details of all landscaping and to enhance the site for biodiversity in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

14. Unless otherwise agreed in writing by the Local Planning Authority, all trees to the west of the modern farm building; on the land not shown to be affected by building operations, shall be retained until 5 years from the completion of the development and any trees; which die, are removed or become seriously damaged or diseased within that period shall be replaced in the next planting season with others of a similar species.

REASON: To safeguard features that contribute to the character and landscape of the area.

15. Before first occupation of the building/extension hereby permitted the window(s) in the bathroom en-suites shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property.

16. 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 development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to safeguard the character and appearance of the rural setting.

NOTES TO APPLICANT :-

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))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - The local flood risk management strategy published by Oxfordshire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
 - CIRIA C753 SuDS Manual 2015

2. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

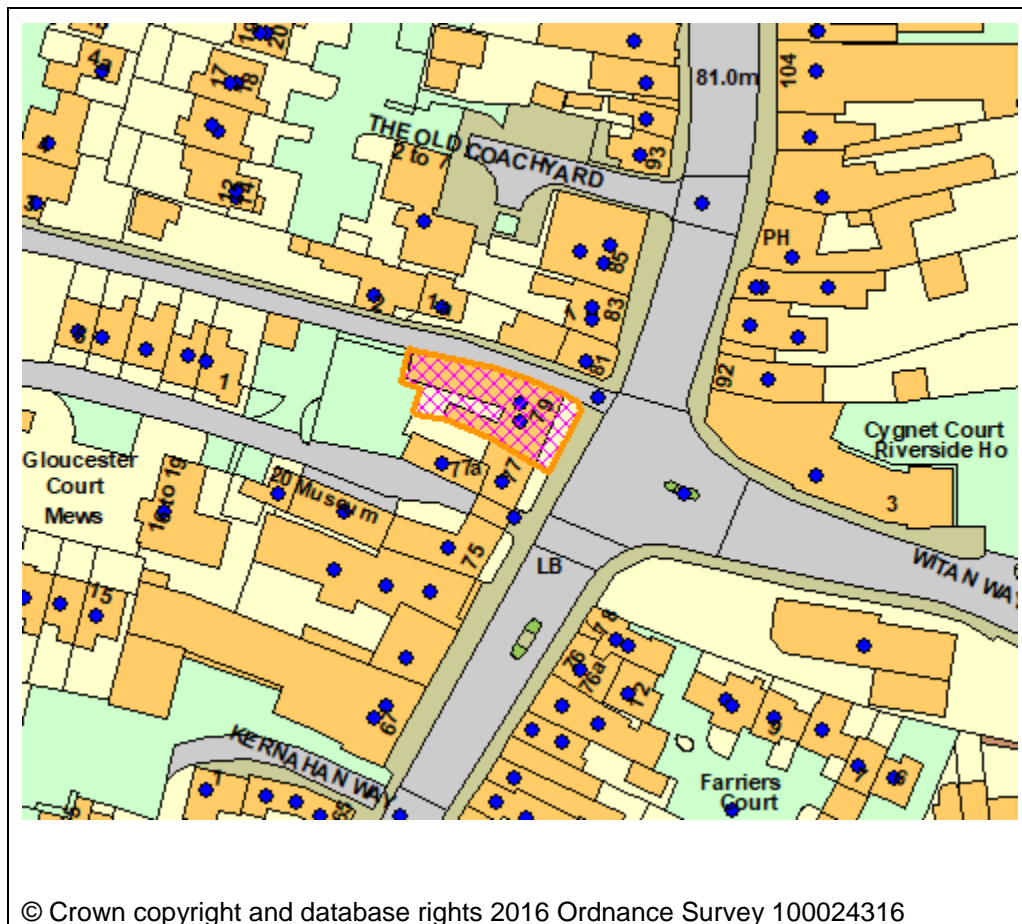
All British bat species are protected under The Conservation of Habitats and Species Regulations 2017, which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England is required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

3. Please note that using a property for short-term holiday lets may in some circumstances constitute a material change of use and such use may be inappropriate in this particular location.

Application Number	20/01932/FUL
Site Address	79 High Street Witney Oxfordshire OX28 6JA
Date	27th January 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435721 E 210069 N
Committee Date	8th February 2021

Location Map



Application Details:

Change of use from restaurant to two residential flats. Demolition of rear outbuilding. Erection of extension to form one flat. (Amended)

Applicant Details:

Mr Nathan Pathmanathan
79 High Street, Witney, Oxfordshire, OX28 6JA

I CONSULTATIONS

- 1.1 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.
Note access to the proposed 2 storey dwelling is taken from Gloucester Place. Use of the access is considered hazardous and the applicant is advised to remove the access from the scheme.
- 1.2 Thames Water No objection subject to informatives.
- 1.3 WODC Env Health - Lowlands I know of this high profile site and witnessed its unfortunate decline.

I have no objection in principle to change of use.
- 1.4 Biodiversity Officer Through reviewing the photographs, I consider the building to be demolished to offer limited opportunities for roosting bats and nesting birds. The building appears to be in regular use so there would be high disturbance. There are also limited opportunities in the roof for roosting bats. However, there do appear to be openings into the building that could allow access for bats and/or birds so I will recommend an informative to ensure that works cease if roosting bats or nesting birds are found.
- 1.5 Conservation Officer To seek revisions.
- 1.6 WODC Drainage Engineers FRA is required.
- Parish Council Witney Town Council objects to this proposal as it believes that the number of residences proposed is an over development and would like to see this number reduced in order to provide associated residential parking which is already rare in this part of town.

2 REPRESENTATIONS

- 2.1 No comments received.

3 APPLICANT'S CASE

- 3.1 A revised Heritage Statement has been submitted. The conclusion of that has been summarised as;
- 3.2 The overall height of the new extension will be lower than the previously proposed and will share the same design language and match in materials to the existing building. The proposed

design has regard to the existing urban grain and adheres to the scale and massing of the host building.

- 3.3 The historic features of the building that contribute to the listed building's special architectural and historic interest have been identified in the significance appraisal. The impact assessment in turn identified where the proposed works may affect those features. Overall, the impact on the historic fabric is minor and some proposals will enhance the significance of the listed building, including the reinstatement of the party wall at ground floor level, the removal of the AC units and associated kitchen paraphernalia and the reinstatement of the currently boarded up windows to the south elevation. The proposed works in the courtyard will form a less cluttered and more rationalised elevation.
- 3.4 Analyses and assessments of the site have been carried out to gain an understanding the special interest of the grade II listed building and the conservation area's townscape. This has facilitated the process of producing revised proposals that respond sensitively to the significance of the building. The alterations have been formulated to ensure that the significance of the listed building is sustained, and it is therefore considered that the works are acceptable in the context of the listed building. In terms of visual impact from the public realm, the reduction in height of the extension (relative to the previously proposed) will reduce overall visual impact. The character and appearance of the Witney and Cogges Conservation Area will therefore be preserved

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH10 Conservation Areas

EH11 Listed Buildings

EH3 Biodiversity and Geodiversity

E6NEW Town centres

WIT5NE Witney town centre strategy

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application relates to a Listed Building which is located within the Conservation Area. The building is within Witney Town Centre and the secondary shopping centre. The upper storeys of the building are in residential use with a commercial use to the ground floor.

Planning History

- 5.2 The most relevant planning history is;
10/1363/P/FP - Construction of one dwelling - Approved
- 5.3 Previous to these consents, the same approval gained permission is 2006 and 2009.

- 5.4 This application was originally seeking planning consent for the change of use from restaurant to two residential flats. Demolition of rear outbuilding. and the erection of one new two-storey dwelling. With amended plans being received, the two storey dwelling has been omitted from the scheme. A new extension to form an additional flat is now proposed.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 Policies E6 and WIT5 are relevant to change of use proposals in town centres and these policies seek to protect the vitality of such centres. Where development resulting in the loss of shops or other town centre uses is proposed contrary to this objective it will need to be satisfactorily demonstrated that:
- following a robust marketing exercise the site or premises are not reasonably capable of being used or redeveloped for these uses; or
 - the alternative use will positively contribute to the function, vitality and viability of the town centre.

This applies to secondary shopping frontages.

- 5.7 After assessing the proposal, your officers have taken into account a number of considerations regarding the loss of the commercial use. These are that the existing building has not been successful in commercial use for several years, the deterioration of the existing Listed Building and Heritage asset, the appearance of this part of the Conservation Area, and the distance from the main commercial area of the town centre. As such your officers consider that the alternative use will positively contribute to the vitality of the town centre. The improvement to the heritage asset will be of a significant public benefit.

Siting, Design and Form

- 5.8 The proposal is for an existing store building to be demolished and for a new building to be erected to accommodate residential flats.
- 5.9 The plans as originally submitted were not considered acceptable in terms of the scale and design. Revised plans have now been received which are similar to the plans approved in 2010. The proposed materials will match those of the existing building. Your officers consider that the revised plans will enhance and improve the appearance of the Listed Building and also this part of the Conservation Area.
- 5.10 Since the application site is within a Conservation Area, your 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. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.11 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not

be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.

- 5.12 Given the revised plans, your officers consider that now the proposed extension has been reduced in scale and respects the host building, the overall development will enhance this part of the Conservation Area and be in keeping with the pattern of the existing development.

Highways

- 5.13 OCC Highways raise no objection to the application. With regards to the access, your officers are seeking clarification from the agent at the time of writing. Your officers will update Members at the meeting.

Residential Amenities

- 5.14 The proposed bedroom to Flat F will be served by roof lights to the South elevation. Other windows to the North elevation are to be reinstated but your officers do not consider that an adverse loss of privacy will result to the existing neighbouring properties. A courtyard area to the rear of the building is proposed for the occupants.
- 5.15 In terms of your drainage officer's comments a Flood Risk Assessment has been requested. A verbal update will be given to Members at the meeting.

Conclusion

- 5.16 On balance your officers consider that the principle of the change of use of the commercial use to residential is acceptable. The existing Listed building has been neglected over time and the internal and external improvements will enhance the host building and the visual appearance of the Conservation Area. Your officers also consider that the residential use will be less harmful than a commercial use to existing residential properties which are in close proximity to the application site.
- 5.17 The remaining information required is expected to be received prior to the meeting, where your officers will be able to update Members.

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. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.

4. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
5. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
6. Prior to first occupation of the three flats hereby approved the provision of safe and secure cycle parking in accordance with OCC Parking Standards and a scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in line with the approved details and retained as such thereafter.
REASON: To ensure cycle provision is provided.

NOTES TO APPLICANT:-

1. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would

expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

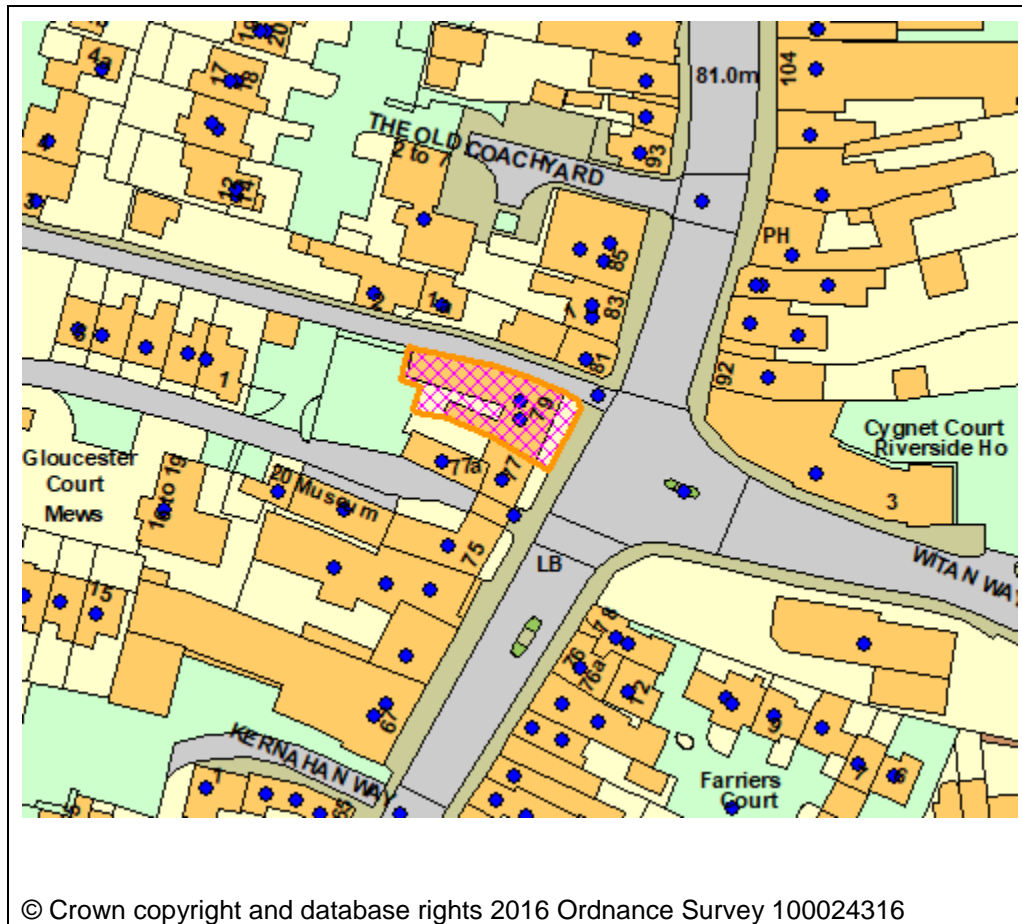
There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Application Number	20/02030/LBC
Site Address	79 High Street Witney Oxfordshire OX28 6JA
Date	27th January 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435721 E 210069 N
Committee Date	8th February 2021

Location Map



Application Details:

Change of use from restaurant to two residential flats. Alterations to include changes to floor layouts and demolition of rear outbuilding. Erection of extension to form flat. (Amended)

Applicant Details:

Mr Nathan Pathmanathan
79 High Street, Witney, Oxfordshire, OX28 6JA

I CONSULTATIONS

- 1.1 Conservation Officer Seek amendments.
- 1.2 Parish Council Witney Town Council objects to this proposal as it believes that the number of residences proposed is an over development and would like to see this number reduced in order to provide associated residential parking which is already rare in this part of town.

2 REPRESENTATIONS

- 2.1 No comments received.

3 APPLICANT'S CASE

- 3.1 A revised Heritage Statement was submitted. The conclusion has been summarised as;
- 3.2 The overall height of the new extension will be lower than the previously proposed and will share the same design language and match in materials to the existing building. The proposed design has regard to the existing urban grain and adheres to the scale and massing of the host building.
- 3.3 The historic features of the building that contribute to the listed building's special architectural and historic interest have been identified in the significance appraisal. The impact assessment in turn identified where the proposed works may affect those features. Overall, the impact on the historic fabric is minor and some proposals will enhance the significance of the listed building, including the reinstatement of the party wall at ground floor level, the removal of the AC units and associated kitchen paraphernalia and the reinstatement of the currently boarded up windows to the south elevation. The proposed works in the courtyard will form a less cluttered and more rationalised elevation.
- 3.4 Analyses and assessments of the site have been carried out to gain an understanding the special interest of the grade II listed building and the conservation area's townscape. This has facilitated the process of producing revised proposals that respond sensitively to the significance of the building. The alterations have been formulated to ensure that the significance of the listed building is sustained, and it is therefore considered that the works are acceptable in the context of the listed building. In terms of visual impact from the public realm, the reduction in height of the extension (relative to the previously proposed) will reduce overall visual impact. The character and appearance of the Witney and Cogges Conservation Area will therefore be preserved.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
 OS4NEW High quality design
 EH10 Conservation Areas
 EH11 Listed Buildings
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is a Grade II Listed Building located within the Conservation Area. Existing residential use forms the upper floors of the building.
- 5.2 The proposal seeks consent for the demolition of a building to the rear of the application site, and various internal and external works associated with the proposed residential accommodation.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.4 Your officers consider that the principle of the removal of the building to the rear is acceptable due to it being a more modern addition. The proposed internal works are modest and will affect modern fittings rather than historic fabric.

Siting, Design and Form

- 5.5 The proposed new building which has been reduced in scale and form, now shows a more subservient addition, which respects the existing character of the Listed Building. Existing windows will be reinstated to utilise the original fabric. The proposed materials will match those of the existing building.
- 5.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, states that in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.7 Since the application site is within a Conservation Area, 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. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.8 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.
- 5.9 With regard to the impact on the listed building, the proposed extension is not considered to obscure the historical architecture of the existing listed building. The current building is not of architectural significance and the proposed extension is considered to be an enhancement to the setting of the Listed Building. Given the revised scale your officers consider that the proposal

will not harm the setting of the heritage asset. The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

Conclusion

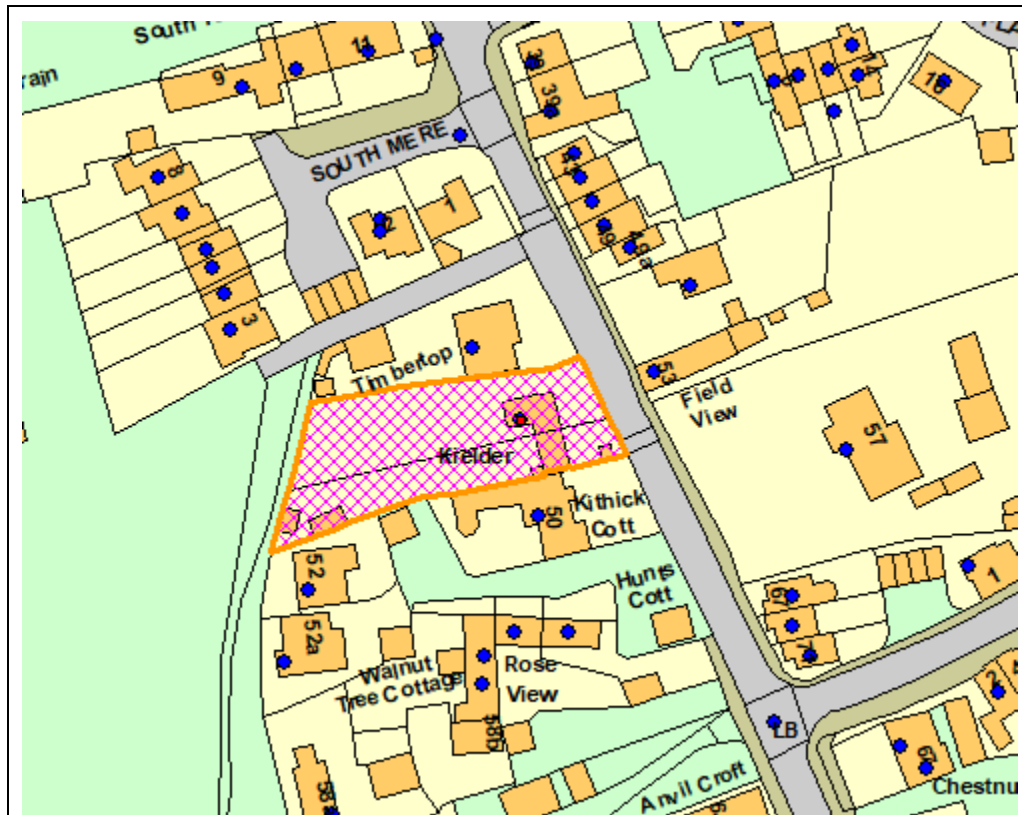
- 5.10 Your officers consider that the proposed revised scheme now complies with the relevant policies of the adopted West Oxfordshire Local Plan and the considerations of the NPPF. The proposed extension is now of a modest scale and form which will not detract from the existing Listed Building. The internal and external alteration are considered by your officers to not adversely affect the historic fabric of the Listed Building.

6 CONDITIONS

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by 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. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
4. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
5. 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.
6. 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.
7. 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.

Application Number	20/01993/FUL
Site Address	Kielder 48 Station Road Brize Norton Carterton Oxfordshire OX18 3QA
Date	27th January 2021
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Brize Norton Parish Council
Grid Reference	430133 E 207191 N
Committee Date	8th February 2021

Location Map



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Application Details:

Conversion of existing dwelling into two properties.

Applicant Details:

Mr Daniel Bond
Kielder, 48 Station Road, Brize Norton, OX18 3QA

I CONSULTATIONS

I.1 OCC Highways

The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network

Recommendation:

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

I.2 Parish Council

Thank you for giving Brize Norton Parish Council (BNPC) the opportunity to comment on this application to convert the existing dwelling into two properties.

This application (20/01993/FUL) should be read in conjunction with the two other Planning Applications associated with this property 19/0577/HHD (Erection of a two-storey rear and first floor side extension. Construction of an outbuilding) and 19/02605/HHD (Drop Kerb) which were approved on 17/06/2019 and 28/22/2019 respectively.

On both of these prior applications (19/0577/HHD and 19/02605/HHD) BNPC raised concerns that:

- There was no Design and Access Statement submitted to provide the context required to accurately assess the implication of the application.
- In particular, there has been insufficient consideration of the off-road parking provision for this dwelling.

To provide further context please refer to Figures 1 and 2 attached to this letter. None of the Location, Site or Block Plans submitted to date have shown the traffic calming build-out on Station Road at this location, nor do they show the proposed parking and pedestrian access arrangements on the narrow frontage between the dwelling and the road. It should be noted that there is only a single narrow pavement on the east side of Station road (opposite the site) in this location and there is no space for on-road parking.

Since permission was granted for the conversion of this property in June 2019, Councillors have observed that long wheel base vehicles have to park at an angle to avoid overhanging the highway, when there are more than two vehicles parked in the available space any additional vehicles have to overhang onto the highway.

As in the previous applications, there is no Design and Access Statement associated with the current application (20/01993/FUL)

and there is no indication of how the front of the property is to be divided between the two proposed dwellings and what the parking arrangements will be.

In addition, when BNPC responded to application 19/02605/HHD in October 2019 we drew your attention to the fact that the conversion was progressing to a different set of plans to those that were approved under 19/0577/HHD.

Councillors respectfully draw your attention to the fact that the conversion and extension that has been implemented on this dwelling does not comply with Condition 2 of the Notice of Decision dated 17/06/2019. The extent of the differences is shown on Figures 1 to 6 attached to this letter. Figures 1, 3 and 5 show the approved plans from 19/0577/HHD. Figures 2, 4 and 6 (presented below the approved plans) show the plans of the existing property on completion of the extension works. The differences in layout, scale and appearance are obvious.

In light of the above, BNPC consider that the proposed conversion of Kielder into two dwellings should be REFUSED until:

1. The discrepancy between the extension works approved under 19/0577/HHD and the actual completed works have been resolved to the satisfaction of WODC. Reason to demonstrate that the Planning Process is properly adhered to.
2. The proposed parking arrangements for the proposed conversion have been presented and fully assessed demonstrating adequate off-road parking for the occupants of the dwellings which also does not impact the traffic and safety of the public using Station Road. Reason for the safety of the occupants of the proposed dwelling and users of Station Road.

As stated in our previous responses to development on this site, BNPC is pleased to see development occurring as part of our growing and increasingly vibrant village. However, the development needs to be in character with the village, needs to respect proper planning process and decision making, remain in line with granted permissions and not jeopardize the safety of other members of the community. This development does not appear to be adhering to any of these principles.

Additional comments received on 29th December 2020:

Apologies for the delay in responding your e-mail as overlooked in Councillors' e-mail. Councillors have considered:

- The additional material provided by the Applicant in response to the comments made by BNPC and others, as now posted on the planning portal.
- The WODC view that by submitting this planning application the applicant has regularised the discrepancy between what was approved under 19/0577/HHD and what has actually been built.
- The OCC view that there is sufficient safe parking for four cars as shown on drawing P20-210-001-B.

In light of the above:

1. BNPC withdraw their comment on parking subject to a condition being imposed that parking is to be delivered, with marked parking bays on a suitable permeable pavement as illustrated on drawing P20-210-001-B. Reason: to ensure safe parking with proper surface water drainage control measures to avoid flooding and silting onto the public highway.
2. BNPC do not consider that the discrepancy between the extension works approved under 19/0577/HHD and the actual completed works have been resolved satisfactorily for the following reasons:
 - i) The attached photographs (884596 and 884597) show that the central section of the extension roof has been roofed with red concrete tiles and is completely out of keeping with the neighbouring buildings. This section should be re-roofed in at least Cardinal Slates, if not Stonesfield Slates, as per the original application. By accepting this significant change to the materials used WODC is setting the dangerous precedent for other developers to make material changes to approved development in anticipation that the changes will be accepted retrospectively by the simple submission of as built drawings. This makes a mockery of the planning system.
 - ii) The photographs also show a single downpipe draining the central roof section. This should be split into two downpipes, each serving the roof area of the appropriate dwelling. Reason to ensure that the responsibility for maintaining the rainwater goods is clearly demarcated between the properties and to allow for each property to have a water butt for the collection of rainwater.
 - iii) There are now going to be two dwellings connected to an already overloaded foul sewer system, rather than an extension to an existing house. Has Thames water been consulted and have they approved an additional new connection? The split into

two dwellings should be conditioned upon Thames water approval for a new foul drainage connection.

Reason: to ensure that the new development will not cause additional flooding on the existing foul drainage network.

v) There are no plans showing how the garden is to be split between the two properties.

vi) There are no details as to the material proposed for the entrance to the two dwellings from Station

Road. Full material details of the proposed porch and front door arrangements for the two dwellings should be provided. Reason to ensure that the main entrance

to the dwellings are in keeping with the neighbouring properties on Station Road.

3. Finally given the approach the applicant has taken on developing this property and in light of the governments target of no diesel or petrol cars from 2030, these two properties should be provided with an electric car charging point for each dwelling.

Until points 2 a - e above are suitably addressed BNPC object to this application.

1.3 OCC Highways

The proposal, if permitted, will result in two dwellings on site - one 2 bed and one 3 bed. Parking Standards require four parking spaces as shown on the application drawings. Reversing manoeuvres to/from the highway are assisted by the adjacent traffic calming feature.

I cannot demonstrate that the proposal, if permitted, would cause such harm as to warrant the refusal of the application for reasons of highway safety and convenience.

The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network

Recommendation:

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 condition

- G28 parking as plan

1.4 Thames Water

No comments to make.

2 REPRESENTATIONS

2.1 One letter of objection has been received to date. Comments have been summarised as follows:

- Design and layout; the two storey rear extension has not been built in accordance with the previously approved plans and conditions have not been formally discharged (19/00577/HHD).
- Highways and impact on parking provision
- Landscape
- Materials
- Policy / Principle
- Foul Water / Sewage
- Allocation of amenity space

3. APPLICANTS CASE

No supporting statements have been submitted with the application

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5 PLANNING ASSESSMENT

5.1 This application is to be heard before the Lowlands Planning Sub-Committee as the Parish Council have objected to the proposal.

5.2 The proposal seeks consent for conversion of existing dwelling into two properties.

5.3 The application relates to Kielder, a semi-detached dwelling located on Station Road, Brize Norton. The dwelling is located on a road with a mix of housing design and materials. It is not within any area of special designation.

5.4 Relevant planning history:

- Planning application Ref: 19/02605/HHD - Drop Kerb - Approved.
- Planning application Ref: 19/00577/HHD - Erection of a two storey rear and first floor side extension. Construction of an outbuilding - Approved.

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

- Principle

- Design and Visual Amenity
- Residential Amenity
- Foul Water
- Highways

Principle

- 5.6 Brize Norton is defined as a village in the West Oxfordshire Local Plan 2031. Policy H6 of the WOLP states that alterations extensions or sub-division of existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living or visiting that area. Further, the proposal complies with the general principles set out in Policy OS2.
- 5.7 Given the location of the proposal, and the previous approval of two and single storey extensions in a similar form to this proposal, your officers consider the principle of converting the existing dwelling into two dwellings acceptable subject to consideration of the matters below.

Design and Visual Amenity

- 5.8 A third party and the Parish Council have objected to the proposal on account of the two storey rear and first floor side extension approved under permission 19/00577/HHD being built but not in accordance with the approved plans and without formal discharge of conditions regarding materials. The two storey rear and first floor side extension approved under permission 19/00577/HHD illustrated a triple gable roof design to the rear, whereas the development that has been built omits the first floor side extension and the middle gable from the two storey rear extension element, this has been replaced with a flat roof section and the materials include stone and stone tiles on the visible side elevations and a light grey render on the secluded rear elevation and concrete tiles on the secluded flat roof section. The objectors have stated that this extension and use of materials is out of keeping with the character of the area. In an effort to regularise this development the applicant has submitted plans within the current proposal illustrating the two storey rear extension as it has been built.
- 5.9 In their assessment of the proposal, your officers have to consider the level of harm caused by the change in design and whether it is materially harmful and therefore expedient to begin enforcement proceedings. Your officers consider that as the development has less massing and volume than the previously approved scheme, it is in character with the existing property, is located on a street with a mix of housing design and materials, is set to the rear of the existing host dwelling and as such is not highly visible to the street scene or wider public views, it does not have enough of a detrimental impact on visual amenity to warrant refusal.
- 5.10 With regard to the proposed development associated with the conversion of existing dwelling into two properties, your officers initially had concern with the proposed mono-pitched entrance porch adjacent to the existing traditional dual-pitched porch and the impact this may have on the street scene. However, the applicant has submitted amended plans showing the removal of the porch and replacement with a simple front door.

Residential Amenity

- 5.11 Concerns have been raised that there were no plans submitted illustrating how the garden is to be split between the two properties. Your officers have included a condition to ensure this information is submitted, stating that no dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority prior to those works being carried out.
- 5.12 It is not considered that the two new dwellings would detrimentally harm the amenities of neighbour properties through overlooking or being overbearing.

Foul Water

- 5.13 Concerns have been raised regarding the impact the proposed development would have on the existing foul water sewage system. Thames Water has been consulted as part of the planning process and raised no objection to the proposal.

Highways

- 5.14 There have also been concerns regarding the impact the proposed development would have on parking provision in the vicinity of the site. The proposal includes two parking spaces for each dwelling, and Oxfordshire County Council Highways have been consulted as part of the planning process and have raised no objection to the proposal subject to parking as planned.

Conclusion

- 5.15 In light of the above assessment, the sub division is supported by policy H6 of the Local Plan, the built form of the proposal is not materially different from what has been previously approved, and the other technical matters are considered to be acceptable. On that basis the application is recommended for approval in accordance with policies OS2, OS4, H2, H6 and T4 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
4. 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.

5. No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

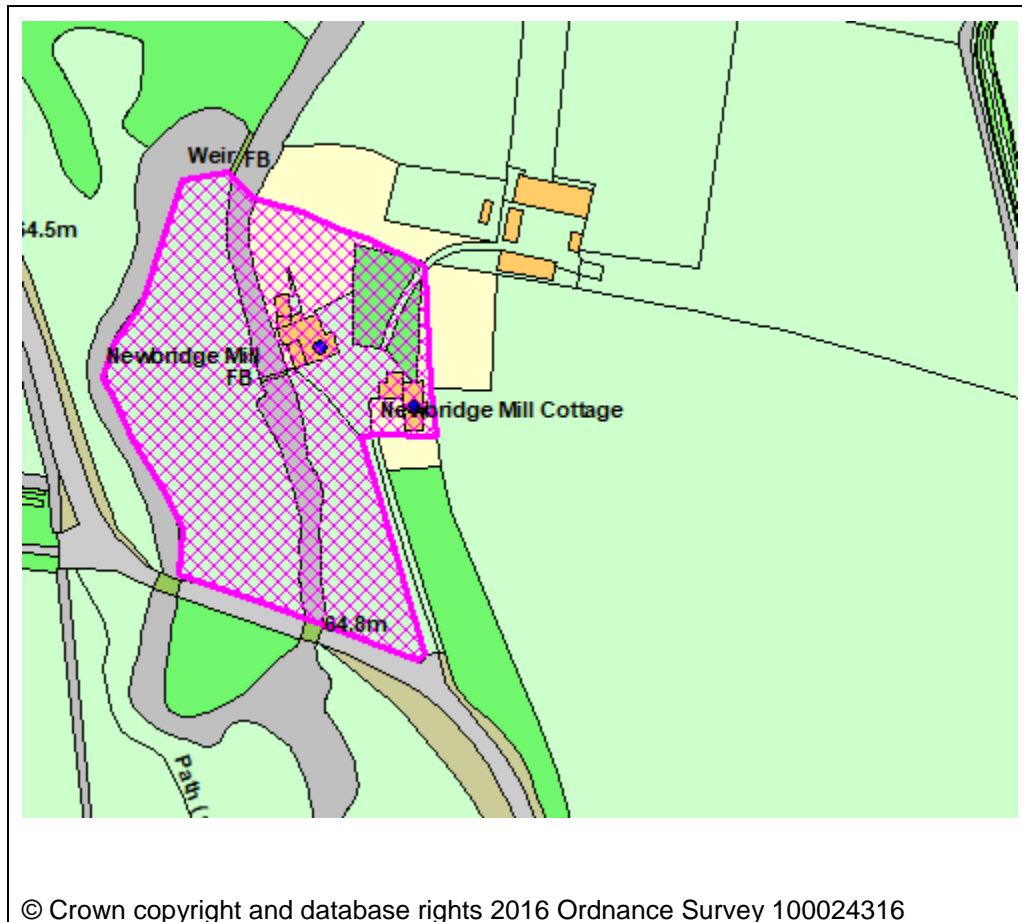
REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

6. 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 development permitted under Schedule 2, Part 1, Classes A, and E shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to safeguard the character and appearance of the area and to protect the amenity of adjacent dwellings.

Application Number	20/02131/HHD
Site Address	Newbridge Mill Newbridge Witney Oxfordshire OX29 7QD
Date	27th January 2021
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Northmoor Parish Council
Grid Reference	440199 E 201866 N
Committee Date	8th February 2021

Location Map



Application Details:

Removal of lean to porch to be replaced with oak Orangery and erection of oak garage with storage room above (Amended)

Applicant Details:

Mr Jonathan Bishop
Newbridge Mill, Newbridge, Witney, Oxfordshire, OX29 7QD

I CONSULTATIONS

- I.1 Parish Council No Comment Received.
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- Recommendation:
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
- I.3 Newt Officer No Objection: Informative relating to great crested newts (GCN) provided.

It is considered that great crested newts and their habitats are unlikely to be affected by the proposed development (there is no reasonable likelihood of this species being present). Therefore, no supporting ecological information in respect of this species is required and there is no objection to registering/determining this application.

However, the proposals involve development within an amber impact zone as per district licence impact mapping, which highlights that there is potential for newts to occur in the surrounding area. The applicant should follow the advice provided below with respect to great crested newts.

If all other planning matters have been satisfied the application can be approved with the following informative:

Informative - Great crested newts (European Protected Species):
There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within an amber impact zone as per the modelled district licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases,

then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

I.4 Licensing OCC
Highways No Comment Received.

I.5 Environment Agency Flood risk standing advice

Advice to LPA

The proposed development falls within Flood Zone 3, which is land defined in the planning practice guidance as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Environmental permit - advice to applicant.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert End 2
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

2 REPRESENTATIONS

- 2.1 No letters of representation received.

3 APPLICANT'S CASE

- 3.1 A design and access statement has been submitted. This document is available on the Council's website. The statements have been summarised and concluded as follows:
- 3.2 The proposed works at Newbridge Mill to create an Orangery and detached garage have been designed to comply with all current building regulations. They will be constructed using sustainable materials, predominantly using European Green Oak timber and cladding. The buildings will be insulated and heated to comply with or exceed current regulations. The buildings will comply with all access requirements particularly enabling access for individuals with restricted mobility.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

EH10 Conservation Areas

EH11 Listed Buildings

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks permission to replace an existing lean-to porch extension with an orangery and to erect a detached garage with storage room above at Newbridge Mill, Newbridge, Witney. The application site relates to a detached, grade 2 listed property.
- 5.2 The application is to be heard before the Lowlands Planning Sub-Committee along with partnering application 20/02132/LBC as the applicant is related to a Ward Councillor.
- 5.3 Planning history:
- Planning application Ref: W75/1214-Two storey extension to dwelling house.- Approved- 19.12.1975
 - Planning application Ref: W94/0287- Installation of roof light on northern elevation internal & external alterations.- Approved- 21.04.1994
 - Planning application Ref: W94/1446- Internal alterations to stairs & removal of column on ground floor (retrospective).-Approved -21.12.1994

- 5.4 Amended drawings have been submitted as part of this application following concerns which were raised by your Listed building and Conservation Officer regarding the scale and design of both the proposed extension and the detached garage.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Scale, Design and Layout
 - Visual Amenity of the Streetscene
 - Impact on the Listed Building, its setting
 - Residential Amenity

Principle

- 5.6 This application seeks permission to replace an existing lean too porch extension with an orangery and to erect a detached garage with storage room above within the residential curtilage of an existing dwelling. The principle of development is therefore considered acceptable by your officers subject to design and amenity issues being carefully considered against the West Oxfordshire Local Plan, West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

Scale, Design And Layout

- 5.7 The proposed orangery will replace an existing lean to porch extension on the northern elevation of the host dwelling. The proposed orangery has a flat hip roof design with a roof lantern, it has an oak frame with glazed sections, a set of double doors on its northern elevation and a door its eastern elevation. The proposed orangery extends beyond the northern elevation of the host dwelling by 3.8m, it is 5.8m in length and has an overall height including the roof lantern of 3m. The proposed materials are oak, glazing and clay tiles to the roof. Your officers consider the proposed orangery to be a sympathetic, secondary and a subservient addition to the host dwelling and therefore acceptable in terms of its siting, scale and its design.
- 5.8 The proposed detached garage with storage room above will situated to the east of the host dwelling. The proposed garage is of a dual pitched roof design, it has an external staircase on its western elevation with a door to access the proposed storage room, it has a log store and first floor window on its eastern elevation and a roof light in its northern elevation. The proposed garage with storage room above is 5.7m wide, 7m long including the attached log store and has an overall height of 4.1m. The proposed materials are oak, larch boarding, glazing, timber windows and door and clay tiling to the roof. Your officers consider the proposed detached garage to be modest and subservient to the host dwelling and therefore acceptable in terms of its siting, scale and its design.

Visual Amenity

- 5.9 Given their scale and siting the proposed orangery and detached garage with room above will not be visible within the streetscene. As such your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to visual amenity issues.

Impact On The Listed Building And Its Setting

- 5.10 Officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.11 With regard to the impact on the listed building, the proposed orangery and detached garage are not considered to obscure the historical architecture of the existing listed building. The current lean-to is of no historic or architectural significance and the proposed orangery is considered to be an enhancement to what is currently in situ. The proposed garage with storage room is detached from the host dwelling and given its modest scale will not overly harm the setting of the heritage asset. The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

Residential Amenity

- 5.12 Given the proposed orangery is to be sited to the rear of the host dwelling, its scale and its separation distance between neighbouring properties, your officers are of the opinion that it would not give rise to any adverse impacts in regards to neighbouring amenity. Given the siting of the proposed garage with room above, its scale, that the proposed stairs will be on the western elevation, the siting of the proposed windows and that the separation distance between the proposed garage and the neighbouring property to the south east is 8m, your officers are of the opinion that the proposed garage with room above would not give rise to any adverse impacts in regards to neighbouring amenity issues, such as, loss of light, loss of privacy, overlooking or overbearing.
- 5.13 No neighbour or Town Council objections have been received.

Other Matters

- 5.14 The WODC Newt officer has been consulted on this application and has raised no objections subject to an informative being included as part of the consent.
- 5.15 The Environment Agency has been consulted on this application as the proposed development falls within Flood Zone 3. Flood Risk Standing Advice has been provided and no objections have been made. Your officers have included some of this information as part of an informative to accompany the consent of this application.
- 5.16 OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Conclusion

- 5.17 In light of the above assessment, your officers consider the proposed development complies with the provisions of Policies OS4, OS2, T4, EH10, EH11 and H6 of the adopted West

Oxfordshire Local Plan; the WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
4. The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
5. The garage with storage room above hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be used for commercial activity.
REASON: To safeguard the area and the residential amenity of neighbouring properties.

NOTES TO APPLICANT:-

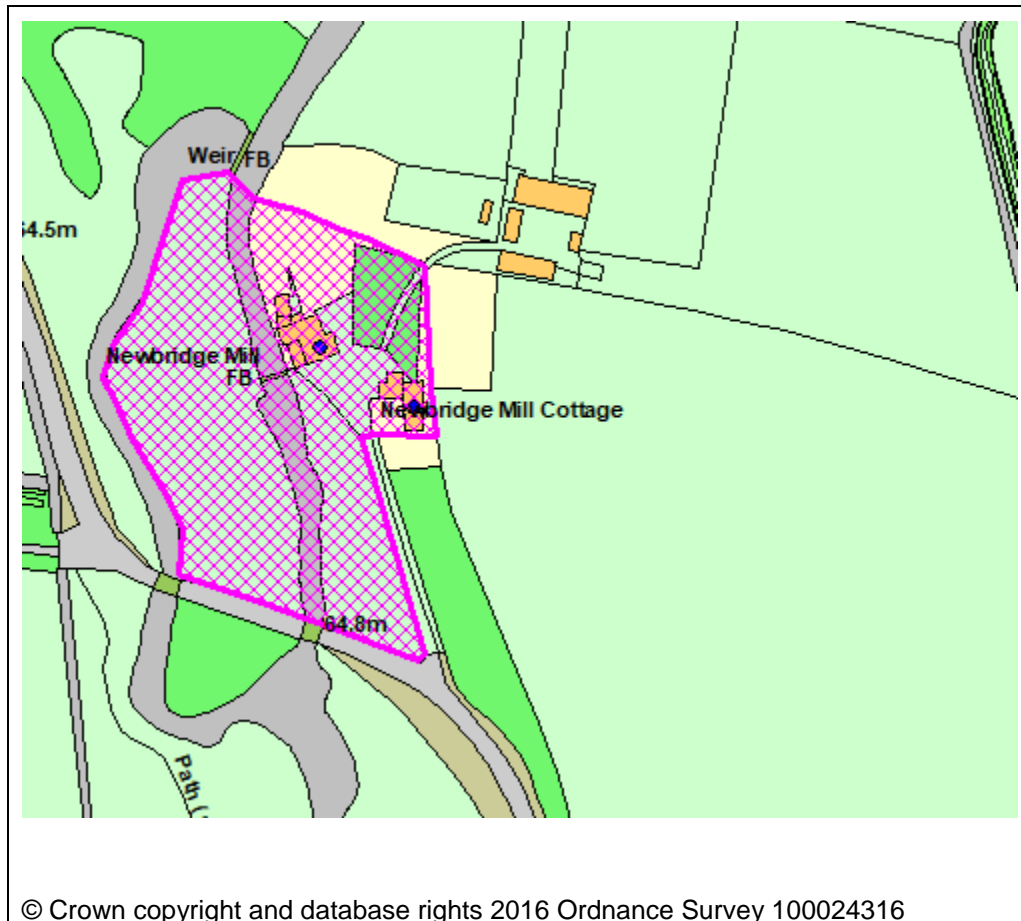
1. Great crested newts (European Protected Species):
There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within an amber impact zone as per the modelled district licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.
2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert End 2
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

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Application Number	20/02132/LBC
Site Address	Newbridge Mill Newbridge Witney Oxfordshire OX29 7QD
Date	27th January 2021
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Northmoor Parish Council
Grid Reference	440199 E 201866 N
Committee Date	8th February 2021

Location Map



Application Details:

Internal and external alterations to remove existing lean to porch and replace with an oak orangery. Erection of detached garage with storage room above. (Amended)

Applicant Details:

Mr Jonathan Bishop

I CONSULTATIONS

- 1.1 Conservation Officer Following updated plans and further details, the replacement of a lean-to with an oak conservatory is now supported. The current lean-to is of no historic or architectural significance and the proposed structure will not overly harm the significance of this listed building; rather, it is considered that the proposed structure is an enhancement to what is currently there.
- With regard to the erection of oak garage with storage room above - the applicant has now furnished us with plans showing a much more modest, subservient and ancillary structure that will be a car port, the revised proposal is supportable and will not overly harm the setting of the heritage assets.
- The proposal in its current form is supported because it largely preserves the character of the listed building and its setting, and consequently complies with policy. Therefore, I have no objections subject to D11 EH12, and EH17.
- 1.2 Parish Council No Comment Received.

2 REPRESENTATIONS

- 2.1 No letters of representation received.

3 APPLICANT'S CASE

- 3.1 A design and access statement has been submitted. This document is available on the Council's website. The statements have been summarised and concluded as follows:
- 3.2 The proposed works at Newbridge Mill to create an Orangery and detached garage have been designed to comply with all current building regulations. They will be constructed using sustainable materials, predominantly using European Green Oak timber and cladding. The buildings will be insulated and heated to comply with or exceed current regulations. The buildings will comply with all access requirements particularly enabling access for individuals with restricted mobility.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
OS4NEW High quality design
H6NEW Existing housing
T4NEW Parking provision
EH10 Conservation Areas
EH11 Listed Buildings
NPPF 2019
DESGUI West Oxfordshire Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks listed building consent for internal and external alterations to remove existing lean to porch and replace with an oak orangery and the erection of detached garage with storage room at Newbridge Mill, Newbridge, Witney. The application site relates to a detached, grade 2 listed property.
- 5.2 The application is to be heard before the Lowlands Planning Sub-Committee along with partnering application 20/02131/HHD as the applicant is related to a Ward Councillor.
- 5.3 Planning history:
- Planning application Ref: W75/1214-Two storey extension to dwelling house.- Approved- 19.12.1975
 - Planning application Ref: W94/0287- Installation of roof light on northern elevation internal & external alterations.- Approved- 21.04.1994
 - Planning application Ref: W94/1446- Internal alterations to stairs & removal of column on ground floor (retrospective).-Approved -21.12.1994
- 5.4 Amended drawings have been submitted as part of this application following concerns which were raised by your Listed building and Conservation Officer regarding the scale and design of both the proposed extension and the detached garage.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Impact on the Listed Building, its setting

Impact On The Listed Building And Its Setting

- 5.6 Officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.7 With regard to the impact on the listed building, the proposed orangery and detached garage are not considered to obscure the historical architecture of the existing listed building. The current lean-to is of no historic or architectural significance and the proposed orangery is considered to be an enhancement to what is currently in situ. The proposed garage with storage room is detached from the host dwelling and given its modest scale will not overly harm the setting of the heritage asset. The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposed development would conform to policies EH10 and EH11 of the Local Plan.

- 5.8 Following the submission of revised drawings your Listed building and Conservation Officer has raised no objection to the proposal subject to conditions and considers that the proposal largely preserves the character of the listed building and its setting, and consequently complies with policy.

Conclusion

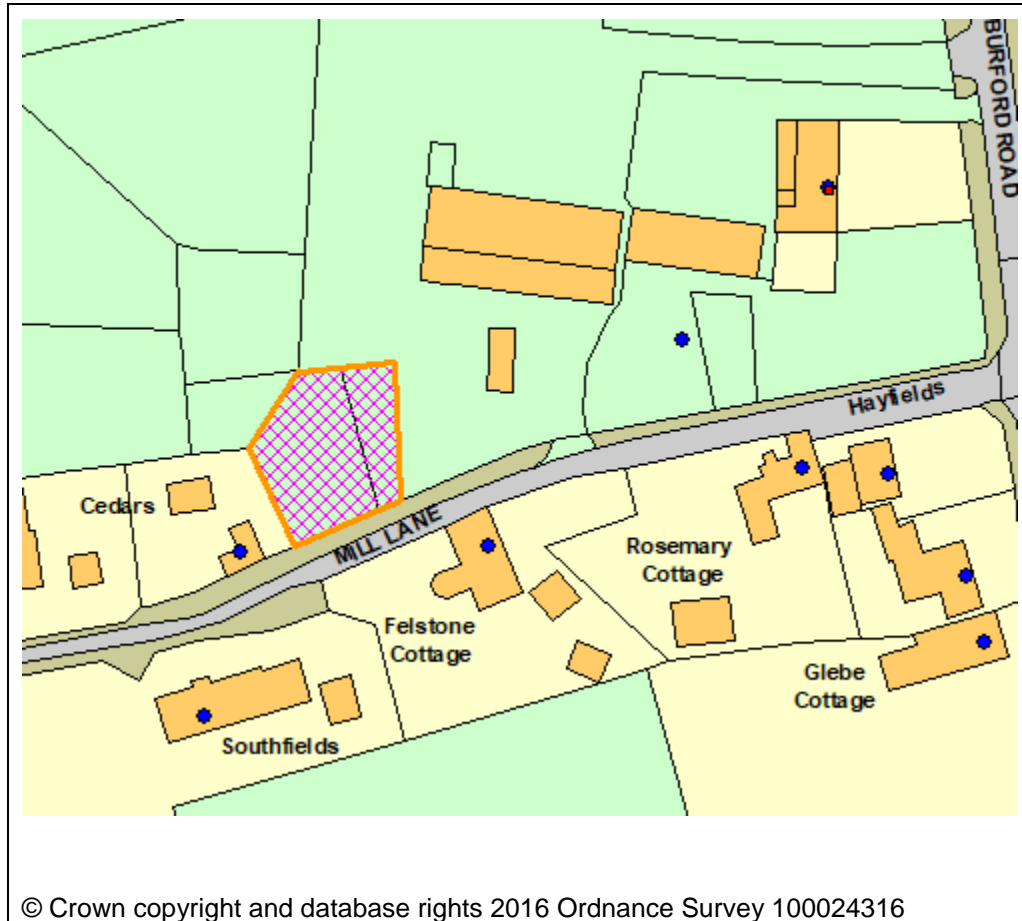
- 5.9 In light of the above assessment, your officers consider the proposed development complies with the provisions of Policies OS4, OS2, T4, EH10, EH11 and H6 of the adopted West Oxfordshire Local Plan; the WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

6 CONDITIONS

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by 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. 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.
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 architectural integrity of the Listed Building.

Application Number	20/02754/FUL
Site Address	Old Farmhouse Burford Road Black Bourton Bampton Oxfordshire OX18 2PF
Date	27th January 2021
Officer	James Nelson
Officer Recommendations	Approve
Parish	Black Bourton Parish Council
Grid Reference	428727 E 204557 N
Committee Date	8th February 2021

Location Map



Application Details:

Change of Use of land to hardstand storage for equipment of Lockhart Ltd. (Retrospective).

Applicant Details:

Mr Stephen Hopkins, Old Farmhouse, Burford Road, Black Bourton, Oxon, OX18 2PF

I CONSULTATIONS

I.1 Parish Council

In the interim period between the Parish Councils visit to site and now, a number of issues have been brought to the Parish Councils attention.

These additional issues have prompted the Parish Council to make additional comment on this planning application in the form of an objection to the application being approved.

When the Parish Council visited the site there was only ground level equipment being stored in this location and our understanding was that this was all that the site was to be used for.

The application clearly states ground level storage of equipment. It has been brought to the Parish Councils attention that there are in fact vehicles being parked in this location. This would appear to contradict what we were told and after further review of the planning application it also contradicts the selection made in section 9 of that document. Section 9 asks if there is any existing vehicle parking and the applicants have answered no to this question. Clearly the area is currently being used for long term vehicle parking and the Parish Council suspects that this will continue to be the case whether planning consent is given or not.

While reviewing the planning application we noticed several entries that appeared to be incorrect.

In section 10, Trees and Hedges, the applicant has stated that there are no trees or hedges on or adjacent to the development site that could influence the development or might be important as part of the local landscape character.

There are trees and hedges adjacent to the site which are important to the local landscape and character as they act as a screen and help reduce noise pollution from the yard impacting the nearest residents. The tree screen should be maintained in good order to insure its effectiveness as a noise barrier.

The Parish Council feels this question should have been answered with a yes and the appropriate action taken as per the planning application note.

With regard to noise, reference should be made to the noise assessment sections 5.1.5 and 5.1.6, whether planning is granted or not these sections should be considered for future implementation.

In section 11, Assessment of Flood Risk, the method selected for dealing with surface water is by soak away. During the Parish Council visit to site we were informed that there would be no change to the surface of the proposed standing in that it would remain a permeable substrate such as hardcore/gravel.

In section 7 where it asks for a description of proposed materials and finishes the application states, " Surface of extended area matches existing storage area. Concrete".

This all seems a little contradictory and needs to be clarified as if permission is given for a Concrete surface, this may increase the flood risk and is not acceptable.

Also is the application beginning requested to change from agricultural to Industrial?

The applicant's address in section 2 appears to be incorrect. The Old Farmhouse is a separate dwelling adjacent to this site but has nothing to do with LA Lockharts and is not occupied by the applicant. This would need to be clarified to ensure the final decision is applied to the correct property. The location map shows the site and includes The Old Farmhouse as part of the site, this is believed to be incorrect and should be rectified.

In light of these new findings the Parish Council objects on the grounds that the application has a number of anomalies and lacks clarity.

These inconsistencies need to be addressed as they may have an impact on the final outcome i.e if Concrete is used for the surface this is likely to have an impact on runoff water and could lead to an increased flood risk and could potentially cause contamination of oil, grease and spoils into the Mill Lane and the water course which runs past the end of Mill Lane.

- | | | |
|-----|------------------------------------|---|
| I.2 | Newt Officer | If works have already been done / completed then the impact has already occurred, so there is no need to get a licence, and the district licensing scheme doesn't apply. However, if we apply the precautionary principle and assume the presence of protected species such as reptiles and amphibians, then I would recommend that some habitat creation works are implemented to enhance biodiversity in line with Local Plan policy EH3 and paras 170 and 174 of the NPPF, if possible, e.g. hedgerow, pond or wildflower meadow creation. |
| I.3 | OCC Rights Of Way
Field Officer | Katie Walther Black Bourton Footpath 4 has a tarmac surface and is adopted highway on the List of Streets. It already serves as an access road to many residential properties and farms, so I have no objections to the proposals. |
| I.4 | OCC Highways | No Comment Received. |

2 REPRESENTATIONS

2.1 Third party objection comments have been received in relation to this application on the grounds of the following:

- Neighbourliness;
- Traffic Impacts;
- Flooding;
- Newt Impacts;
- Policy and Principle; and
- Misleading Noise Impact Assessment

3 APPLICANT'S CASE

3.1 A planning statement has been submitted with the application and is available on the Council's website.

3.2 The applicant states that its intention in increasing the open storage area was to maintain the viability of its business, nothing more. The storage amounts to low level ground only use, which is restricted in site density and height by the practicality of picking up very heavy equipment with heavy machinery, and to maintain safety for staff in doing so. For much of the time the site is totally silent, and while the site is near village houses, any noise is only occasional and very time limited.

3.3 The site being near to residential properties, should additional screening be considered appropriate, then this can be considered and required by way of a planning condition, if that is deemed necessary. Any such reasonable requests are expected to be complied with swiftly by the company. Any other planning conditions that the planning case officer recommends that would ensure the use could continue without harm to the locality would be likely to be welcomed.

3.4 The applicant has every intention to stay in this location that they have occupied now for very many years, and to continue to work with the village amicably in doing so.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

EH2 Landscape character

EH7 Flood risk

EH8 Environmental protection

NPPF 2019

DESGUI West Oxfordshire Design Guide

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks retrospective consent for a material change in the use of the land from agricultural to land for the storage of plant hire equipment in association with LA Lockhart Ltd at 'Old Farmhouse, Burford Road, Black Bourton'. The proposal follows an enforcement investigation.

5.2 The application is brought before members of the Lowlands Area Planning Sub-Committee following objection to the proposal having been raised by the Black Bourton Parish Council.

5.3 Relevant Planning History:

- 16/00527/CLE- 'Certificate of lawfulness. (Commercial Plant Hire)'
- 20/00084/PENF- 'Alleged unauthorised extension of commercial plant hire yard'

5.4 The application site lies adjacent to the south-western corner of an existing plant hire business, LA Lockhart Ltd, and not within any areas of special designation. The site was developed from a grassed area to hardstanding to facilitate ground level storage of plant hire equipment in 2018.

5.5 Representations

Third party objection comments have been received in relation to this application on the grounds of the following:

- Neighbourliness;
- Traffic Impacts;
- Flooding;
- Newt Impacts;
- Policy and Principle; and
- Misleading Noise Impact Assessment

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

- Principle;
- Visual Amenity;
- Neighbourly Amenity;
- Environmental Impacts; and
- Highways Impacts

Principle

5.7 Black Bourton is classed as a small village within the West Oxfordshire Local Plan. Development to support the effectiveness of existing businesses is considered acceptable provided the proposal is appropriate for a rural location and respects the intrinsic character of the area. The application seeks consent for the creation of a hardstanding area to facilitate ground level storage in association with an already long-established business use. The principle of development is therefore considered acceptable in this location subject to careful consideration

of the visual, neighbourly amenity, environmental and highways impacts of the proposal being assessed against the West Oxfordshire Local Plan.

Visual Amenity

- 5.8 In terms of the visual impact of the development, the site is well screened from the adjacent Mill Lane by established planting. To the East lies the Grade II Listed 'Old Farmhouse'. The low level storage use proposed ensures that the proposal will have no impact upon the street scene or wider setting of the site. In addition, the application site is separated from the listed building by around 60 meters and the entirety of the existing planting hire yard, including large industrial buildings. As a result, the proposal is not considered to affect the setting of the Listed Building and is therefore considered acceptable in visual amenity terms.

Neighbourly Amenity

- 5.9 The site lies adjacent to Mill Lane with residential properties located at separation distances between the site and neighbouring properties ranging between 10 and 40 meters to the south-east, south and west. The development therefore exhibits the potential to result in neighbourly amenity impacts by virtue of its close proximity to residential properties. Given that the proposal has not resulted in any land levels changes and seeks consent for ground level storage, no material impacts in terms of the overbearing and overlooking potential of the development are identified.
- 5.10 With regard to noise impacts, Officers recognise the potential for noise disturbance to result from the extended area of hardstanding. As a result, a Noise Impact Assessment was commissioned and submitted to Officers. In light of the assessment and in consultation with Environmental Health Officers, the proposed is considered to result in no unacceptable levels of noise disturbance subject to working hours restrictions to prohibit use of the site before 7am and noise mitigation measures being implemented in line with the suggested conditions in Section 6 of the report.
- 5.11 In light of the above, the proposal is recommended for approval on the grounds of neighbourly amenity.

Impacts

- 5.12 Following consultation with the Council's Biodiversity Officer, no objection has been raised and it has been confirmed that the newt district licencing scheme does not apply in this case by virtue of the fact that the work has already been carried out.
- 5.13 Concerns have also been raised with respect to potential flooding impacts of the enlarged area of hardstanding created. The site does not lie within any areas of special designated flood risk and the applicant detail that a soakaway system is used to manage water run-off. As a result, Officers consider that the proposal will result in no detrimental impact with regard to surface water drainage.
- 5.14 The Parish Council's Objection also raises the issue of potentially harmful substances running off the area of hardstanding and contaminating adjoining land. As the proposal seeks only consent for storage use, it is not considered by Officers reasonable to suppose that any contamination would result as a consequence of approving this application.

- 5.15 Taking into account the above assessment, the development is recommended for approval on the grounds of biodiversity, ecological and flooding related impacts.

Highways Impacts

- 5.16 No objection has been received from the Highways Authority in relation to either the potential impact of the development upon the road network or the adjacent Public Right of Way. Concerns have been raised by local residents regarding the comings and goings of HGVs into the site however, Officers consider that the primary source of traffic related disturbance is the already established lawful use of the plant hire yard and there is no apparent evidence that the modest area of hardstanding for the purposes of storage would result in any material impacts upon the highway network.
- 5.17 Officers therefore recommend that the application is acceptable in terms of highways related impacts.

Other Matters

- 5.18 The Objection of the Parish Council sites inaccuracies in the application including uncertainty over the address of the site and potential for the work to affect trees on along the southern boundary of the site.
- 5.19 Firstly on the address, the applicants give the address consistent with application 16/00527/CLE and the location of the site is not in question. As a result this concern is not considered to have a material impact upon the merits of the application. With regard to the trees, no tree works are proposed. Officers have considered the imposing a condition seeking to ensure that the trees are retained in perpetuity although submitted plan ref: 20035 suggests the trees are not within common ownership with the application site and therefore any condition seeking to retain them would be unreasonable. In addition, Officers have recommended that a condition be imposed so that an acoustic fence is installed along the southern and western boundaries to mitigate any noise spill over. This will also ensure that that the development will be screened from view.

Conclusion

- 5.20 In light of this assessment, the proposed is recommended for approval as your Officers consider it complies with West Oxfordshire Local Plan Policies OS2; OS4; E1; EH2; EH7 and EH8 of the West Oxfordshire Local Plan 2031 and the NPPF 2019.

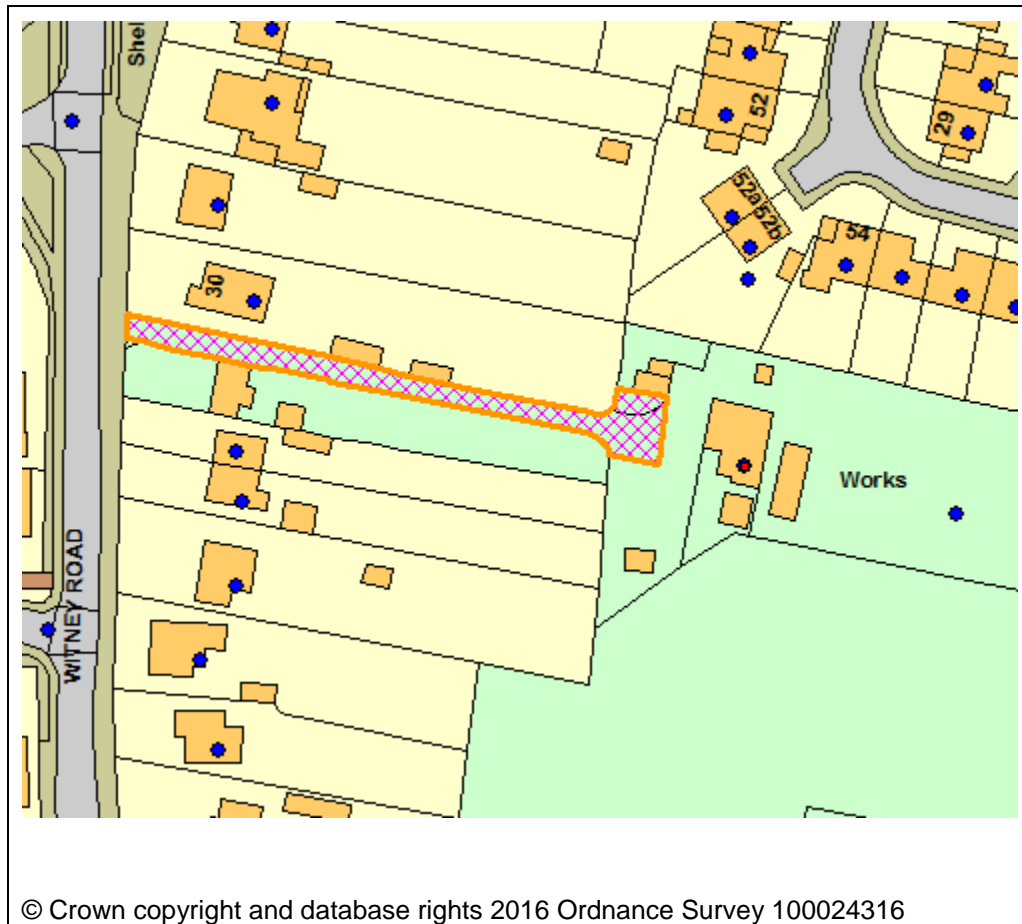
6 CONDITIONS

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. That the use of the land be restricted to ground level storage of equipment to serve the adjoining plant hire yard only.
REASON: In the interests of the amenity of nearby residential properties.

3. That the use of machinery, lifting equipment/plant and vehicles associated with the storage or movement (lifting) of equipment on the land, shall be restricted to between 0700hrs -1830hrs from Monday to Friday and 0900hrs - 1300hrs on Saturdays.
REASON: In the interest of the amenity of nearby residential properties.
4. That a two metre high acoustic barrier fence shall be installed on the southern and western boundary perimeters of the site in accordance with details to be first submitted and approved by the LPA and retained thereafter. As a minimum standard, the construction of the fence should be as follows: The fence should be solid construction, with good quality timber (no warping, knot holes or damage) of at least 20mm (ideally 25mm) thickness in all places, including where the boards overlap. Boards should continue across the front of posts to minimise gaps and wide overlaps (minimum 25mm is recommended) allow for timber expansion and contraction whilst minimising the possibility of gaps appearing over time. The superficial mass of 25mm thickness of timber is approximately 10 to 15 kg/m² and this is sufficient to prevent a reduction in performance by noise leaking through the fence.
REASON: To ensure that the amenity of nearby residential properties is protected.
5. That a documented Noise Management Plan (NMP) shall be submitted to and approved by the LPA within 2 months of the date of this consent. The NMP shall state how noise complaints will be responded to and detail full management procedures, policies and the administration of the business to address noise impact associated with the change of use of the land. The site shall be managed in accordance with the approved NMP.
REASON: To ensure that the amenity of nearby residential properties is protected.

Application Number	20/03105/FUL
Site Address	Everest Roofing 28 Witney Road Eynsham Witney Oxfordshire OX29 4PQ
Date	27th January 2021
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	442822 E 209654 N
Committee Date	8th February 2021

Location Map



Application Details:

Upgrade of the existing radio equipment incorporating the removal of the existing 23m mast and its replacement with a new 20m mast together with associated antennas, radio equipment cabinets and ancillary development works.

Applicant Details:

Telefonica (UK) Ltd, 260 Bath Road, Slough, SL1 4DX

I CONSULTATIONS

- 1.1 Parish Council Eynsham Parish Council has no objection to the application, subject to assurance being provided that radiation output limits specific to the locality, are being complied with.
- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- Recommendation:
Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission
- 1.3 Newt Officer No Comment Received.
- 1.4 MOD (Brize Norton) I can confirm the MOD has no safeguarding objections to this proposal.
- 1.5 WODC Env Health - Lowlands I have No Objection in principle.

2 REPRESENTATIONS

- 2.1 19 letters of representation have been received, all objecting to the application for the following reasons:
- No notice was erected along Shakespeare Road where the application also affects
 - The mast would overlook
 - The mast would be unhealthy and it should be removed to a safer and in the middle of a field
 - The mast is unsightly
 - Concerns over future health issues of residents and school children
 - Concerns over the overall safety of 5G masts
 - Noise pollution
 - The access lane to the site is not purpose build for heavy duty construction vehicles, e.g concrete lorries and cranes
 - The proposed site plan is inaccurate- the boundary line is incorrect.
 - No parking has been allocated on the site
 - Removal of old tree's from the existing site of the old mask, will give full view of the new installation.
 - The mast will be within 50m of Bartholomew School playing field, I believe the government guide lines have a minim 500 meters from residential properties.
 - This upgrade will impact the value of properties within the area.

3 APPLICANT'S CASE

- 3.1 The applicant has submitted a Design and Access Statement as part of the application which states:
- 3.2 The applicant has submitted a Design and Access statement in support of their application. The Design and Access statement states:
- 3.3 This Design and Access Statement is provided in conjunction with the Supplementary Information Template, drawings and supporting material that are submitted with this planning application.
- 3.4 In accordance with the Code of Best Practice on Mobile Network Development and published Government guidance, this proposal was drawn up having regard to the need for good design.
- 3.5 In particular:
- Considerations of design and layout are informed by the context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology all help to determine the character and identity of the development.
 - The scale, massing and height of proposed development have been considered in relation to that of adjoining buildings; the topography, the general pattern of heights in the area; and views, vistas and landmarks.
- 3.6 The following general design principles have been taken into account in respect of this proposed telecommunications development:
- A proper assessment of the character of the area concerned.
 - That the design shows an appreciation of context;

SITE CONDITIONS, TECHNICAL CONSTRAINTS, LANDSCAPE FEATURES AND CAPACITY REQUIREMENTS

- 3.7 It needs to be borne in mind that the proposed development is for a mobile telecommunications installation. Hence, access is deliberately restricted, where appropriate, for the security of the installation to authorised personnel only.
- 3.8 Design Component
- Use proposed - Proposed upgrade of the existing Vodafone electronic communications base station to provide improved Vodafone and new Telefonica (O2) services.
 - Amount - The upgrade of the existing radio equipment incorporating the removal of the existing 23m mast and its replacement with a new 20m mast with associated antennas, radio equipment cabinets and development works ancillary, including the relocation / amendment of the existing compound and associated access gates for the compound and Everest

Roofing Co. to ensure that the site is accessed solely from the Everest Roofing Company land.

- Layout - The Mast and associated compound shall be housed within a fenced compound adjacent to the entrance to the Everest Roofing Ltd compound.
- Scale - The proposed mast replicates as closely as possible the existing mast in terms of size and scale whilst providing the uplift in both operators networks required.
- Landscaping - Given the exiting site and its location within this commercial premises additional landscaping is note deemed necessary at this time.

3.9 Appearance

- Lighting - There is no lighting proposed as part of this development.
- Colour and Materials - Grey steel (RAL 7035) mast and cabinets to match the existing. Compound fenced in 2.0m Timber closed boarded timber fencing.

3.10 Access

- Access to the development is by definition limited to the operator and its authorised agents.
- Access to the compound containing the base station will be obtained via the Everest Roofing Ltd site accessed from Witney Road via the existing tarmacked access road.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

OS5NEW Supporting infrastructure

H6NEW Existing housing

T4NEW Parking provision

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application seeks to planning permission to upgrade of the existing radio equipment, incorporating the removal of the existing 23m mast and its replacement with a new 20m mast together with associated antennas, radio equipment cabinets and ancillary development works.
- 5.2 The application site relates to Everest Roofing, 28 Witney Road in Eynsham. The site is accessed down a lane which runs between numbers 28 and 30 Witney Road. The site is surrounded by residential properties which lie to the north along Shakespear Road and to the West along

Witney Road. The site also lies adjacent to the school playing fields associated with Bartholomew School which is situated over 100m away from the application site.

- 5.3 The application seeks approval for the proposed development, which would otherwise be permitted Under Class A of Part 16 of Schedule 2 of the General Permitted Development Order (GPDO) 2018 (GPDO) (as amended). The proposed development is considered by officers to be within the limits set out in Part 16 for permitted development with Prior Approval

Planning History

- 5.4 W93/1206- Approved- Erection of a freestanding tubular telecommunications mast/pole installation of an equipment cabinet.

W96/0220- Prior approval approved for the extension of existing 12m telecommunications mast to 18m.

17/00998/PNT- Prior approval granted for the removal of 1 no. 10.0m Monopole and all ancillary development and the installation of 1 no. 21m phosco phase monopole with 6 no. antennas, 2 no. dishes, 3 no equipment cabinets within a 4.3m x4.6m compound extension

18/02346/PNT - Prior Approval Refused for the erection of replacement monopole and equipment cabinets. This was refused for the following reason:

- 5.5 'By reason of its prominent siting in close proximity to residential dwellings and the overbearing appearance of the proposed mast, the proposal results in an incongruous feature resulting in a harmful impact on the visual amenities of nearby residents. The site is also accessed from a private right of way and not from within Everest Roofing as the application site and an assessment of alternative site has not been conducted. The application for Prior Approval is therefore contrary to Policies BE2 and BE17 of the West Oxfordshire Local Plan 2011, Policies OS2 and OS4 of the Emerging West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF, in particular paragraph 127. For these reasons prior approval is refused'

- 5.6 The application has been brought before members of the Lowlands Planning Sub Committee as it has been called in by Councillor Levy due to high level of public interest.

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

Principle

- 5.8 In regards to the principle of a telecommunication mast, paragraph 42 of the National Planning Policy Framework (NPPF 2019) states that advanced high-quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also play a vital role in enhancing the provision of local community services and facilities
- 5.9 Paragraph 112 of the NPPF 2019 states that 'Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital

infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)

- 5.10 Paragraph 115 of the NPPF states that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
- i) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - ii) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - iii) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
- 5.11 In regards to West Oxfordshire Local plan policies, Policy OSI makes reference to the need for improved telecommunications including superfast broadband throughout the district. Policy OS2 states that all 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 compliment to the existing pattern of development, be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The detail of the proposal as assessed against the general principles of Policy OS2, as outlined above, are considered in more detail in the relevant sections below.

Siting, Design and Form

- 5.12 The proposal seeks to remove the existing 23 metre-high mast along with its ancillary equipment and compound (including the concrete foundations, 1.8m high chain link fence and gate) would be removed and the fence would be reinstated to match the existing fence. Within the same site, the application proposes to erect a new 20 metre-high telecommunications mast with associated ancillary equipment. The proposed new mast and equipment would be sited approximately 4m to the east, whereby it would be more contained within the application site.
- 5.13 The proposal is for a 20-metre-high telecommunications mast. Above the base of the mast, the pole would have a width of 0.4 metres and would consist of 2 dishes at 14.5m high and an antenna at 17.35m high. The proposed mast would be constructed out of grey steel (RAL 7035) and the cabinets to match the existing. The Mast and associated compound shall be housed within a 2m high closed boarded timber fenced compound adjacent to the entrance to the Everest Roofing Ltd compound. The proposed compound would measure 5.6m by 3.8m. the ancillary equipment would be contained within the site and would not be visible from wider public views, therefore officers are of the opinion that the proposed would not result in any adverse impacts in regards to visual amenity.

- 5.14 Officers note that the previous 2018 application was refused due to the incongruous feature resulting in a harmful impact on the visual amenities of nearby residents however, given that the proposed mast would sit 3 metres lower than the existing mast and would be somewhat screened by the existing mature vegetation within the site, your officers are of the opinion that the proposed mast would not result in significant visual harm in regards to visual amenity.

Health Issues

- 5.15 The majority of public representations have raised concerns in regards to the potential impact the upgraded 5G mast would have on public health especially of those living in close proximity to the mast and those who attend Bartholomew School.
- 5.16 With regard to health matters, paragraph 116 of the NPPF states that the Local Authority should not seek to determine health safeguards if the proposal meets International Commission guidelines on public exposure.
- 5.17 The International Commission on Non-Ionizing Radiation Protection (ICNIRP) was founded in 1992 as a scientific non-profit organisation. The purpose of the ICNIRP, as stated on their website, is summarised as follows:
- 5.18 'ICNIRP aims to protect people and the environment against the adverse effects of non-ionizing radiation (NIR). To this end, ICNIRP develops and disseminates science-based advice on limiting exposure to NIR. Experts from different countries and disciplines...work together with and within ICNIRP to assess the risk of NIR exposure and provide exposure guidance.'
- 5.19 ICNIRP guidelines are identified through scientific data on the effects of exposure, the establishment of how these effects are adverse to human health, and the identification of the minimum exposure level needed to produce harm. Reduction factors are then applied which are increased for the general public. This results in exposure restrictions with a large margin of safety.
- 5.20 The 2020 ICNIRP guidelines in regard to Electromagnetic Fields (EMFs) provide information in regard to protection for humans from exposure to EMFs from 100 kHz to 300 kHz. According to the World Health Organisation (WHO), EMF exposures below the limits recommended in the ICNIRP international guidelines do not appear to have any known consequence on health.
- 5.21 5G telecommunication infrastructure, in similarity to previous generations of mobile technology, and other technologies such as television and radio, emit EMFs. As 5G technology uses higher frequency waves than previous 3G and 4G technology, more transmitter masts are needed to facilitate the socio-economic benefits that such technologies allow. However, studies have recognised that EMF levels emitted from 5G infrastructure are at small fractions of the levels identified in ICNIRP guidelines. Indeed, the largest contribution to the measured levels comes from previous generations of mobile technology (Ofcom, 2020).
- 5.22 The certificate submitted with the current application, dated 09/11/2020 claims full compliance with ICNIRP guidelines. Considering the above, this certificate is considered to fulfil the obligations of the applicant in ensuring that the telecommunications development is safe in regard to human health. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators,

question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure. Therefore, whilst officers note the concerns raised in regards to public health, there is no compelling reason to warrant withholding planning permission on the grounds of any perceived risk to public health based on the information as outlined above.

Residential Amenities

- 5.23 In regards to the impact on residential amenity, this has been carefully assessed. A number of objections have been made in regards to the overlooking and overbearing impact the proposed new mast would have on neighbouring properties. Officers have taken these concerns into consideration and are of the opinion that given the application seeks to remove the existing mast and replace it with a new mast which would sit 3m shorter, that the proposed upgrade would not result in any sufficient levels of neighbourly harm over and above what already exists. Therefore, your officers are of the opinion that the proposed replacement mast is considered acceptable in this regard.

Highways

- 5.24 The site would be accessed from Everest Roofing which is situated at the end of a narrow road which adjoins the Witney Road. The access track to the site is owned by the occupier of no. 29 Witney Road. Officer's note that a number of concerns and objections have been raised in regards to the right of access over the land and in regards to existing damage which has resulted from vehicles using the track. Whilst officers note these concerns, the right of access and issues relating to the damage of property are civil matters and are not considered to be material planning considerations and as such these concerns cannot be taken into account when determining the application before members.
- 5.25 OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Other Matters

- 5.26 A number of representations have been received raising objections to the potential detrimental impact the proposed 5G mast would have on house prices. Whilst officers note these concerns, the impact of the development on property value is not a material planning consideration and advises members that there is not a threat of litigation should the proposal be approved.
- 5.27 In addition to this, a number of concerns have been raised in regards to the potential impact of the mast and ancillary equipment in terms of noise disturbance. Environmental Health has been consulted on the application and has raised no objections in terms of noise disturbance and pollution.

Conclusion

- 5.28 Taking into account the above matters the proposal is considered acceptable on its merits and is therefore recommended for approval. The application complies with Policies OSI, OS2, OS4, H6 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016

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.