

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 9th September 2019**

**REPORT OF THE  
BUSINESS MANAGER – DEVELOPMENT MANAGEMENT**



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

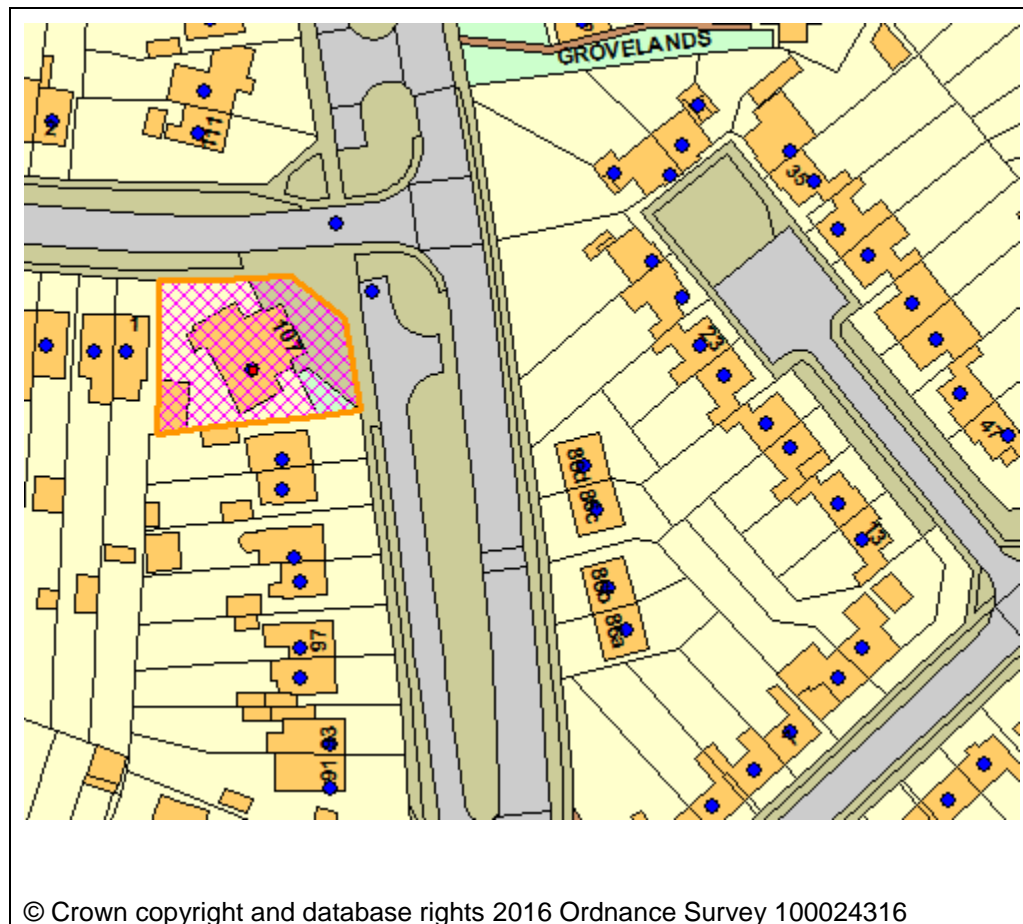
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	19/01048/FUL
Site Address	Londis Stores 107 Hailey Road Witney Oxfordshire OX28 1HJ
Date	28th August 2019
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435692 E 211050 N
Committee Date	9th September 2019

### Location Map



## **I CONSULTATIONS**

- I.1 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.2 Town Council Original Plans  
Witney Town Council has no objection to this application in principal, but it raises concerns that the parking provision is not sufficient for the 1.5 spaces per one bed property required.
- I.3 Town Council Amended Plans  
Witney Town Council objects to this proposal as it considers the parking ratio of 1.5 spaces per property is still not in place and would like to see secure cycle storage for 2 bicycles per property included, even if this means the loss of one of the proposed flats.
- I.4 OCC Highways Original Plans  
OCC do not object to the granting of planning permission, subject to conditions.  
Amended Plans  
OCC do not object to the granting of planning permission, subject to conditions.  
OCC would not object to the 'stopping up' of the triangular section of highway fronting the site adjacent to the proposed low wall - this area could then be incorporated in the front garden of the premises and form part of the proposed scheme required by a condition.

## **2 EPRESENTATIONS**

- 2.1 5 letters of objection have been received altogether with regard to the original plans and the revised plans. The comments have been summarised as:
- The plans only show 8 parking spaces - this is for 2 houses and 8 flats. Not enough and will greatly increase on road parking.
  - Concerned about being overlooked and the proximity of the proposed flat which is now a garage in relation to our house . Concerned about increased noise levels due to the increase in dwellings and the effect it will have on our light. Also concerned about the increased pressure on parking spaces on Schofield Avenue because there is not enough parking spaces for the proposed number of dwellings.
  - Worried about the planting of any large trees because the roots can damage the foundation of our property.
  - Concerned about the maintenance of so many dwellings as the current property is not well maintained.

- There does not seem to be provision of a boundary wall between our property and where the garage is which currently serves as a boundary wall, will this be replaced?
- Can you ensure the asbestos roof on the garage will be removed in line with government regulations?
- If the lamppost has to be moved can it be moved further away from our property?
- Why have we never had notification from the council about the proposed alteration to the premises?

### **3 APPLICANT'S CASE**

The conclusion of the original Design and Access Statement as submitted has been summarised as:

- This proposal as we see it, accords with all relevant current planning policies, will increase the number of small scale housing units locally while resulting in a visual enhancement of the site and its surroundings.
- We remain willing to consider any further changes or requests for information, in the confidence that this proposal broadly accords with planning policies, and any detailed changes should simply enhance what is already proposed.
- Despite two recent housing schemes nearby with extremely limited green amenity (which in both cases wasn't implemented), not being objected to by either by the case officer or the Town Council (according to council records), our scheme with much more amenity was objected to by both. Nonetheless, we took this concern on board, increased amenity even more, removed the separate rear dwelling unit, added a stone wall (though none exist nearby) and reduced the parking as advised. This then seems to leave only a concern about the replacement extension, without which the scheme simply doesn't work.

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

T4NEW Parking provision

H6NEW Existing housing

E5NEW Local services and community facilities

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

### **5 PLANNING ASSESSMENT**

- 5.1 The application site is located in Witney, within a mature residential area. The existing building has a shop use at ground floor with two existing flats above. A large expanse of tarmac lies to the front which provides parking for the shop use.
- 5.2 The application is to be heard before the Committee as the Town Council has objected to the proposal. The local Councillor, Cllr Langridge has also requested that the application is to be heard before the Committee for the reason set out below.

"I have some concerns about the amount of parking being proposed and the overall tightness of the site including potential overlooking of number 1 Schofield Avenue."

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

#### Principle

- 5.4 The principle of changing the use of a commercial use to residential is considered under Policy E5 which states:

Development proposals that would result in the loss of community facilities and services will only be supported where it can clearly shown that appropriate provision of at least equivalent suitability and accessibility, particularly by foot, will remain.

- 5.5 In addition in the case of pubs, shops, and other commercially run services and facilities, the existing use is no longer viable.

- 5.6 In view of the above your officers consider that due to the two existing commercial uses, providing the same goods as Londis, that sufficient alternative provision exists, and accessibly by foot. Due to these two uses, the vitality of retaining Londis as a shop is in doubt and as such the principle of residential use is supported by your officers.

- 5.7 Witney is categorised as a main service centre within the adopted West Oxfordshire Local Plan. As such the principle of new dwellings is supported. The location of the site, with nearby bus stops, and commercial uses is considered to be a sustainable location by your officers.

#### Siting, Design and Form

- 5.8 Since the original plans were submitted, officers had concerns with the proposed layout in terms of parking being a dominant and prominent feature within the streetscene. Your officers also had concerns with the retention of the ground floor front extension - the existing shop front and to extend upwards.

- 5.9 Since discussions with your officers, revised plans have now been received, and re-advertised.

- 5.10 The amended plans show that the proposed front extension has now been reduced in scale so that it sits more balanced within the visual appearance of the streetscene. In addition to this, by reducing the scale, this allows for more space between the amenity areas and the proposed new stone wall to the front boundary.

- 5.11 Car parking arrangements have been altered so that it will not appear as dominantly as previously within the streetscene. Additional areas of planting and landscaping are also shown. Such details have been requested by the suggested conditions.

#### Highways

- 5.12 With regards to the Town Council and objection comments of highway matters, OCC Highways have been consulted on both the original and revised plans. They have not objected subject to conditions regarding parking, access and reinstating a kerb being attached to any permission.

- 5.13 Whilst officers have noted the request for additional cycle storage, OCC Highways have not requested any additional storage to that already proposed.

#### Residential Amenities

- 5.14 The existing property on the upper floors has residential accommodation. The proposed arrangement of the accommodation will result in the similar layout at first floor. As such your officers do not consider that any additional adverse overlooking will result to No 1 Schofield Avenue.
- 5.15 With regards to the objections received from this property, the maintenance of properties is not a planning issue. However your officers have included a civil note to advise the applicants that neighbouring properties' civil rights are not affected by the planning consent.

#### Conclusion

- 5.16 Your officers have given full consideration to the comments received in response to this planning application. However it is considered that the existing building is located within a sustainable location and as such the principle is acceptable.
- 5.17 The revisions to the scale of the proposed front extension enables more of a spacious visual appearance within the streetscene, and increased landscaping which will result in an overall benefit to the visual amenity of the streetscene.
- 5.18 Due to the minimal alterations to the external appearance of the building, your officers do not consider that there will be additional overlooking to the neighbouring properties.
- 5.19 Without an objection from OCC Highways, your officers consider that the amended proposal is compliant with Policies OSI, OS2, H2, H6, E5 and H6 of the adopted West Oxfordshire Local Plan, and the relevant paragraphs of the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.

- 4 A sample panel of the proposed front boundary wall hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The walls shall be erected before occupation of the associated flats hereby approved and thereafter be retained.  
REASON: To ensure that in the interests of visual amenity a high standard of boundary treatment is provided.
- 5 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before the flats hereby approved are occupied. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.
- 6 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 7 Prior to the occupation of the development the proposed access shown on the approved plans shall be formed and the existing access closed and reinstate highway including the kerblin in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority, and constructed in line with the approved scheme.  
REASON: To ensure a safe and adequate access.
- 8 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.



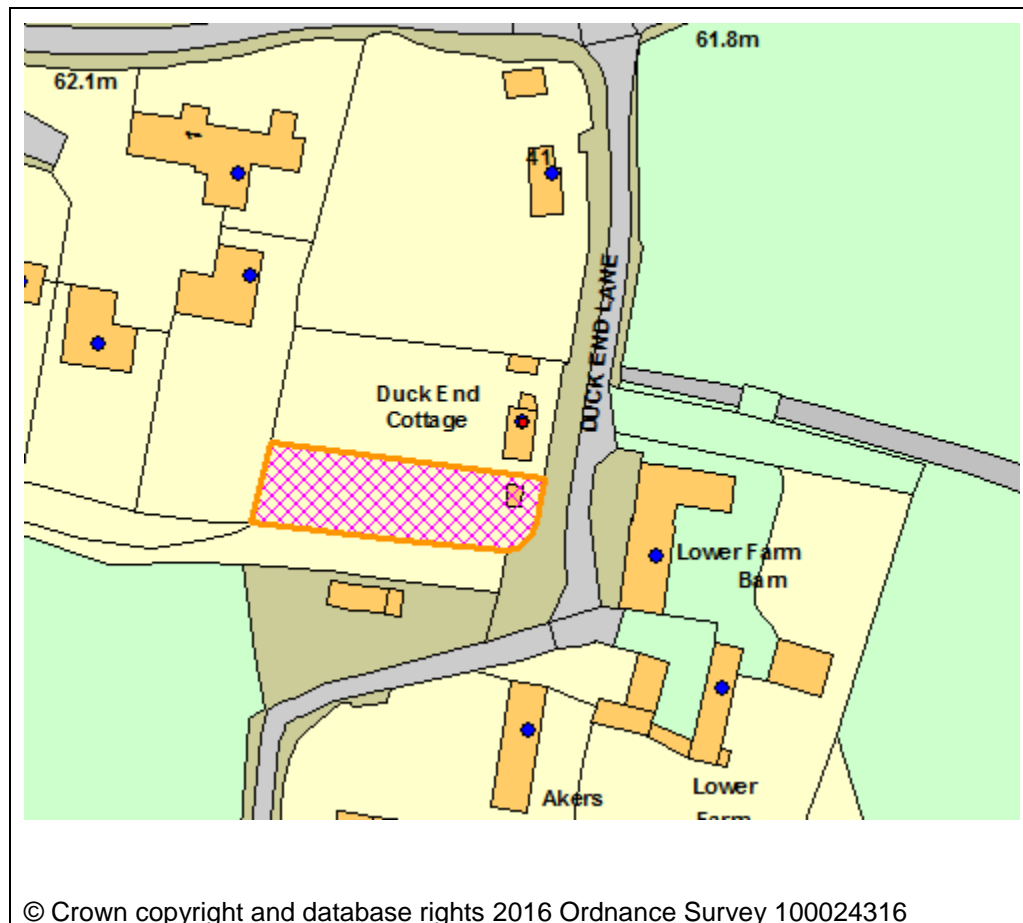
- 9 Before the erection of any external walls, details of the provision of integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and fences, shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained.  
REASON: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 10 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

#### NOTES TO APPLICANT

- 1 This planning consent does not override the civil rights of neighbouring properties.
- 2 Please note if works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

Application Number	19/01573/FUL
Site Address	Duck End Cottage Duck End Lane Sutton Witney Oxfordshire OX29 5RH
Date	28th August 2019
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Stanton Harcourt Parish Council
Grid Reference	442028 E 206146 N
Committee Date	9th September 2019

**Location Map**



**Application Details:**

Erection of dwelling.

**Applicant Details:**

Ms S Kench, Duck End Cottage, Duck End Lane, Sutton, Witney, Oxfordshire, OX29 5RH

## **I CONSULTATIONS**

- I.1 OCC Highways No objection
- I.2 Conservation Officer I note that the proposed new dwelling would be created by alteration and extension of an existing ancillary structure, given consent in 1983. The extension would be sizeable, although it would be of low single-storey form, leaving the existing duo-pitched block as the dominant element - although this would be increased in volume with raised eaves and lowered roof pitch. Overall, the design is clean and well-proportioned, and whilst it is of contemporary form, the timber aesthetic does chime with the vernacular in this particular lowlands area. With respect to the impact on the listed building, I don't think that this is very significant - the main block already exists, the extension is set on the side away from the listed building, the site divides fairly naturally, and there would be a separate access. With respect to the impact on the conservation area, again we note that a building already exists here and we note that the additional accommodation would be low-lying. However, an issue here appears to be the associated parking beyond the south boundary, where a wide, green and well-wooded border would be affected - and whilst they already appear to be parking occasionally amongst the bushes here, this is not a use we would wish to see consolidated or developed in this peaceful and rural lane. From our point of view they need a different strategy on this.
- I.3 Biodiversity Officer No Comment Received.
- I.4 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.5 ERS Env. Consultation Sites I confirm that I have no objection to the development but as a precaution would suggest that a condition is added to any grant of permission.
- I.6 Parish Council Whilst Stanton Harcourt Parish Council feels the use of the term eco build is misleading, they endorse this application.
- All workmen vehicles must be parked off the road and deliveries preferably made outside school entry and exit times.

## **2 REPRESENTATIONS**

- 2.1 17 letters of support have been received in respect of this application. Full versions of these are available on the Council's website. The key points made are as follows:
- The house would be sympathetic to the local area and well screened from view
  - Attractive design
  - Minimal impact on ecology

- Applicant is an important member of the community
- Affordable housing is needed in Sutton
- Happy to support the proposal but are concerns over parking in the verge which will urbanise the narrow rural lane, and heavy traffic generation.

### 3 APPLICANT'S CASE

- 3.1 A full design and access statement is available on the Council's website. A supporting letter has also been submitted and raises the following points:

I accept that Sutton is a "small village" and that, accordingly, this brings it within the ambit of the "small villages, hamlets and open countryside" section of Local Plan Policy H2. I have set out below each of the criteria listed under that part of Policy H2 that applies to development in small villages, hamlets and the open countryside and under each criterion I have set out the position in so far as this proposal is concerned.

- Where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or the 'rural exception site' approach for permanent affordable dwellings.

There is a local (and national) need for housing and an assumption that part of the need in WODC will be met by windfall developments, "including the [re]use of existing buildings" such as that which Ms Kench is proposing at Duck End Cottage.

- Where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset.

The proposal to extend the existing residential accommodation and to remove the "ancillary" tag does, in the circumstances of this case, represent the optimal use of this heritage asset. In this regard, you have confirmed that "the Conversation Officer was/[is] happy in principle in terms of the impact [of the proposed of the scheme] on the character and appearance of the heritage assets".

You report however that he has raised concerns over the proposed parking "as we would not want to see a parking use consolidated or developed within the wide, green and well wooded border along the peaceful and rural lane."

I would respond to this last point as follows:

- The land is already used for parking; it is not a new proposal;
- parking a car on this land does not constitute development in any event;
- There are necessity to 'consolidate' or intensify parking in this location. Moreover, this is a matter that could be controlled by condition or agreement;
- There is an existing vehicular access to 'Akers' immediately opposite on the south side of this "peaceful and rural lane" and an open sided shelter beyond, which is also used for parking.
- Residential development of exceptional quality or innovative design.

The scheme design is of exceptional quality - evidence the Conservation Officer's confirmation that he has no objection to the proposal on design grounds.

Policy H2 also cross-refers to Policy OS2 which inter alia sets out a number of General Criteria against which all new development will be assessed. For completeness, I consider each of those criteria below:

- Proportionate and appropriate scale - there has not been any criticism of the proposals under this heading; nor could there be given that the it comprises only a modest extension to an existing building which even once extended will remain subservient to the existing Grade I listed Duck End Cottage.
- Form a logical complement to the existing scale and pattern of development/character of the area - the proposal seeks to make more effective use of an existing building in residential use, and includes a modest extension that is in keeping with the existing scale and pattern of development and the residential character of the Conservation Area.
- Avoid coalescence - not an issue in this case.
- Compatibility with adjacent uses - the adjacent uses are all residential.
- Protect the setting of, in this case, the Conservation Area - the Council's Conservation Officer has confirmed that he is happy in principle in terms of the impact of the proposed of the scheme on the character and appearance of the heritage assets, which include the Conservation Area.
- Not involve the loss of an area of open space - the proposal will not result in the loss of any open space that makes an important contribution to the character or appearance of the area (see response above with regard to the existing parking space).
- Provide safe and convenient vehicular and pedestrian access - there is no objection from the Highway Authority.
- Not increase the risk of flooding - there is no objection from the Environment Agency on flooding grounds.
- Conserve and enhance the natural, historic and built environment - see responses above on the impact on heritage assets and the land used currently for the parking.
- Safeguarding mineral resources - not an issue in this case.
- Effect on the AONB - the site is not located in or close to an AONB.
- Effect on the Green Belt - the site is not located in or close to the Green Belt.
- Be supported by necessary infrastructure - the services necessary to support the proposed scheme are readily available.

In light of the foregoing, I would invite you to reconsider your position regarding the 'principle' of the development as proposed and, in the absence of any identified 'material harm', to agree with me that this is an application that warrants officer support.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

H2NEW Delivery of new homes

EH9 Historic environment

EH10 Conservation Areas

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

#### **5 PLANNING ASSESSMENT**

5.1 This application seeks consent for an extension to an existing ancillary outbuilding to create a new dwelling on land adjacent to Duck End Cottage in Sutton. Duck End Cottage is a grade II listed building and the site falls within the Stanton Harcourt and Sutton Conservation Area.

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

Principle

Siting, design and form

Impact on heritage assets

Residential amenity

Highways safety

Principle

5.3 Sutton is identified in the West Oxfordshire Local Plan 2031 settlement hierarchy as a small village. Policy H2 of the adopted WOLP 2031 only permits new dwellings in Sutton in the following circumstances:

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
- where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- residential development of exceptional quality or innovative design;
- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.

- 5.4 In this case, it has not been demonstrated that there is an operational or specific local need for this dwelling which cannot be met in any other way, nor is it considered to be a rural exception site providing affordable housing. Further, it has not been demonstrated that the re-use of the building is not capable for business, recreational or community uses, as tourist accommodation or visitor facilities. In addition, your officers do not consider that a new dwelling in this location would fall within any of the other exceptional circumstances listed above. These points will be assessed in detail below. Therefore, the application is contrary to policies OS1, OS2, OS3 and H2 of the adopted West Oxfordshire Local Plan 2031 and is unacceptable in these terms.

#### Siting, Design and Form

- 5.5 Whilst your officers are of the opinion that on its merits, due to the low single-storey form of the proposed extension, which leaves the existing duo-pitched block as the dominant feature, the overall design of the new dwelling would appear as a clean, well-proportioned building of relatively contemporary form, it is not considered that the dwelling is of exceptional enough quality or innovative design in that it warrants the provision of a new dwelling in this location which would otherwise be unsupported due to its unsustainable location. Nor would the re-use of the existing building lead to an enhancement of the immediate setting given that the existing development reads as a well designed and appropriate ancillary outbuilding serving the main dwelling which is well screened and sits comfortably within the site and the wider street scene.

#### Impact on heritage assets

- 5.6 As Duck End Cottage itself is a grade II listed building, in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act as amended, the local planning authority shall have special regard to the desirability of preserving the buildings setting or any features of special architectural or historic interest which it possesses. In this case, given that the main block of the building already exists, and by virtue of the siting of the proposed extension on the side away from the listed building and its design, scale and form, your officers are of the opinion that the setting of the listed building would be preserved.
- 5.7 Given that the listed building already represents its optimal viable use as an occupied residential dwelling in a good condition your officers do not consider that the provision of a new dwelling here is necessary to secure the future of the heritage asset or to establish a more optimal viable use.
- 5.8 Since the application site is within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this case, by virtue of the siting, scale and design of the proposed development, the new dwelling itself would be unobtrusive and preserve the character and appearance of the Conservation Area. However, the Conservation Officer has raised concerns over the formalisation of the proposed car parking arrangement which sits within the green, well-wooded border of the site. Whilst your officers understand that the applicant occasionally parks in the bushey area, the formalisation of this parking use here would be detrimental to the character and appearance of this peaceful, rural lane in the Conservation Area.

### Residential Amenities

- 5.9 Your officers are of the opinion that by virtue of the siting, design and scale of the development, the new dwelling would not result in a loss of light or privacy to the detriment of the occupants of Duck End Cottage, nor would it be overbearing. Further, by virtue of the size of the plot, your officers consider that sufficient amenity space and levels of privacy will be afforded to the occupants of the new dwelling. As such, the application is considered to be acceptable in these terms.

### Highways

- 5.10 In terms of highways safety, the Local Highway Authority has raised no objections to the application. As such, the application is considered to be acceptable in these terms.

### Conclusion

- 5.11 In light of the above, the application is considered to be unacceptable and is contrary to policies OS1, OS2, OS3, H2, EH9, and EH10 of the adopted West Oxfordshire Local Plan 2031 and the relevant paragraphs of the National Planning Policy Framework.

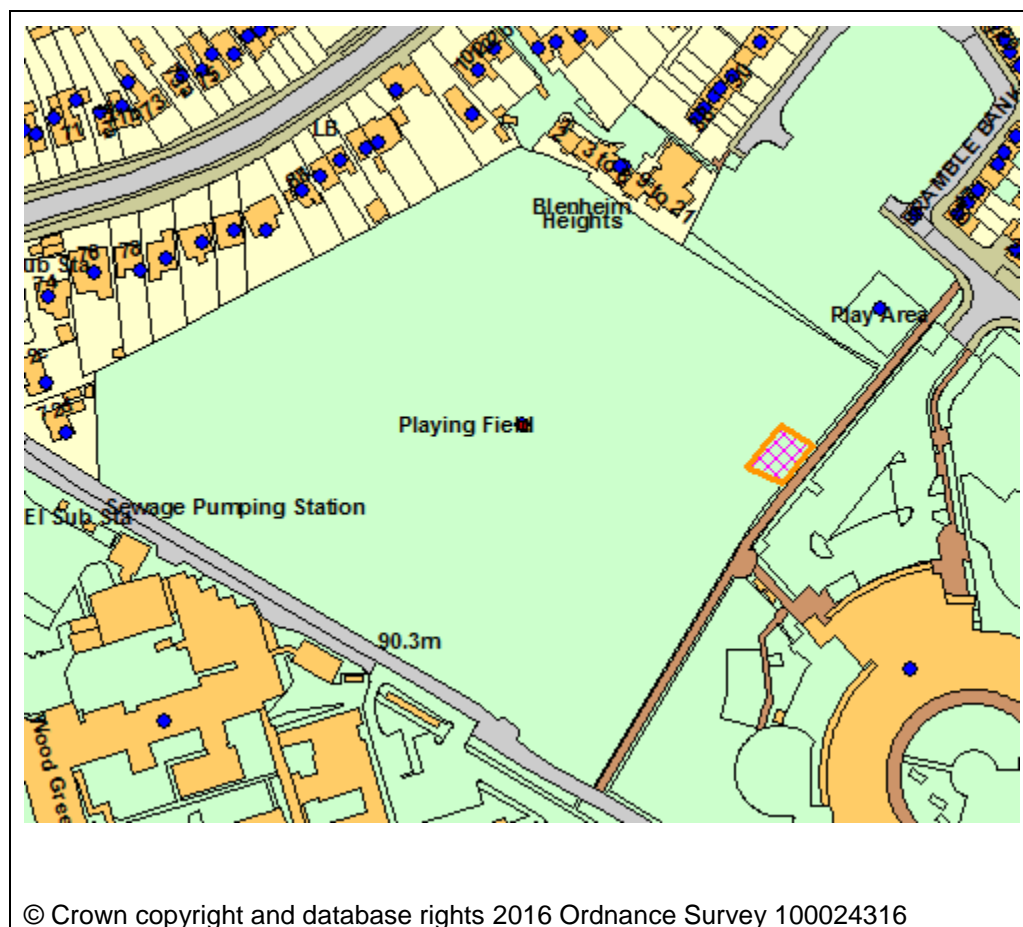
## **6 REASONS FOR REFUSAL**

- 1 The proposed development would not represent sustainable development given the very limited range of services and facilities within Sutton. The applicant has failed to demonstrate justification for this development proposal as either essential operational or other specific local need that cannot be met in any other way, as a residential development that would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset, as residential development of exceptional quality or innovative design, that the re-use of the existing building would lead to an enhancement of its immediate setting, that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities, neither has the site been allocated for housing development within the adopted West Oxfordshire Local Plan 2031 or an adopted (made) neighbourhood plan. The proposed development would therefore, be contrary to policies OS1, OS2, OS3 and H2 of the Adopted West Oxfordshire Local Plan 2031, and the provisions of the National Planning Policy Framework 2019.
- 2 The proposed car parking area, by reason of its siting, would have an urbanising impact in the low-key, rural lane failing to preserve or enhance the character and appearance of the Stanton Harcourt and Sutton Conservation Area. This is contrary to policies OS2, EH9 and EH10 of the adopted West Oxfordshire Local Plan 2031 and provisions of the National Planning Policy Framework 2019.



Application Number	19/01897/FUL
Site Address	Playing Field Cedar Drive Witney Oxfordshire
Date	28th August 2019
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	436696 E 210649 N
Committee Date	9th September 2019

### Location Map



### Application Details:

Installation of four floodlights.

### Applicant Details:

Mr Martin Holland, Publica Group Ltd, West Oxfordshire District Council, Woodgreen, Witney, Oxon, OX28 1NB

## **I CONSULTATIONS**

- 1.1 Town Council                      Witney Town Council supports this application but would have appreciated more informative and clearer plans.
- 1.2 WODC Env Health -              The installation is satisfactory and I have no objection in principle.  
Lowlands                              I have no conditions to recommend.
- 1.3 OCC Highways                      No objection.

## **2 REPRESENTATIONS**

- 2.1 32 letters of support have been received, plus 38 letters from the pupils of Madley Park Primary and Wood Green Schools. Full versions are available on the Council's website. The key points raised are as follows:
- The lights will make the park usable all year round
  - Will deter misuse and mistreating of the area
  - Young members of the community will benefit considerably
  - Will provide a safe environment for older children to use
  - Will improve young people's physical and mental well-being by providing an outdoor active community facility
  - The lights are not directed at the nearby houses and will result in limited light spill
- 2.2 16 letters of objection have been received. Full versions are available on the Council's website. The key points raised are as follows:
- The information submitted is incorrect
  - Lights will increase light pollution
  - Will result in an increase in noise and anti-social behaviour
  - Will be inappropriate in scale relative to the context of the site
  - A 6m mast would be better
  - The support comments are not from people who would be directly impacted by the lights
  - Concept of a teen zone is too close to retirement flats at Blenheim Heights
- 2.3 3 general letters have been received. Full versions are available on the Council's website. The key points raised are as follows:
- There is a need to see how the lighting will look from different angles
  - I would welcome suggestions as to how the plans will improve anti-social behaviour as I can see things getting worse
  - Likely to cause more little problems
  - Consideration should be given to nocturnal wildlife
  - The presence of CCTV could reassure elderly residents and deter anti-social behaviour
  - More public funding will be used
  - Agreement seems to have been reached about screening the area from the field and neighbouring housing with trees and shrubs. Clearly the lights will stand above this.

- Clearly this will be coming to Lowlands Planning Committee soon. Would it be possible to see a picture of how the space will look from different angles to check the planting and screening is adequate please? Also some kind of picture of how the lights will affect the area would be useful.

### **3 APPLICANT'S CASE**

Following the public consultation period, the following statement has been submitted on behalf of the Madley Park Playing Fields Project Steering Group to clarify information contained within the application:

1. The distance of the lights from nearby homes: the figure quoted of 141m in the planning application refers to the nearest properties in line of sight situated on the Woodstock Road, the 60-65m referred to relates to the proximity of the apartment block known as Blenheim heights which is approximately 65m away and therefore the closest to the location proposed for the floodlights, this property is not within line of sight being screened by a row of trees and shrubs. The nearest properties in line of site situated on the Madley Park Estate on Cedar Drive are 100m away.
2. There are some comments regarding the design and size of the new facilities which is not the subject of the planning application which is for the provision of the floodlights.
3. Concerns have been raised that lighting will increase anti-social behaviour, feedback from Thames Valley Police is that lighting enables better monitoring and safer usage as the area and participants can be more easily seen at night.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

E5NEW Local services and community facilities

EH8 Environmental protection

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

### **5 PLANNING ASSESSMENT**

- 5.1 This application seeks consent for the erection of 4 x 8m high floodlights to serve the multi-use games area and skate park at Madley Park Playing Field. The site does not fall within any special designated areas of control.
- 5.2 This application has been brought to Members for consideration in line with the scheme of delegation which states that applications for floodlight masts exceeding 6m in height when operational should be considered by the planning sub-committee.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:-

Principle

Visual amenity

Residential amenity

## Highways

### Principle

- 5.4 Policy OS2 of the adopted West Oxfordshire Local Plan 2031 states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. Further, policy EH8 of the WOLP 2031 states that the installation of external lighting will only be permitted where the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light and the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation. Policy E5 of the WOLP 2031 states that the development and retention of community facilities to meet local needs and to promote social well-being, interests, interaction and healthy inclusive communities will be supported. For the reasons set out in the assessment below your officers consider that the proposals comply with the relevant policies and as such is acceptable in these terms.

### Siting, Design and Form

- 5.5 By virtue of the recreational context of the site located in this built up residential area of Witney, and the siting and design of the four proposed floodlights, your officers are of the opinion that the development would appear proportionate and appropriate in this location in terms of visual amenity. Given the location of the site on playing fields located in the centre of the Madley Park estate and adjacent to Wood Green School, the existing street lighting in the area, and the design of the lights which would not result in excessive levels of light spill as advised by the WODC ERS Pollution Officer, your officers are of the opinion that the proposed floodlighting would not have a detrimental impact on the wider landscape and character of the area.

### Residential Amenities

- 5.6 In terms of residential amenity, the application has been subject to consultation with the WODC ERS Pollution team, who has confirmed that they raise no objections to the use of the floodlighting in terms of light pollution, spillage, brightness and the impact on neighbouring residential properties. Further, your officers do not consider that the floodlight masts would be overbearing or overshadowing to the detriment of neighbouring properties. A condition has been recommended to limit the permitted time frame for use of the lights until no later than 10pm in the evening.
- 5.7 Officers note the concerns raised in respect of a potential rise in anti-social behaviour in the area as a result of the floodlights. However, your officers have been advised that feedback from Thames Valley Police is that lighting enables better monitoring and safer usage as the area and participants can be seen more easily at night.

### Highways

- 5.8 The Local Highway Authority has raised no objections to the use of the proposed floodlights in terms of their impact on highways safety and the local road network. As such, the application is considered to be acceptable in these terms.

## Conclusion

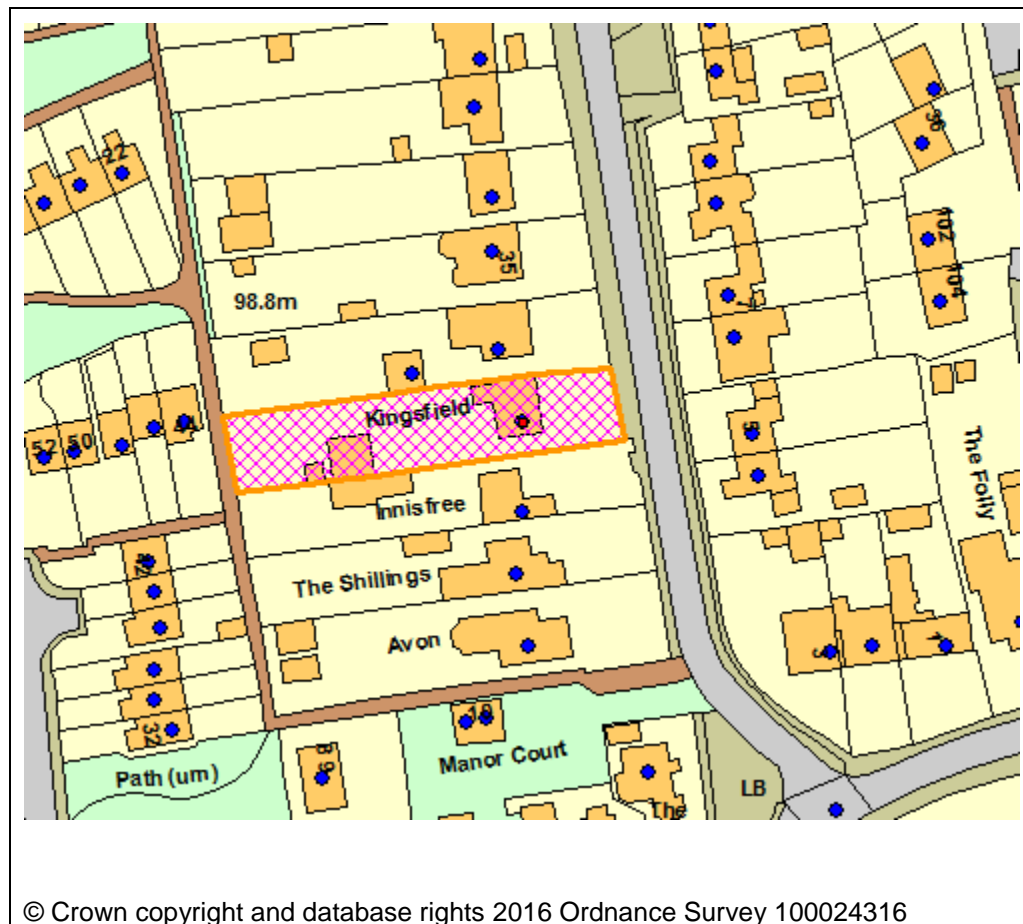
- 5.9 In light of the above, your officers consider that the development will result in an improved community facility which promotes interests, interaction and healthy inclusive communities, and will not have a detrimental impact on visual and residential amenity. As such, the application is acceptable and compliant with policies OS2, E5 and EH8 of the adopted West Oxfordshire Local Plan 2031 and the relevant provisions of the National Planning Policy Framework.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The floodlights hereby permitted shall be switched off no later than 10pm on any given day.  
REASON: To prevent unreasonable disturbance to the occupiers of nearby residential properties.

Application Number	19/02127/FUL
Site Address	Kingsfield Rock Close Carterton Oxfordshire OX18 3BP
Date	28th August 2019
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Carterton Town Council
Grid Reference	427684 E 206991 N
Committee Date	9th September 2019

### Location Map



### Application Details:

Conversion of part of existing garage and erection of first floor above to create self contained annexe.

### Applicant Details:

Mr And Mrs E Brown, Kingsfield, 37 Rock Close, Carterton, Oxfordshire, OX18 3BP

## **I CONSULTATIONS**

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

Recommendation:

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

- 1.2 WODC Env Health -              I have no objections and no conditions for this application.  
Lowlands

- 1.3 Town Council                      Objects to the Planning Application.

It is a separate dwelling and will overlook the adjacent property.

## **2 REPRESENTATIONS**

- 2.1 One objection comment received from Mr Derek Bond of Innisfree, Carterton. Comments are as follows:

Have no objection to use as retirement flat for family member. However, have reservations due to the likely future conversion into independent dwelling and the partition of the plot into 2 separate properties increasing noise and overview of adjoining properties.

- 2.2 One objection comment received from Mrs Rachel Bond of Innisfree, Carterton. Comments are as follows:

The design of the proposed plans would mean that the conversion would change the landscape view from adjacent properties. Also, it would mean that it was looking into adjacent properties. Both reasons stated would impact on value and desirability of neighbouring properties so I object to a two storey conversion. The proposed plans of a separate dwelling are also not within keeping with the street, further to this, the use of the annex comes into question and I would object to its use being for anything other than a family member residing.

## **3 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

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

## **4 PLANNING ASSESSMENT**

### Background Information

- 4.1 This application is to be heard before the Lowlands Planning Sub-Committee as the Town Council has objected to the proposal.
- 4.2 The proposal seeks consent for conversion of part of an existing garage and erection of first floor above to create self-contained annexe.
- 4.3 The application relates to Kingsfield, a detached bungalow located in a modern residential area of Carterton. The existing garage is set back in the site plot and is to the rear of the host dwelling.
- 4.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Proposed use of annexe  
Siting, Design and Form  
Residential amenity  
Highways

### Principle

- 4.5 In terms of the principle of development, a proposed self-contained annexe in this location would be acceptable subject to compliance with relevant policies of the Local Plan including OS2, OS4, H6 and T4.

### Proposed use of annexe

- 4.6 The Town Council and third party representatives have raised concerns regarding the use of the proposed annexe and the possibility that it may be converted into a separate dwelling and the site plot partitioned into 2 separate properties at a future date. However, the proposal clearly states that the converted garage is to be used as an annexe and not as a separate dwelling. In order to limit its use your officers have suggested a condition on the planning permission stating that the proposed converted garage permitted shall be used as ancillary to the existing dwelling on site (Kingsfield) and shall not be occupied as a separate dwelling.

### Scale, Design and Form

- 4.7 The proposed garage conversion includes the erection of a first floor, dual pitched roof design that will result in a modest increase in built form. The dual pitched roof design is considered an enhancement of the existing flat roof design and is considered in-keeping with the host dwelling and surrounding area.

### Residential Amenity

- 4.8 The Town Council and third party representatives have raised concerns regarding overlooking to the adjacent property (Innisfree). Your officers had concerns regarding perceived overlooking



due to the positioning of the roof lights to serve the ancillary accommodation. However, the applicant has submitted revised plans that illustrate removal of the rooflight closest to Innisfree and that the rooflight in the bathroom will be obscure glazed. In light of these revised plans, your officers consider that the proposed self-contained annexe will not have a detrimental impact in terms of overlooking or loss of privacy. Your officers have suggested conditions on the planning permission stating that no additional windows/rooflights/dormer windows shall be constructed in any of the elevations of the converted garage and that the rooflight in the bathroom; shall be fitted with obscure glazing and shall be fixed shut (without any opening mechanism) and shall be retained in that condition thereafter.

#### Highways

- 4.9 The County Highways Officer was consulted as part of the planning process and has raised no objections to the details regarding the proposal and the impact it will have on the adjacent highway network.

#### Conclusion

- 4.10 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS2, OS4 H6 and T4 of the adopted Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The proposed converted garage permitted shall be used as ancillary to the existing dwelling on site (Kingsfield) and shall not be occupied as a separate dwelling.  
REASON: A separate dwelling in this location would not provide sufficient private amenity areas for the existing and proposed occupiers and would adversely affect the residential amenities of adjacent occupiers.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights/dormer windows shall be constructed in any of the elevations of the building.  
REASON: To safeguard privacy in the adjacent properties.

- 6 Before first occupation of the proposed garage conversion hereby permitted the rooflight in the bathroom; shall be fitted with obscure glazing and shall be fixed shut (without any opening mechanism) and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.