

APPLICATION NO.	P21/S1733/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	12.4.2021
PARISH	BINFIELD HEATH
WARD MEMBERS	Leigh Rawlins & Mike Giles
APPLICANT	Mr David Holliday
SITE	Land adjacent to the Bottle and Glass Inn, Bones Lane, Binfield Heath, RG9 4JT
PROPOSAL	Retrospective change of use of the agricultural Dutch barn to provide outdoor dining area associated with the public house, including additional seating area, external storage and kitchen containers. Addition of timber cladding to barn and screening fencing around containers. (As amplified by floor plan and elevation plans submitted 08 March 2022) (As amended by plans 2023-02-10 to revise external appearance, provide additional parking, remove retail/shop within barn). (As amplified and amended by Transport Statement and plans to increase overflow car parking received 31 March 2023).
OFFICER	Marc Pullen

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application seeks retrospective planning permission to change the use of the former agricultural barn and the immediate land around it into an ancillary dining area for use by the Bottle and Glass Inn customers, including the provision of a bar, outdoor seating and a shipping container to be used for food preparation and cooking. Included within this proposal are the provision of extraction and ventilation measures and the external cladding of the building.
- 1.2 This application also seeks planning permission for alterations and extensions to the building which have not yet been carried out, including the provision of new toilets to the rear, the provision of an overflow car parking area and landscaping.
- 1.3 The application site (which is shown on the OS extract attached as **Appendix A**) lies adjacent to the Bottle and Glass Inn, a Grade II listed building within the settlement of Binfield Heath. The site consists of a former agricultural barn and an area of car parking including land to either side of the barn and to the rear, and a small area of grassed land north of the existing car park. The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB).
- 1.4 This application is referred to Planning Committee at the discretion of the Planning Manager.
- 1.5 This report sets out the justification for officers' recommendation to grant

planning permission having regard to the development plan and any other material planning considerations.

- 1.6 Reduced copies of the plans accompanying the application are attached as **Appendix B**. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Binfield Heath Parish Council – No objections**

- May 2021 - Binfield Heath Parish Council recommends approval of the retrospective change of use.
- March 2022 - The Parish Council has no objections to this application.
- April 2023 - BHPC has no objections to this amendment.

Countryside Officer (South and Vale) – No objections

- May 2021 - The unauthorised change of use, now sought for approval, is unlikely to result in any significant ecological impacts. The barn is open to the elements and generally unsuitable for bat roosting. No objections.
- April 2022 - External lighting on the structure could be controlled with a planning condition. A sensitive external lighting scheme could be achieved on site to minimise obtrusive light spill and avoid adverse ecological impacts. Internal lighting is unlikely to lead to significant adverse ecological impacts, considering the likely regime of use, proximity to nearby habitats and current uncontrolled (permitted) agricultural use.
- May 2023 - The areas being proposed for new parking have already been cleared and have little ecological value. The provision of planting would yield some biodiversity benefit. There is land to the north of the parking areas which is within the red line but not shown as being used for parking. I would recommend that habitat creation (e.g. orchard creation, woodland planting, pond creation, etc.) in secured in this area to achieve compliance with the development plan and NPPF. This could be secured with a landscaping condition, which makes special provision for this.

Highways Liaison Officer (Oxfordshire County Council) – No objections

- May 2021 – No objections, subject to condition to ensure the parking and manoeuvring
- March 2022 – Revised plans do not alter the overall recommendation from the Highway Authority
- August 2022 – Clarification is required as to the current usage of the site and whether this exceeds the description of the application. Should the building be used in excess of the description then it will likely increase the number and frequency of vehicle trips accessing and egressing from site. In addition, parking allocation will need to be detailed in terms of staff, the public house and the proposal as to ensure that displaced parking does not migrate onto the adopted highway.

Oxfordshire County Council (Highways, Drainage, Archaeology)

October 2022

- Highways - A previous Transport Development Control consultation response to this planning application has been provided, dated May 2021, with two subsequent e-mails sent March 2022 and August 2022. There is no change to the view of the Local Highway Authority to this development proposal.
- Flooding - This application makes no change to the impermeable area so no comments from the LLFA are required. It would however be good if the applicant could introduce tree gardens or similar SuDS measures.
- Archaeology - The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

March 2023

- Highways – Details of vehicle numbers and movements that are needed, parking numbers and overflow parking provision and the provision of cycle parking on site is needed in order to make an informed view.
- Flooding – No change to previous comments.
- Archaeology – No change to previous comments.

April 2023

- Highways – No objections but comments: The site is not well accessed by public transport; the majority of customers would rely on the use of the private car/vehicle; the proposed development would result in an increase of vehicle movements within the village; the provision of parking is in excess of Oxfordshire County Council parking standards.
- Flooding - It would be good if the applicant could introduce tree pits, rain gardens or similar SuDS measures.

Environmental Protection Team – No objections

- January 2022 - I have reviewed the supplementary documents supplied regarding noise and odour from the kitchen extraction and I am satisfied that the mitigation measures suggested will eliminate nuisance issues from the outdoor kitchen. Additional cladding on the barn will also reduce people noise emanating from the structure – I do not feel this will reach a level of statutory nuisance. Concerns over lighting, but this can be addressed by condition which requires any external lighting to be agreed in writing by the council. Conditions recommended to secure the implementation of noise and odour mitigation measures as identified in supporting documentation.
- March 2022 – No additional comments to make.
- September 2022 – Satisfied, having reviewed further supplementary documents regarding noise and odour, that mitigation measures would theoretically eliminate nuisance issues from the kitchen area. It is noted that the opening hours will result in a significant increase in customers at the premise and therefore more people noise – however it is not felt that this would reach the level of statutory nuisance which would lead to the loss of amenity to local residents. Conditions requiring the

implementation of all noise and odour measures and external lighting are recommended.

- February 2023 – No further comments added.
- April 2023 – No further comments added.

Food Safety – No objection, but comment

- There is an accessible WC which opens directly into a room/area titled 'fridges'. As this would not meet food safety legislation I would be grateful if a note/condition could be added to the planning permission which states that lavatories are not to open directly into rooms in which food is handled.

Neighbours - Object (9) Support (1)

- Noise nuisance caused by activity from the barn, patrons, cars, music, extraction fan
- Loss of tranquillity and impact on peace of mind and quality of life for neighbours
- Closing the pub gardens during lockdown have not minimized existing noise or can compensate in any way
- Overlooking from the converted barn and surrounding area toward neighbours – loss of privacy
- No prior consultation with neighbours before carrying out the works to convert the barn and trade outside
- Overbearing light spillage from the barn – an eye sore for residents and neighbours
- Food smells and bonfire smoke – detrimental to the enjoyment of neighbour's home and garden/outbuildings.
- New extractor bellows smoke across the farm land directly behind neighbours
- Large piles of earth and debris have suddenly been piled along the rear of neighbour Sunnyview House – causing further dismay and blocking of views across the countryside
- A large area of land behind neighbour has been opened up which implies further public access onto this land for parking and apparent variety of entertainment
- Impact on the tranquillity of the area; to the detriment of the Chilterns AONB and enjoyment of public rights of way
- The development has spoiled a historic and much loved, appreciated location and view to the open countryside from neighbour
- The scale of this application area is entirely disproportionate to the Pub's traditional boundaries and capacity
- The use of wooden cladding on the front of this barn is not the traditional look and is out of character
- Neighbour at Sunnyview House does not consent to the change of use of the barn
- An ecological assessment should be submitted alongside this application

- Insufficient parking on the site to meet the demand of customers; overspill to the rear of neighbour has occurred
- The pub intends to change its use into a hotel, which will further increase pressures on parking
- Roadside parking has been blocked by bollards which increases the need to park within the site – this brings with it increased risk to those using the public right of way
- Greater traffic flow through the village
- The amount of litter around the pub has doubled

3.0 RELEVANT PLANNING HISTORY

3.1 [P18/S3098/FUL](#) - Approved (12/11/2018)

A proposed dedicated Staff Car Parking Area at the rear of the existing development. A small area needs change of use from agricultural to parking in connection with the public house use.

[P17/S2455/FUL](#) - Approved (24/08/2017)

Construction of low level open brick barbecue area with pizza oven (retrospective).

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The site is within a 'sensitive area' for the purposes of the EIA regulations 2017 but the scale and nature of the proposed development does not require an Environmental Statement.

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

CF2 - Provision of Community Facilities and Services

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)

EP1 - Air Quality

EMP10 - Development in Rural Areas

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

5.2 Neighbourhood Plan

There is no made Neighbourhood Plan. The Parish Council is currently consulting on their draft neighbourhood plan. The six-week consultation concludes at midnight on 19 June 2023

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

- Section 85 of the Countryside and Rights of Way Act 2000.
- Human Rights Act 1998 - The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.
- Equality Act 2010 - In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Principle of development**
- **Design and character**
- **Impact on Chilterns AONB**
- **Impact on residential amenity**
- **Access and parking provision**
- **Impact on ecology**
- **Food safety matters**
- **Other material considerations**
- **Other matters**

6.2 **Principle of development**

The barn is currently used as an extension to the existing function of the Bottle and Glass and has a bar area, seating and a shipping container which is used for food preparation and cooking. External seating and parking is also provided.

6.3 The National Planning Policy Framework (NPPF) supports the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings (para. 84). The South Oxfordshire Local Plan (SOLP) also provides support for sustainable economic growth in rural areas through conversion of existing buildings (Policy EMP10). Officers consider the conversion of this barn, to be used by the existing business, would meet the aims of the NPPF and Policy EMP10. The development utilises existing building stock, whilst providing for additional functions to support the business – which was primarily sought during the COVID-19 pandemic but has since continued functioning by the business.

6.4 However, it has been identified during the course of the application that to continue functioning in an appropriate manner on this site a number of alterations are required. These are explored further in this report.

6.5 **Design and character**

The Council's policies and guidance on design states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings. Policies DES1 and DES2 (SOLP) relate to these aims. The

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NPPF seeks to ensure that all development functions well and adds to the overall quality of an area, is visually attractive as a result of good architecture, layout and appropriate and effective use of landscaping and is sympathetic to local character, including surrounding built environment and landscape setting.

- 6.6 The proposed function of the building does depart from the former rural use. However, the new use relates well to the Bottle and Glass Inn and is read as a natural extension to the public house, given its close proximity. The building has maintained its original form and scale but has been altered externally to provide enclosure and weather proofing. Photographs below show how the barn originally looked compared to how it now looks.



- 6.7 It is officer's opinion that the general appearance and form of the barn has been well maintained and it is evident that it was formerly in agricultural use. The alterations to the building, including external cladding, and the new use of the building have altered the character of the barn somewhat, in that it no longer functions for agricultural purposes, however it is officer's opinion that the barn does still maintain its rural appearance and character. The alterations and proposed extensions to the building are considered to be sympathetic to the character of the barn and its rural setting. There is some external signage

around the building and the site which provide some direction for customers (e.g. toilet). These are small in size and are not considered to be harmful.

- 6.8 The proposed extension to the existing parking area, to provide an overflow parking area, would be a continuation of the existing gravelled parking area. The area of land which would accommodate the overflow parking area is an open area of grass which has informally been used in association with the public house, albeit without formal consent. This area of land has very limited visual quality when held in comparison with the surrounding countryside and when considering its close association and occasional use by the public house. It is separated from the surrounding countryside by a wooden fence which provides a clear visual difference and sense of separation. In officer's opinion, its loss to accommodate a new overflow car park is not considered to be detrimental to the character and appearance of the site. The proposed overflow parking area would be landscaped around the edges and the edge of the new overflow parking area alongside neighbouring Sunnyside would be enhanced with further planting. These soft forms of landscaping would enhance and soften the visual impact of the new overflow parking area.
- 6.9 The proposed extensions to the barn, are modest in size and would be finished in materials to match the barn to assimilate it well into the appearance and character of the barn. The works carried out to the barn have maintained the agricultural and rural appearance and provides clear reference to its former use.
- 6.10 **Impact on Chilterns AONB**
The site lies within the Chilterns AONB. Policy ENV1 (SOLP) gives the highest level of protection to the landscape and scenic beauty of the Chilterns AONB. Development should conserve and where possible, enhance the landscape setting of settlements. Paragraph 176 of the NPPF attaches great weight to the conservation and enhancement of the landscape and scenic beauty of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 also places a general duty upon public bodies, in exercising or performing any function in relation to land in an AONB, to have regard to the purpose of conserving and enhancing its natural beauty.
- 6.11 The works to the exterior of the barn are sympathetic to its agricultural character and appearance and its rural setting and would help to conserve the landscape qualities of this part of the AONB in the context of the site's position at the interface between the edge of the village and surrounding countryside. The overflow parking area would extend on to undeveloped agricultural land, but this area is visually well related to the barn and wider public house. The proposal includes substantial new planting that will soften and enhance the development and provide a strong boundary between the development and surrounding countryside that will benefit the landscape setting of this part of the village and enhance the landscape qualities of the AONB.
- 6.12 **Impact on neighbour amenity**
Policy DES6 (SOLP) seeks to ensure that development proposals do not result in significant adverse impacts on the amenity of neighbouring uses. Factors to

consider include loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination and external lighting.

- 6.13 Objections have been raised by residents with respect of loss of amenity. Concerns relate to loss of privacy, light, noise and odour nuisance and a loss of enjoyment of garden spaces.
- 6.14 Privacy - In respect of privacy, the barn more than 40 metres from the closest boundary to neighbouring Sunnyview and over 50 metres from the closest boundary to Pipkin Cottage. These distances are reduced slightly when the outdoor seating areas are used. Officers have visited the site and do not consider that views toward neighbours are easily appreciable. Any views toward these neighbours – and other neighbours beyond – are not sufficiently clear or direct to result in any harm. Officers are satisfied that the privacy of neighbours would not be adversely harmed as a result of this development.
- 6.15 Light - The barn has been internally lit with string lights and largely relies on the barn doors and high-level slatted cladding for light during the day. The level of lighting as observed on site is not considered to be detrimental. The use of the barn can be controlled via condition, which restricts the timing of use. This would ensure that any light spill is not continued past certain times of the day and evening (2200hrs). Further to this, a condition can be imposed which restricts the installation of external lighting – unless it is a sympathetic scheme which is first agreed in writing by the local planning authority. If these conditions are imposed, officers are satisfied that matters of lighting can be adequately controlled and would not be detrimental to the amenity of neighbours.
- 6.16 Noise and odour - This application identifies a number of changes to the existing kitchen extraction unit which have already been carried out. These changes have been sought to assist in noise and odour emissions. The submitted noise assessment report identified the original fan as indicative of a potential significant adverse impact at the rear garden of the nearest dwelling during the most noise sensitive evening hours. Recommendations were then made within this report to mitigate this harm by recommending new equipment to change the emissions from this fan to an acceptable level, including a replacement duct system, the installation of a noise attenuator and guidance on where the new duct system should terminate. This report concluded that, subject to the implementation of these measures recommended, the noise associated should not pose a material constraint to the operation of the extraction fan. The council's environmental protection team have agreed with this conclusion and support the implementation of these mitigation measures. These measures have since been installed on site and are currently operating. The council's environmental protection team have not received any complaints by residents since the implementation of these measures.
- 6.17 The barn and the external areas due to their size have potential to host a large number of customers at any one time. The customer areas are separated from the nearest neighbouring residential properties by a reasonable distance, and

with the suggested opening hours condition officers do not consider that noise from the general use of the site would be unreasonable. However, to further mitigate potential noise disturbance I consider that a condition is required to ensure that customer activities are limited to the barn area and the external seating areas as shown on the proposed plans rather than spilling out into the car parking areas, and to ensure that there should be no live music and that any amplified music should be limited to the inside of the barn.

- 6.18 Odour – The council’s environmental protection team also agrees with the recommended installation of ozone odour control units on the barn in respect of odour control. These measures have also already been installed.
- 6.19 Conditions are recommended to ensure that both the odour and noise measures are maintained on site.
- 6.20 Officers consider that the proposed mitigation measures and conditions suggested would help to mitigate any significant adverse harm to the amenity of neighbours. The distance between the barn and the closest neighbours assists in offsetting the impact on neighbours. The council’s environmental protection team is of the view that the use of the barn and the hours of operation are likely to result in a significant increase in customers at the premises, when compared to its former use as an agricultural use, and that people noise can be difficult to control. However, it is the opinion of the environmental protection team that this level of noise is unlikely to reach a level of statutory nuisance that could cause a loss of amenity to the residents who live close to the area. Subject to the attached conditions, to ensure that the impact on neighbours is controlled and that specific measures are implemented, officers are satisfied that the development has not and will not result in significant adverse harm to the amenity of neighbours.
- 6.21 **Access and parking provision**
Policy TRANS5 (SOLP) advises that all types of development will, where appropriate provide for a safe and convenient access for all users to the highway network, provide safe and convenient routes for cyclists and pedestrians and provide parking of vehicles in accordance with Local Highway Authority (LHA) parking standards and provide for loading, unloading, circulation and turning spaces on site.
- 6.22 The LHA have been consulted on this application. They raise concerns over the accessibility of the site, which is poorly linked to public transport routes and relies mostly on the use of private vehicles. It is also identified that there will be an increase in vehicular movements through the village as a result of this development.
- 6.23 Officers acknowledge that the site would likely encourage the use of private vehicles and that public transport opportunities are limited. In this respect, it is worth noting that the NPPF does not discriminate against sites that meet local business and community needs in rural areas simply because they lie outside of settlements or in locations that are not well served by public transport (NPPF, paragraph 85). Officers are mindful that the site lies adjacent to an existing

public house which continues to operate and has been in situ for a number of decades and has been accessed via the use of private vehicles. In this respect, it would not be unreasonable to expect people to travel via private vehicle to access the barn.

6.24 The level of parking proposed is considered to meet LHA requirements, but it is noted that cycle provision is not proposed. The LHA recommend that a condition is imposed which seeks the implementation of cycle parking. It is acknowledged that the level of parking proposed goes beyond the LHA requirement – but this is not considered to be a reason to resist the development and instead demonstrates that the site can comfortably accommodate the development without resulting in any overspill on the public highway.

6.25 The LHA raises no objection to the projected increase in traffic generation – citing no concerns over highway safety.

6.26 **Impact on ecology**

In consultation with the council's countryside officer, it has been concluded that the areas to be used for new parking have little ecological value. It is recommended that, in order to yield biodiversity benefit a landscaping scheme is required to provide habitat creation (e.g. orchard, woodland planting, pond creation etc). Accordingly, subject to a landscaping scheme being imposed by condition, officers consider the proposed development would avoid any net loss of biodiversity and would not harm any protected species.

6.27 **Food safety**

The council's food safety team have no objections to the proposed development but acknowledge that, based on the submitted plans, the proposed toilet area is shown to open out onto an area titled 'fridges'. As such, a note is needed on any permission to ensure that the toilets do not open out onto these areas. This may require an internal wall or a small reconfiguration within the barn to avoid this. Officers are satisfied that this matter can be addressed without the express need for planning permission and can be covered by other legislation on health and safety grounds.

6.28 **Other material considerations**

Flooding – In consultation with Oxfordshire County Council no concerns regarding flooding have been raised.

6.29 Archaeology - In consultation with Oxfordshire County Council no concerns regarding archaeology have been raised.

6.30 **Other matters**

Community Infrastructure Levy (CIL) - This application is not liable to pay CIL.

6.31 Pre-commencement conditions - In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Section 100ZA (6) of the Town and Country Planning Act 1990(a) the Council is required to confirm agreement to all pre-commencement conditions. These will all have

been agreed by the applicant/agent in writing in accordance with the requirements of this legislation.

7.0 CONCLUSION

7.1 Planning permission should be granted. The principle of the development is considered acceptable, and the proposed development is not considered to harm the character or appearance of the area and would ensure that local amenity is not adversely impacted and that appropriate levels of parking will be provided to serve the development. The proposed development would also not result in any adverse impact on protected species. In conjunction with the attached conditions, the proposal accords with relevant planning policy.

8.0 RECOMMENDATION

Grant Planning Permission subject to the following conditions:

- 1 : Development to be implemented in accordance with approved plans**
- 2 : Materials to be used in accordance with those stated on approved plans and supporting documentation**
- 3 : Cycle parking to be provided by a scheme that should be submitted and approved in writing by the local planning authority**
- 4 : Turning areas & car parking to be provided in accordance with approved plans and maintained**
- 5 : Landscaping scheme to be submitted and approved in writing by the local planning authority**
- 6 : Kitchen extraction noise and odour control to be maintained in accordance with measures submitted**
- 7 : External lighting only to be implemented in accordance with a scheme that should be submitted for approval in writing by the local planning authority**
- 8 : Hours of operation limited to 08:30 to 22:00**
- 9 : Customer activities and events to be limited to the barn and the external seating areas shown on the plans**
- 10 : No live music at the premises and no amplified sound outside of the barn**

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