

Item No 04:-

19/01184/FUL

**Land Parcel E419306 N212935
North Of Midford House
Windrush
Gloucestershire
OX18 4TS**

Item No 04:-

Erection of a joinery workshop at Land Parcel E419306 N212935 North Of Midford House Windrush Gloucestershire OX18 4TS

Full Application 19/01184/FUL	
Applicant:	Mr Adrian Mustoe
Agent:	Knights Plc
Case Officer:	Alison Williams
Ward Member(s):	Councillor Tony Dale
Committee Date:	15th January 2020
RECOMMENDATION:	PERMIT

UPDATE: THIS APPLICATION WAS DEFERRED FROM THE OCTOBER PLANNING AND LICENSING COMMITTEE TO ALLOW FOR A NOISE ASSESSMENT TO BE SUBMITTED AND CONSIDERED. THE REPORT TO THE OCTOBER COMMITTEE IS AS FOLLOWS WITH UPDATES HIGHLIGHTED IN BOLD

Main Issues:

- (a) Principle
- (b) Design and impact on the AONB and Conservation Area
- (c) Impact on the highway
- (d) Impact on trees
- (e) Impact on amenity

Reasons for Referral:

Councillor Tony Dale requested the application be considered at Planning and Licensing Committee for the following reason:

"The application site is in open countryside adjacent to residential properties on the southern edge of the village of Windrush. Notwithstanding the proposed relocation of the business from an existing rural location, this new workshop and the joinery business would be inappropriate to the rural area due to the fact that it would result in sporadic economic development in the open countryside, outside of a sustainable settlement with a defined Development Boundary. Consequently, the proposed change of use of the land and development would be harmful in terms of being unsustainable and contrary to Cotswold District Local Plan Policies and the NPPF.

The applicant has failed to demonstrate that satisfactory visibility could be provided at the proposed access to the site. As such the proposed development would prejudice highway safety contrary to Cotswold Local Plan Policy 38 and the National Planning Policy Framework. The employment of a single apprentice at a workshop this small without any simple facilities is not a material public benefit that offsets the loss of Heritage Asset. Many small light industrial units exists at the opposite end of Windrush that could be used?

I was extremely surprised that the Highways Officer raised no objections, except the conditions, given the single track, steep lane that this land adjoins and have referred it back to Highways for further comment.

I was equally surprised that no noise objections were raised for a timber workshop (saws, drills, lathes) within 50m of several residential properties, some with small children."

1. Site Description:

The application site comprises a parcel of land extending approximately 24m in length and approximately 6m in depth reducing to 4.3m. The land is elevated above the road level by approximately 1.2m. The site is defined by a stone wall and mature trees/hedging along the eastern and southern boundary.

To the north of the site is South View and its garden is located to the north of the site. To the west on the opposite side of the road is The Vicarage which is a detached dwelling set back from the highway. There is a detached single storey garage located to the north-west of the proposed access to the highway. The driveway to Hill House is located to the south of the site.

The site is located within the Windrush Conservation Area and the Cotswold AONB.

The proposals seek to construct a joinery workshop building that would measure 9m in length by 4m in width and 3.85m to the ridge. Due to the land levels on the site the building would be set into the land resulting in the building overall being approximately 4.04m from the road level to the ridge. The building would be constructed in horizontal timber cladding and a metal sheet roof. Access would be taken from the north western corner with Geogrid matting laid that would extend 5.5m and 1.8m in width back from the 1.6m verge crossing. It would then extend to the south by 3.6m and 1.9m in width. This would provide a parking area for the proposed joinery workshop.

2. Relevant Planning History:

13/03424/FUL - Erection of joinery workshop (B1c use class) and new access - Refused 27.09.2013 (outside of development boundary and in open countryside, insufficient visibility splays)

14/02319/TCONR - Ash - fell - No objection 11.06.2014

14/03623/FUL - Change use of land to residential (C3) and erection of a garage - Refused 17.10.2014 (outside of development boundary and in open countryside, harm to AONB) Appeal Dismissed - Harm to AONB and Conservation Area, no public benefit

Land to the south

CD.3127 - Outline application for the construction of one dwelling and garage - Permitted 7.06.1962

CD.3127/A - Outline application for a dwelling - Permitted 3.11.1967

CD.3127/B - Outline application for the construction of one dwelling and garage - Permitted 4.09.1970

CD.3127/B/AP - House and garage - Permitted 8.12.1972

Land to west

CD.4989 - Outline application for a parsonage - Permitted 5.03.1971

CD.4989/A - Erection of a vicarage and vehicle access - Permitted 5.06.1975

Garage to North West

CD.3017 - Erection of a garage (waney edge boarding and cedar shingles) - Permitted 7.12.1961

3. Planning Policies:

NPPF National Planning Policy Framework

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN7 Trees, Hedgerows & Woodlands

EN15 Pollution & Contaminated Land

EC1 Employment Development
EC3 All types of Employment-generating Uses
INF4 Highway Safety
INF5 Parking Provision

4. Observations of Consultees:

Highways Officer - No objection subject to conditions

Tree Officer - Comments incorporated within the officer's assessment

Public Protection Officer (Noise) - **UPDATE: Noise report received and no objection subject to conditions. (A copy of his final comments are attached to this report)**

Public Protection Officer (Contamination) - No objection

5. View of Town/Parish Council:

No comments received at the time of writing the report

6. Other Representations:

23 letters of objection have been received which raise objection in relation to:

- i) Noise from the operation of the workshop
- ii) Impact on amenity in relation to dust and noise
- iii) Impact on highway safety in relation to vehicle access and deliveries
- iv) Adverse impact on the AONB and Conservation Area due to scale and appearance of the development
- v) Provision of sewage/water disposal
- vi) Impact on trees from required excavation
- vii) Impact of visibility from proposed hedge

14 letters of support have also been received which support the proposals for the following reasons:

- i) There used to be a shed on the site 30 years ago
- ii) Positive use of the land
- iii) Would not be intrusive
- iv) Would allow applicant to work within the village he lives
- v) Would reduce carbon footprint
- vi) Brings employment into the village
- vii) Sustains an existing business and skills

7. Applicant's Supporting Information:

Arboricultural report
Design and access statement

8. Officer's Assessment:

Background

The applicant is the owner of the land and lives in the village of Windrush. He is the owner of Mustoe & Sons Ltd, an established joinery business making doors, windows, and staircases. The applicant currently operates from rented premises in Sherborne. The applicant sets out that if the business was relocated it would no longer be required to pay rent for the current premises and as

such it is anticipated that an additional job could also be supported thereby creating the potential for additional employment.

UPDATE:

Mustoe and Sons Ltd (Company Number Ref. 04118582) is the business set up by the applicant's late father. The business is a small one with two elements: the joinery part of the firm run by Adrian Mustoe, and a general building operation, run by his brother Nicholas Mustoe. Subject to planning permission being obtained, Adrian Mustoe would transfer his joinery operation to the new workshop, hence the application seeks permission for a 'joinery workshop' . There is no intention to locate any element of the general building contractor part of the firm here.

(a) Principle

To assist the assessment of the current proposals, it is important to firstly have regard to the previously refused applications referred to in the Relevant Planning History under section 2 of this report.

13/03424/FUL - Erection of joinery workshop (B1c use class) and new access (Refused 2013)

This was an application for the erection of a timber clad joinery workshop measuring 12m x 4m and 4m in height with a pitched roof running perpendicular to the road.

In respect of the site's character, the Conservation Officer commented that "This is a small section of land of no real significance to the character of the conservation area it has no particular historic interest and it has no architecture to give it interest its impact on the area particularly when considered with its immediate neighbours is essentially neutral. Taking into account the desire to create viable rural communities as expressed in section 3 of the NPPF the proposal has public benefit and sustainable credentials. The modest building if properly landscaped with the retention and possibly minor reinforcement of the existing site boundaries would be located on a neutral site and not cause any real harm to the character of the conservation area."

Nevertheless, the application was refused for the following reasons:-

Refusal Reason 1

"The application site is in open countryside adjacent to residential properties on the southern edge of the village of Windrush. Notwithstanding the proposed relocation of the business from an existing rural location, this new workshop and the joinery business would be inappropriate to the rural area due to the fact that it would result in sporadic economic development in the open countryside, outside of a sustainable settlement with a defined Development Boundary. Consequently, the proposed change of use of the land and development would be harmful in terms of being unsustainable and contrary to Cotswold District Local Plan Policies 19, 24 and Paragraph 28 of the NPPF."

and

Refusal Reason 2

"The applicant has failed to demonstrate that satisfactory visibility splays could be provided at the proposed access to the site. As such the proposed development would prejudice highway safety contrary to Cotswold Local Plan Policy 38 and the National Planning Policy Framework."

The policy considerations at that time were that Local Plan Policy 19 supported new development appropriate to rural areas where it related well to the existing development and would meet other relevant criteria. As a new building and employment use, the proposal was considered to

compromise the principles of sustainable development as the site was considered to be in the open countryside as it was not within a defined settlement boundary.

Policy 24 of the Local Plan also sought employment-related development to be located in settlements and not in open countryside, which under Policy 19; this location was considered to be. It also required that the proposed access was adequate for the vehicles needed to service the use. The proposal failed to meet the requirements of Local Plan Policy 24.

It is clear that the policy considerations (Policy 19 and 24) at the time of the 2013 application for the workshop are materially different to the considerations now given to employment development proposals under current Local Plan Policy EC3. Policy EC3 does not limit such development to being within existing settlements. Nevertheless, officers are now content that the application site can be considered to be within the settlement and visually relates well to the existing built character of the village, as will be explained in more detail under heading (b) of this report.

The issue of the site access in respect of the second refusal reason is assessed under heading (c) of this report.

13/04318/FUL - Proposed garage ancillary to residential dwelling (Refused 2014)

Refusal reason 1

The application site is in open countryside adjacent to residential properties on the southern edge of the village of Windrush. This new garage for domestic use associated with a residential dwelling some 400 metres from the application site, would be inappropriate in this location, due to the fact that it would result in sporadic development in the open countryside, outside of a sustainable settlement with a defined Development Boundary. Consequently, the proposed change of use of the land and development would be harmful and contrary to Cotswold District Local Plan Policy 19, and Central Government Guidance contained within the NPPF.

Refusal reason 2

The applicant has failed to demonstrate that satisfactory visibility splays, and safe and adequate access and egress could be provided at the proposed access to the site. As such the proposed development would prejudice highway safety contrary to Cotswold Local Plan Policy 38 and advice contained within the National Planning Policy Framework.

Refusal reason 3

The applicant has failed to demonstrate that the development will not cause harm to trees of acknowledged importance, which are of benefit to the character and appearance of the surrounding area. Existing trees which are important to the character or appearance of a Conservation Area will be protected, and the development proposals do not demonstrate whether the trees which form an attractive landscape feature can be retained and integrated as part of the application. In this respect the application is contrary to Policy 10, 15 and 45 of the Local Plan, and Sections 11 and 12 of the NPPF.

The above application was for a garage the same size as the joinery workshop applied for under 13/03424/FUL albeit for domestic use as a garage. The officer's report identified that "The application site is within the open countryside, given that Windrush does not have an established development boundary. In this respect, Policy 19 of the Local Plan is relevant which sets out the forms of development that will be acceptable outside of development boundaries. Whilst domestic outbuildings such as garages are permitted within the curtilage of existing dwellings (see guidance note 1 of Policy 19), the provision of garaging and outbuildings in isolated locations outside of residential curtilages, and in this case, approximately 400 metres from the dwelling with which the accommodation would be linked, would appear to be at odds with the aims and objectives of Policy 19 of the Local Plan."

As with the 2013 application for the joinery workshop the current Local Plan no longer considers rural settlements without a development boundary to be open countryside or unsustainable in principle having regard to Policy DS3.

14/03623/FUL - Change use of land to residential (C3) and erection of a garage - Refused and dismissed at appeal

The proposals were for a domestic garage measuring 12 metres long by 4 metres wide with a ridge height of 4.1 metres.

Refusal Reason 1

The application site is in open countryside adjacent to residential properties on the southern edge of the village of Windrush. The proposed garage would be for domestic use associated with a residential dwelling known as Inglenook Cottage, which is located some 400 metres from the application site. This proposal is considered to be inappropriate in this location, due to the fact that it would result in sporadic domestic development in the open countryside, outside of a sustainable settlement with a defined development boundary, contrary to Cotswold District Local Plan Policy 19. The proposed change of use of the land and erection of a garage would also be considered harmful to the Cotswolds Area of Outstanding Natural Beauty because it fails to preserve the scenic beauty of the locality contrary to the guidance contained within paragraph 115 of the National Planning Policy Framework.

APPEAL

The Inspector at para 7 of the appeal decision set out that "The Cotswold District Local Plan (2006) (Local Plan), states that most of the District's settlements have a rural character and blend into the surrounding landscape. They are not considered sustainable locations for development and therefore have no defined settlement boundary. In terms of planning policy they are treated similarly to open countryside. Windrush is one of these rural settlements."

At para 14 the Inspector summarises the impact on the AONB as "The garage would be seen as an extension of built development alongside the highway, in the open countryside within the AONB. Having regard to the particular details of this case, I do not consider that the development of this vacant site with a building would enhance the AONB."

In relation to the impact on the Conservation Area, the Inspector at Para 16 sets out that "The proposal would be visually prominent at this entrance to the WCA when travelling into/out of the village. I have already found that the proposal would harm the character and appearance of the area and this has an impact on the wider area, close to an important entrance to the WCA," and continues at para 17 that "Although the harm I have identified would fall within the category of "less than substantial harm", I have not been provided with any evidence to identify a public benefit. I note the appellant's desire for a garage but I do not consider this would be a public benefit as such."

Again the current Cotswold Local Plan does not consider settlements without a defined boundary as being open countryside. Additionally these proposals were for a domestic garage which did not accrue any public benefit. The creation of an employment opportunity to help to sustain the rural economy would be however considered a public benefit.

CURRENT POLICY

Para 83 of the NPPF sets out that "planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Para 84 sets out that "planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is

sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

Policy EC1 is the overarching employment policy and supports new development that maintains and enhances the vitality of the rural economy. Policy EC3 sets out that outside of development boundaries and outside established employment sites, proposals for small-scale development appropriate to the rural area will be permitted where they:

- a. do not entail a residential use as anything other than ancillary to the business: and
- b. are justified by a business case demonstrating that the business is viable: or
- c. facilitate the retention or growth of a local employment opportunity.

The application site is not located within a defined development boundary. However it is considered to be within the village of Windrush given its physical proximity to the village and its visual relationship with surrounding built development and neighbouring residential properties.

The proposals are for the construction of a joinery workshop to facilitate the applicant to relocate from their rented workshop to a purpose built building within the village they live in. As such there is no residential element to these proposals. The business is well established and offers bespoke joinery services from rented premises in Sherbourne. The business is a rural skilled profession that is small scale and considered appropriate to its village location.

A joinery workshop falls within the planning B1 Use Class. This is development which is classified as light industry appropriate in a residential area. Given the potential for the change of uses allowed under current permitted development rights, it is considered reasonable to restrict the use to B1.

The supporting documents to the application detail that the intention is to employ an apprentice in the future as investment into passing on the rural skills of joinery. The applicant contends that the employment of an apprentice would be possible as the applicant would no longer be paying rent as they do currently and could therefore invest in training and employing an apprentice.

The principle of development is therefore considered to accord with Paras 83 and 84 of the NPPF and Policy EC3 of the Cotswold Local Plan.

(b) Design and impact on the AONB and Conservation Area

The application site is located within the Windrush Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the NPPF requires that local planning authorities take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy EN1 of the Cotswold District Local Plan states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by, amongst other things; ensuring the protection and enhancement of existing

natural and historic environmental assets and their settings in proportion with the significance of the asset; ensuring design standards that complement the character of the area and the sustainable use of the development.

Section 12 of the NPPF makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. The Council's adopted Local Plan 2011-2031 is consistent with the NPPF and under Policy EN2 (The Built Environment) requires development to accord with the Cotswold Design Code.

Policy EN10 states that in considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of the designated heritage assets (and their settings), and put them to viable uses, consistent with their conservation, will be permitted. Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

Policy EN11 states that development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they: preserve and where appropriate enhance the special character and appearance of the Conservation Area.

In respect of the application site planning history, it is noted that a previous appeal of application 14/03623/FUL for the change of use to domestic land and construction of a garage was dismissed in relation to harm to AONB and Conservation Area and no public benefit (as it was for domestic use). The character and appearance of the lane and Conservation Area has changed since the previous appeal. It is noted that the occupants of South View had planted a hedge at the time of the appeal site visit which had not yet established. This run to the northern boundary of the application site and rather than a rural hedgerow this is now an established formal maintained domestic hedge. It is acknowledged that the lane does get more rural travelling south past the application site. However the site is clearly visually part of the village and as the Conservation Officer set out in the 2013/2014 applications the site is "a small section of land of no real significance to the character of the conservation area, it has no particular historic interest and it has no architecture to give it interest its impact on the area particularly when considered with its immediate neighbours is essentially neutral."

The character and appearance of the Windrush Conservation Area is varied. There are outbuildings located within proximity of the road sides most notably opposite the site is a detached domestic garage. In travelling north into the village glimpsed views of the building would be seen. However, this would only be of the side of a timber building with a metal sheet roof. These are appropriate materials within rural areas and villages and would not be considered to result in harm to the character or appearance of the Conservation Area. When travelling south and leaving the village, glimpsed views of the gable end with its timber doors would be possible. It is considered again that the timber cladding and scale of the building would be appropriate to the location and would be viewed in the context of surrounding development. Views from the east would be screened by the existing trees and hedgerows. To the west is a domestic dwelling and public vantage points would be limited to passing by either driving through or walking along the lane. As such subject to conditions to control the materials of the building, it is considered that the proposals would maintain the character and appearance of the Conservation Area. While the proposals would introduce development and therefore result in harm to this part of the conservation area, this would be considered less than substantial harm which would be outweighed by the public benefit of employment provision and sustaining the rural economy.

The proposed access would require some landscaping to the raised verge. The land appears artificially raised and is likely the result of spoil building up over numerous years. The access would be laid with Geogrid matting to protect the tree roots which would also maintain a rural character of the land. The building itself would be set down within the land and clad in timber which would be left to silver and weather naturally. Set against a backdrop of existing trees and

hedging the building has been designed to be simple in appearance with a reduced height and in materials to compliment the site and its surroundings.

Officers are therefore satisfied that the site is located within the village of Windrush. The building would be seen in context of surrounding development. Whilst the proposals would introduce change into the conservation area which would be harmful this harm is less than substantial and would be outweighed by the public benefits of the scheme in accordance with Policy EN2 and EN11 of the Cotswold Local Plan and the NPPF.

The site is located within the Cotswold AONB. Policy seeks to ensure that proposals within the AONB conserve and enhance the natural beauty of the landscape, its character and special qualities. The proposals are for small scale development within the AONB. This part of the AONB encompasses the built development of Windrush which surrounds the site. There are open fields to the rear of the site which are screened from the public vantage points of the highway by the raised land levels and the mature tree line. Due to the change in the character and appearance of the area since the appeal decision it is considered that the proposal would not now result in an encroachment of development into the countryside or have an adverse impact on the AONB in this village location. It is therefore considered that the proposal will not have an adverse impact on the character or appearance of the AONB in this location and the proposals therefore do not conflict with Local Plan Policies EN1, EN2, EN4, EN5 or Paragraphs 170 and 172 of the NPPF.

(c) Impact on the highway

The NPPF does not set minimum or maximum parking standards. However, it sets out at para 105 that local planning authorities should take into account, the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels; and an overall need to reduce the use of high-emission vehicles.

Local Plan policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

Local Plan policy INF5 (Parking Provision) requires development to make provisions for non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.

The application proposes a vehicular access from the highway at the north western corner of the site. A parking area would then be provided in the form of Geo-grid matting. This is a system that provides reinforcement of driveway and access and allows the grass to grow through. Appendix F of the Cotswold Local Plan sets out the parking requirements for non-residential parking with B1(c) use classes requiring 1 parking space per 50sqm of floor space. As the proposals would only create 36sqm of B1 (c) floor space only 1 parking space would be required. The proposals do not generate a requirement for cycle/motor cycle parking or disabled parking provision.

The 2014 application and appeal proposed a similar access point. However sufficient access could not be achieved. Reviewing the historic files, it is noted that the appeal application was not accompanied by a topographic survey and relied on Ordinance Survey maps to mark out the visibility splay. The current application is based on an up to date topographical survey and provides a visibility splay diagram demonstrating that the required visibility can be achieved in both directions. This has been reviewed by the Gloucestershire Highways Officer who raises no objections to the proposal subject to conditions to ensure that the access is constructed to achieve and maintain visibility.

It is acknowledged that concerns have been raised regarding the impact on the highway in relation to parking and deliveries. Policy only requires parking for 1 vehicle and this can be provided within the site. Given the size of the building and nature of the business, deliveries are not likely to be large enough to cause conflict with highways movements as there is insufficient

space within the building to store large amounts of materials. No storage of materials outside would be allowed. There would be sufficient space within the site for the applicant to park their work vehicle on site and for a delivery vehicle to reverse up onto the access. This may result in a short delay as the vehicle reverses. However this is no different to a residential property getting a delivery and the van reversing onto or off their drive. Even if another B1 use moved onto the site the parking requirements would remain the same and given the size of the building large deliveries are highly unlikely as there would not be space within the building to hold large amounts of stock.

As such the proposals would maintain highway safety in accordance with Local and National Planning Policies.

(d) Impact on trees

Policy EN7 seeks to ensure that trees of landscape and amenity value are not adversely affected by proposals. There are a number of trees around the boundaries of the site which while not protected by a TPO are protected by virtue of being located within the Conservation Area. The application was accompanied by an arboricultural report which sets out measures to protect trees during and after construction. It also sets out methods to ensure that the building is constructed in a manner that does not adversely affect the Root Protection Areas of the trees. The parking and access would be constructed in Geogrid matting to reduce the pressure on the roots of vehicles using the site. The Council's Tree Officer raises no objections to the proposals subject to conditions to ensure that the works are carried out in accordance with the Tree Report.

In addition the proposals include the planting of a native species hedgerow along the western boundary. This would be an enhancement to the site and would complement the existing boundary hedges as you enter the village.

Therefore subject to conditions the proposals would not impact adversely on trees in accordance with Policy EN7 of the Cotswold District Local Plan.

(e) Impact on amenity

Paragraph 127 of the NPPF seeks to create places with a high standard of amenity for existing and future users. Policy EN15 of the Cotswold District Local Plan sets out that development will be permitted that will not result in unacceptable risks to public health or safety or the natural environment through:

- a. pollution of the air, land, surface water, or ground water sources: and/or
- b. generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

UPDATE:

A noise report has now been submitted in support of the application and has been reviewed by the Council's Public Protection Officer (Noise).

The nearest residential properties are The Vicarage located 24m to the west and South View located 35m to the north. The proposals are for a joinery workshop which falls within planning Use Class B1, which is considered appropriate development within a residential area. However, it is acknowledged that neighbouring residents have concerns regarding the potential for noise and dust. The Council's Public Protection team have been consulted and raise no objections to the proposals subject to a number of conditions to ensure that any potential risks from the development are controlled and acceptable to the location. These include a condition to restrict doors and windows only be open for entry or exit of the building and at all other times shall be closed and that the building is designed with additional noise mitigating materials. It is considered that these conditions are reasonable and enforceable with adequate dust extraction allowing for suitable internal air conditions for workers as a result of doors and windows being closed. The additional noise mitigating

materials are a recommendation within the applicants own noise report. In addition the applicant is content that the conditions are acceptable for his business model.

In addition to reviewing the noise report the Public Protection (Noise) Officer also visited the application site. He raises no objections to the proposals subject to a number of noise conditions.

It is therefore considered that subject to conditions, the construction of a B1 joinery workshop would not result in harm to neighbouring amenity in accordance with Local and National Planning Policies.

9. Conclusion:

The proposals are considered acceptable subject to conditions and are therefore recommended for approval.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

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

2. The development hereby approved shall be implemented in accordance with the following drawing number(s):

212578-11 Site and location plans, 212578-10C Plans, elevations and sections,

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays in accordance with plan SCP/19737/F01 extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 26m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

4. The building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing no. 212578-02 , and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

5. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed broadly in accordance with the submitted plan drawing no. 212578-02 but with a minimum entrance width of 5.2m, with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

6. No above ground works shall commence on site until a scheme has been submitted for the provision of fire hydrants for the benefit of the commercial development in a location agreed with the Council and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 &16 (Fire Hydrants/Water Supplies and Vehicle Access).

The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

7. All doors and windows to the premises shall be kept closed at all times except for the explicit purpose of entry to or exit from the premises.

Reason: To avoid unnecessary noise from open doors and windows, in order to protect the amenity of the locality, especially for people living and/or working nearby in accordance with Cotswold District Local Plan Policy EN15.

8. Prior to the first use of the building the roof construction shall provide for an overall mass per unit area of no less than 25kg/m². Workshop doors shall be of solid timber type and of no less than 44mm thickness.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15 and The National Planning Policy Framework.

9. The workshop shall only operate between the hours of 08:00-18:00hrs Monday-Friday and 09:00-12:30hrs on Saturdays. And at no time on Sundays or Bank holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15.

10. No outside storage, manufacturing, repair or maintenance processes shall be carried out outside the building on the site.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy EN2, EN11 and EN15.

11. The application site shall be used only for B1 use, and for no other purpose, including any other purpose in Class B1, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or the equivalent to that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015.

Reason: It is essential that the Local Planning Authority retains control over the use of the development to ensure that the impact on the highway and neighbouring amenity is controlled, in accordance with Cotswold District Local Plan EN14 and INF4.

12. The activities and operations within the workshop shall not give rise to a specific noise level rating greater than 27 dBLAeq,T* at the nearest noise sensitive premises, as measured using British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound'

(Note: *T is reference time interval of 1-hour during the daytime (08:00-18:00hrs)

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Local Plan Policy EN15.

13. No outside storage, manufacturing, repair or maintenance processes shall be carried out outside the building on the site.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy EN15.

14. Prior to the first occupation of the development hereby approved the roof light to the west facing roof pitch shall be un-openable. No windows are to be installed on the west elevation of the workshop.

Reason: To protect the privacy of the occupants of neighbouring dwellings in accordance with Cotswold District Local Plan EN15.

15. The timber cladding shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan EN2 and EN11.

16. Prior to the first occupation of the development hereby permitted, the windows and doors shall be finished in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved finish.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and EN11.

17. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

18. No development shall take place until a full Tree Protection Strategy has been submitted to and approved in writing by the Local Planning Authority.

The Protection Strategy (to be prepared by a suitably qualified arboriculturalist and in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - recommendations') shall include where appropriate -

1. Arboricultural Implications Assessment
2. Arboricultural method statement
3. Tree Protection Plan

4. A timetable of arboricultural site inspections (to be carried out by a suitably qualified Arboriculturalist and all findings reported in writing to the Local Planning Authority).

19. The approved strategy shall be implemented in full according to the timescales laid out in the strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

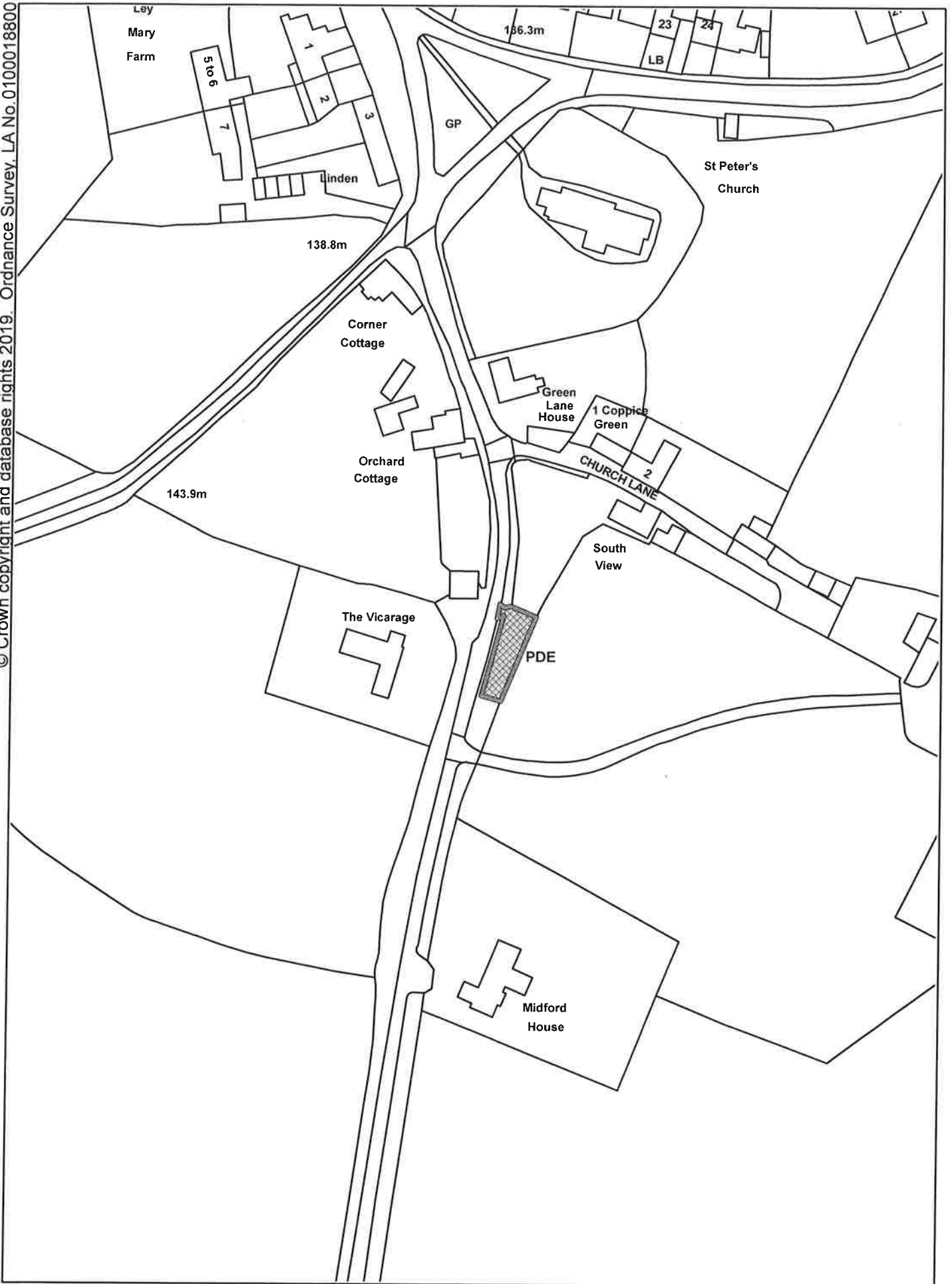
20. Notwithstanding condition 15, the excavations by hand shall be carried out under an arboricultural watching brief and any root pruning to be assessed and carried out by the Arboriculturist

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

Informatives:

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

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COTSWOLD
DISTRICT COUNCIL

LAND PARCEL NORTH OF MIDFORD HOUSE WINDRUSH

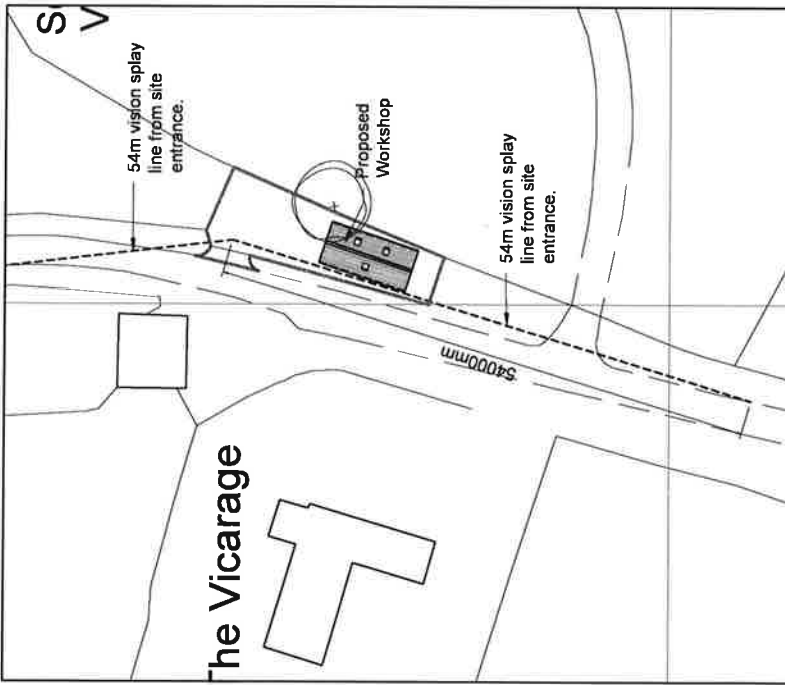
Organisation: Cotswold District Council

Department:

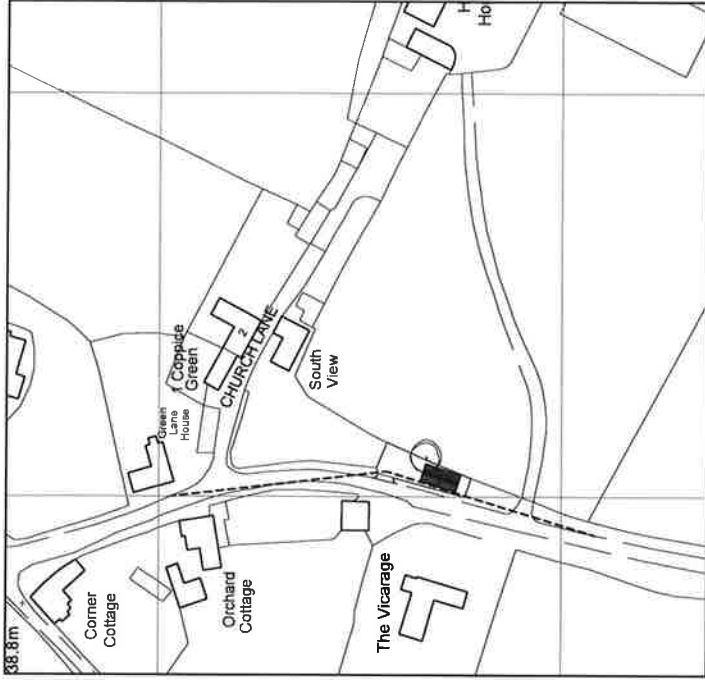
Date: 31/12/2019

Scale: 1:1250





BLOCK PLAN (1:500)



LOCATION PLAN (1:1250)



PLANNING ISSUE

ARCHITECTURE • PLANNING • CONSTRUCTION CONSULTANTS • PROJECT MANAGEMENT
 CLIENT MR. A. R. MUSTOE
 INGLENOOK COTTAGE, WINDRUSH,
 BURFORD, OXFORDSHIRE OX18 4JT
 PROJECT PROPOSED WORKSHOP AT
 WINDRUSH, BURFORD, OXFORDSHIRE

TITLE SITE & LOCATION PLANS			
SCALE	DATE	DRAWN	DRAWING NUMBER
1:500, 1:250 @ A3	16/07/2019	AJT	212778-11
REVISION			

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 Email: info@johnhallamassociates.co.uk
 Website: www.johnhallamassociates.co.uk

Sent: 09 December 2019 11:18

To: Alison Williams

Subject: RE: Application 19/01184/FUL Joinery Workshop in Windrush for Planning Committee

Hi Alison,

Following my site visit (my photos attached for completeness) and now the applicant's submission of a requested noise report, I have **No Objection in principle**, subject to strict controls by way of noise conditions and a workshop design based on likely internal noise levels [based on the report's item inventory noise measurements].

Recommended conditions:

- (i) No windows are to be installed on the west elevation of the workshop. The roof light to the west facing roof pitch shall be un-openable.
 - (ii) There shall be no machinery used externally.
 - (iii) The workshop shall only operate between the hours of 08:00-18:00hrs Monday-Friday and 09:00-12:30hrs on Saturdays. And at no time on Sundays or Bank holidays.
 - (iv) During normal workshop operations windows and doors shall be *closed*.
 - (v) The roof construction shall provide for an overall mass per unit area of no less than 25kg/m². Workshop doors shall be of solid timber type and of no less than 44mm thickness.
 - (vi) The activities and operations within the workshop shall not give rise to a specific noise level rating greater than 27 dBLAeq,T* at the nearest noise sensitive premises, as measured using British Standard 4142:2014 '*Methods for rating and assessing industrial and commercial sound*'
- (Note:*T is reference time interval of 1-hour during the daytime (08:00-18:00hrs))

Please do come back to me if we need to discuss.

Kind regards,

Neil

Mr Neil T. Shellard MSc MCIEH PG Dip. Acou.

Senior Officer*

 West Oxfordshire District Council (01993) 861374

 Cotswold District Council (01285) 623000

 Forest of Dean District Council (01594) 810000

 ers@publicagroup.uk

Publica is a company wholly owned by Cotswold District Council, Forest of Dean District Council, West Oxfordshire District Council and Cheltenham Borough Council to deliver local services on their behalf.

Please note the above is the opinion of an officer and as such should not be held as binding on the council

- 3.11 All relevant items have been covered by this exercise, with the exception of the Sedgewick 440R bandsaw, which was not operational at the time of the survey. It is understood that noise levels are subjectively comparable from this machine to the noisiest of the other machines, but not higher.
- 3.12 The measured noise levels are set out in Table 2 in terms of the overall A-weighted values. The octave band L_{eq} values are presented in Appendix II.

Table 2 : Operation Noise Level Survey Results

Item	Make	Model	Timber Cutting	Measurement Location	Noise Level dB L_{Aeq}
Panel Saw	Multico	unknown	No	1m	83
				Reverberant	77
			Yes	1m	94
				Reverberant	89
Planer / Thicknesser	Sedgewick	MB/CP	No	1m	82
				Reverberant	76
			Yes	1m	88
				Reverberant	80
Table Saw	Sedgewick	TA13	No	1m	86
				Reverberant	81
			Yes	1m	93
				Reverberant	85
Spindle Moulder	Startright	T160	No	1m	87
				Reverberant	78
			Yes	1m	93
				Reverberant	88
Morticer	Wadkin and Co	WKT 22/15	No	1m	88
				Reverberant	79
			Yes	1m	83
				Reverberant	75
Dust Extractor	Charnwood	W795 5HP	N/A	1m	83
				Reverberant	78
Briquette Maker	MAE	unknown	Yes (shavings)	1m	67
				Reverberant	61
Air Filter	J.E.T.	unknown	N/A	1m	54
				Reverberant	52

GENERAL NOTES

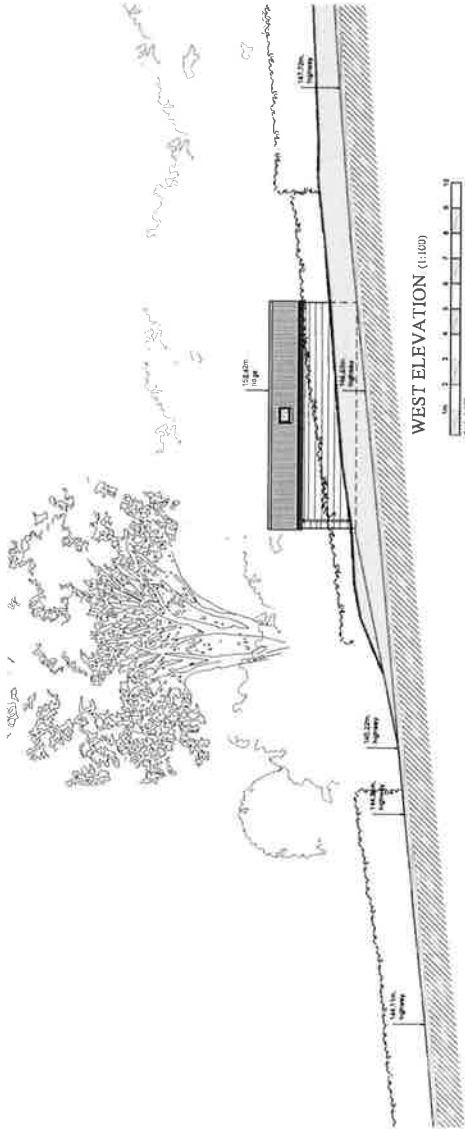
PROPOSED CROSS INTERNAL AREA (GFA) 156sq
 PROPOSED CROSS INTERNAL AREA (GIA) 72sq

NEW MATERIALS

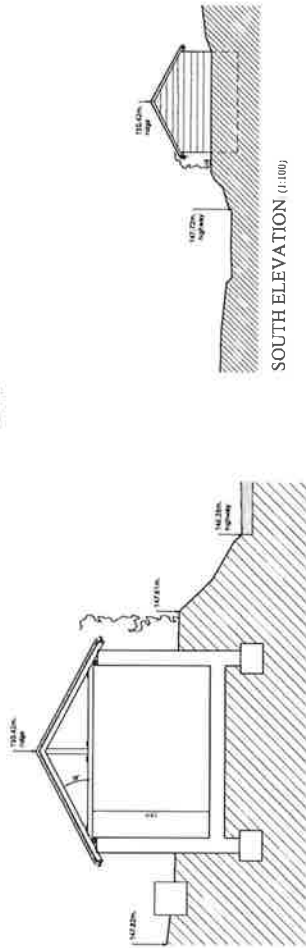
WALLS BLOCK WALL CONSTRUCTION WITH PAINTED / STAINED HORIZONTAL TIMBER LARCH WANEY EDGE (COLOUR: BLACK)
 ROOF METAL SHEETING, TYPE AND COLOUR TO BE APPROVED BY THE LOCAL AUTHORITY
 WINDOWS & DOORS NEW TIMBER FRAMED WINDOWS COLOUR: WHITE WITH INTERNAL SHUTTERS, TIMBER CABAGE DOUBLE GLASS
 GUTTERING & RVP NEW GUTTERS AND RAINWATER PIPES ARE TO BE PVC (COLOUR: BLACK) DRAINAGE TO BOM-AWAYS

NOTES

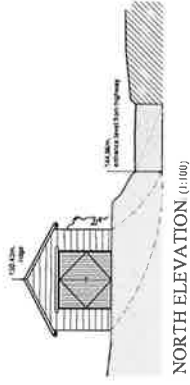
FOLI BASKED, SOLID INSULATION TO WALL STRUCTURE AND CUT BETWEEN RAFTERS. EXAMPLE 75mm KINGSFAN K100 HI WALL
 BOARD AND KINGSFAN K100 FITTED ROOF BOARD OR SIMILAR



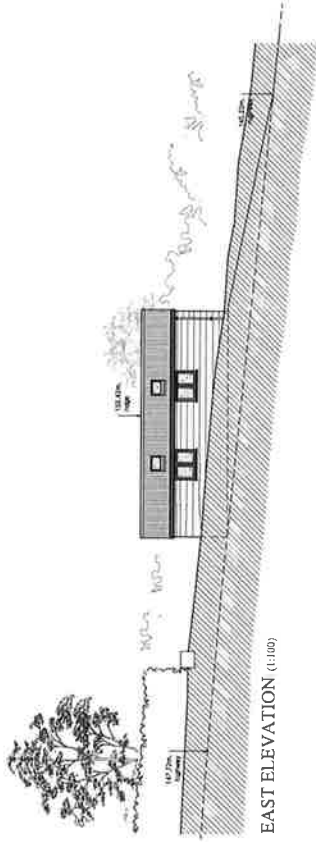
WEST ELEVATION (1:100)



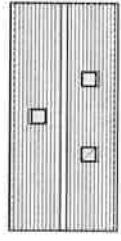
TYPICAL SECTION (A-A) (1:50)



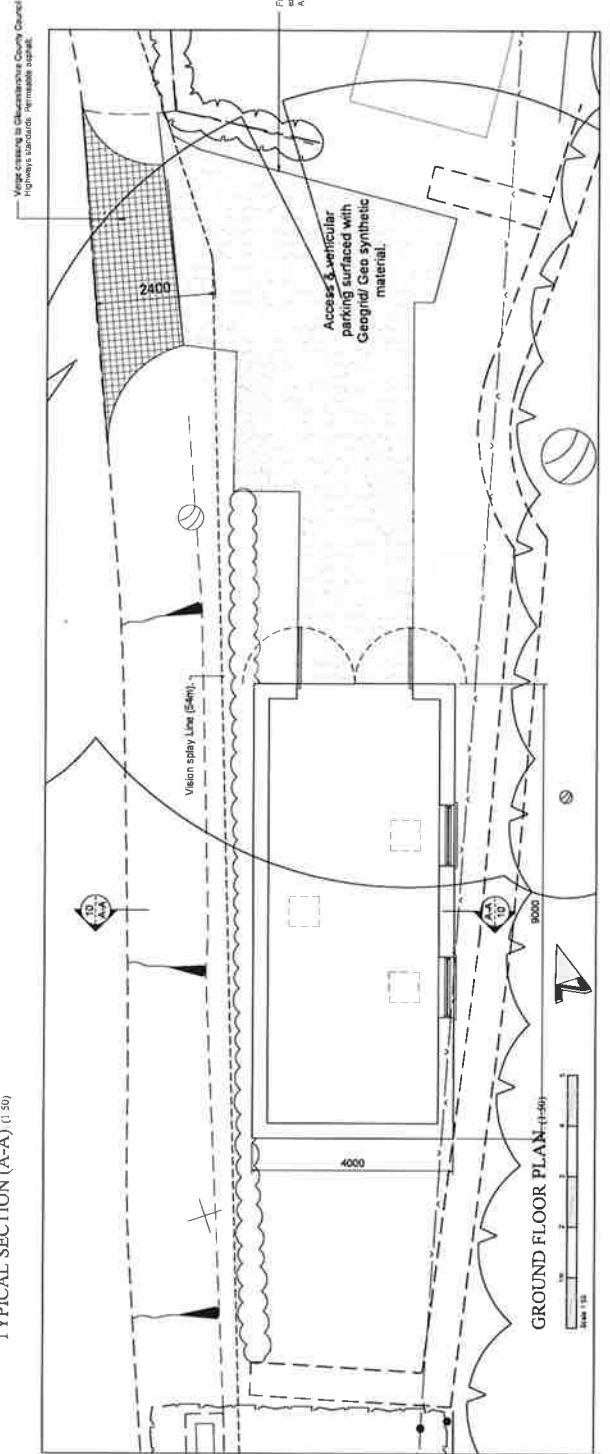
NORTH ELEVATION (1:100)



EAST ELEVATION (1:100)



ROOF PLAN (1:100)



GROUND FLOOR PLAN (1:50)

PLANNING ISSUE



ARCHITECTURE, PLANNING, CONSTRUCTION CONSULTANTS & PROJECT MANAGEMENT LIMITED

CLIENT: MR A MUSTOE
 INGLEWOOD COTTAGE, WINDRUSH
 BURFORD, OXFORDSHIRE, OX18 4TT

PROJECT: PROPOSED WORKSHOP AT
 WINDRUSH, BURFORD, OXFORDSHIRE

PLANS, ELEVATIONS SECTION & ROOF PLAN			
SCALE	DATE	REVISION	DESCRIPTION
1:50 (G.F.P.)	04/03/2014	01	2.12.14-16.0

For more information contact:
 Mr A. Mustoe
 Tel: 01491 828282
 Fax: 01491 828282
 Email: a.mustoe@jhc.co.uk
 Website: www.jhc.co.uk

For face protection & depth of excavation refer to C13 and C14 of the Code of Practice for Excavations and Shoring, 1st Edition, 1984.