



CANALSIDE HOUSE, BREWERY LANE, SKIPTON, NORTH YORKSHIRE, BD23 1DR
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29th September 2022

Esther Hill
Senior Planner
West Oxfordshire District Council
Planning Department
New Yatt Road
Witney
OX28 1PB

Dear Sir/ Madam,

Planning Portal Reference – PP-11517893- Variation of Condition 19 of 20/02818/FUL.

I write in regard to an application for full planning permission as submitted to West Oxfordshire District Council on behalf of Mr K Tyson. The application relates to the site of Tymure House (formally known as Cuckoo Pen Farm), Westwell, Burford, Oxfordshire- OX18 4JU.

The application seeks planning permission for the variation of Condition 19 of 20/02818/FU, to allow for an alteration of approved construction hours. Application 20/02818/FU was granted planning permission for the:

“Erection of detached dwelling and Artist’s studio together with associated works and landscaping.”

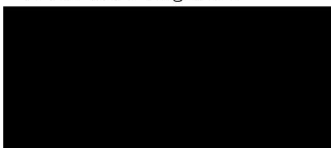
The simple rationale for this request is because the construction phase reached at the subject site is such that the majority of works henceforth are internal to the property - see the detailed requirements specified below. In allowing the revised hours of operation on a Saturday only will aid the acceleration of the completion of the development works at Tymure House.

In support of this planning application, this document sets out the relevant site context and proposals, planning policy, planning appraisal, and concluding justification. It is submitted in conjunction with:

- Site Plan;
- ‘Construction Traffic and Management Plan’ detailing the proposed amendment to the hours of working on Saturdays.

If you require any further information please do not hesitate to contact me.

With kind regards,



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SITE CONTEXT AND DEVELOPMENT PROPOSALS

This application for variation of a planning condition (working days/hours) relating to Tymure House (formerly known as Cuckoo Pen Farm), currently under construction. Planning permission for the dwelling was granted under application reference 09/1518/P/FP and then under 20/02818/FUL. The location of the subject site shown in Figure 1 below.

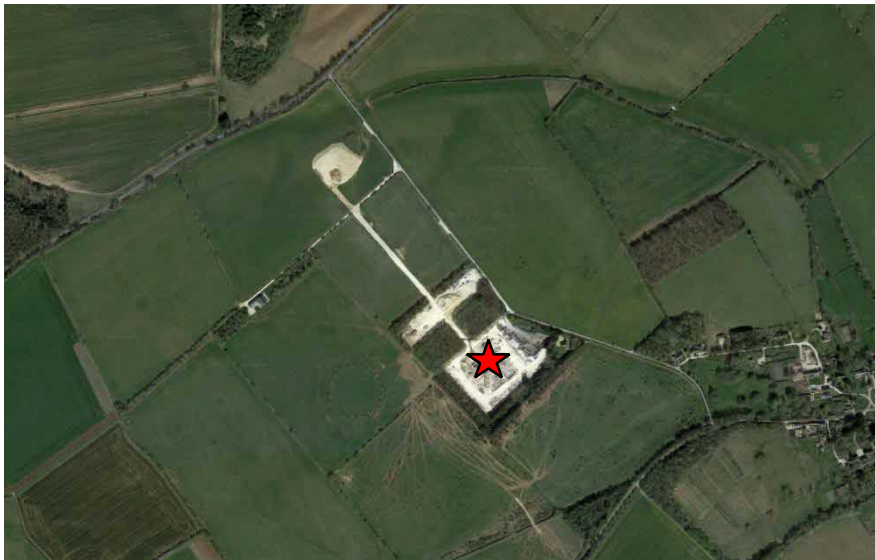


Figure 1- Subject site and Tymure House location (denoted by red star).

Proposed Development

The construction works associated with Tymure House are currently ongoing in accordance with the details approved under 20/02818/FU. Application 20/02818/FU granted planning permission for the:

“Erection of detached dwelling and Artist’s studio together with associated works and landscaping.”

Condition 19 of permission 20/02818/FU reads:

“Demolition and construction works shall not take place outside 07:30am; hours to 17:30pm; hours Mondays to Fridays and 07:00am; hours to 13:00pm; hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.

REASON: To safeguard living conditions in nearby properties.”

Variation of Condition 19 is sought to enable a more flexible arrangement for construction and an acceleration of completion of works that are now primarily internal to the current development on site. It is proposed that the condition reads

“Demolition and construction works shall not take place outside 07:00am hours to 19:00pm hours Mondays to Fridays; 07:00am hours to 17:00pm hours on

Saturdays; 08:00am hours to 15:00pm hours on Sundays; and shall not take place at any time on Bank Holidays.

REASON: To safeguard living conditions in nearby properties.”

The difference between the approved condition and the applied draft condition is to permit longer working on a Saturday to 17:00 from 13:00.

A revised Construction Traffic Management Plan has been submitted with this application to reflect the new requested operation hours for Saturdays.

Variation of condition 19 will allow for construction works to progress faster and more efficiently. This will reduce the time by which construction could impact the area surrounding the subject site. It is unlikely this construction will result in undue amenity impacts given that:

The majority of construction works will take place within existing mostly sealed structures;

The closest neighbouring dwelling is over 263m east of the development site boundaries; and

The machinery used will be restricted to small scale processes as appropriate for the minimal scope of external works remaining.

Implementation of Revised Construction Hours

Following variation of condition 19, the upcoming schedule of construction works will be undertaken within the new operation hours. The schedule of remaining works includes the following largest works:

Guest wing external envelope and internal ‘fit out’ works - current estimated finish 30/06/23.

Service external envelope and internal ‘fit out’ works - current estimated finish 11/08/23.

Master wing external envelope and internal ‘fit out’ works - current estimated finish 21/07/23.

Spa wing external envelope and internal ‘fit out’ works - current estimated finish 18/08/23.

Library external envelope and internal ‘fit out’ works - current estimated finish 20/10/23.

Family use structures external envelope and internal ‘fit out’ works - current estimated finish 06/10/23.

Main house/ entrance external envelope and internal 'fit out' works - current estimated finish 24/11/23.

Basement construction works - current estimated finish 04/10/23.

This application will allow these works to conclude much sooner than the current estimated deadlines.

It is not deemed likely that any of these works will result in adverse harm to the amenity or living conditions of the nearest dwellings in Westwell.

The contractor's rationale for the increased hours of working on a Saturday is as follows:

The construction has reached a phase such that the majority of works will be inside of the dwelling and ancillary buildings.

Inside works will ensure containment of noise, where these works are essentially electrical, plastering, decoration.

The significant engineering works are now complete on site.

Allowing an extension of the existing working hours will enable accelerated completion of the works on site, with a view to the client occupancy date of 24/12/23.

Planning Designations

It is deemed that there no Planning designations on the subject site or adjacent that would impact the proposal.

PLANNING POLICY CONTEXT

Local Planning Policy

As of the date of this letter the West Oxfordshire District Council Development Plan is solely comprised of the West Oxfordshire Local Plan [2011-2031] (adopted September 2018). This is the principal policy document in determination of the development proposals.

A review of the Local Plan is expected to commence in September 2022 and conclude with adoption in September 2023. Given these timescales, it is not anticipated that this policy context will impact the development proposals.

The relevant policies of the adopted development plan and National Planning Policy Framework are set out below:

POLICY	IMPLICATIONS	COMPLIANCE
West Oxfordshire Local Plan		
Policy OS1- Presumption in Favour of Sustainable Development	Proposals must aspire to the highest standards of social, economic and environmental sustainability as set out in the National Planning Policy Framework.	The proposals will help shorten the overall 'construction' time onsite, saving costs and reducing time of operation on site.
Policy EH2- Landscape Character	New proposals should incorporate measures to maintain or improve the existing level of tranquillity.	The next phases of 'construction' will be largely situated within existing structures on site, thus avoiding undue impacts to existing rural tranquillity.
Policy EH8- Environmental Protection	New development should not result in unacceptable levels of noise pollution for existing residences.	The location of and scope of the upcoming construction schedule, is not deemed likely to provide unacceptable noise pollution for the closest dwellings.
National Planning Policy Framework		
Achieving Sustainable Development (Paragraph 8)	Proposals must aspire to the highest standards of social, economic and environmental sustainability.	The proposals will shorten the overall construction time onsite, saving costs.
Ground Conditions and Pollution (Paragraph 185)	New proposals should avoid noise pollution giving rise to significant adverse impacts on health and the quality of life.	Though additional hours of construction are proposed, these works will be located over 263m from the closest dwelling. The development site is visually screened by the existing mature arboriculture at its boundaries.
Achieving well- designed places (Paragraph 130f)	New development should ensure with high standards of amenity for those in close proximity.	The upcoming schedule and scope of construction is not deemed likely to result in substantial impacts to the residential amenity of the

		occupiers of properties at Westwell.
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PLANNING APPRAISAL

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF) explain that the starting point for the determination of planning applications is the Development Plan and the determination of an application must be made in accordance with the plan unless material considerations indicate otherwise.

It is clear from the table summaries above, that the proposal would be compliant with the local development plan and national planning policy.

The development will assist with the accelerated construction of Tymure House, without resulting in undue disturbance of local residential amenity.

CONCLUSIONS

It is thus concluded that the proposed development would be appropriate and beneficial to the completion of the construction works at the subject site.

As such, planning permission for the proposed variation of condition should be granted without delay. This should read:

“Demolition and construction works shall not take place outside 07:00am hours to 19:00pm hours Mondays to Fridays; 07:00am hours to 17:00pm hours on Saturdays; 08:00am hours to 15:00pm hours on Sundays; and shall not take place at any time on Bank Holidays.”

REASON: To safeguard living conditions in nearby properties.”

The amended condition will allow for a more flexible and appropriate working arrangement to progress the construction ongoing at Tymure House.