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TOWN AND COUNTRY PLANNING SERVICES

RESPONSE TO PLANNING OFFICER REGARDING
APPLICATION AND INTERPRETATION OF LOCAL PLANNING POLICY

LPA Ref: 14/1166/P/FP

Construction of new home providing therapeutic care for children (Class C2) with associated works and change of use of existing dwelling to ancillary administration building

Fourwinds, near Upper Weaveley Farm, Tackley, Oxon OX5 3ER

INTRODUCTION

This statement is prepared and submitted in support of the planning application to address certain points outlined in the Planning Officers draft Delegated Report, including those submitted by statutory consultees, with reference to the application and interpretation of certain planning policies in the adopted Local Plan.

The Officers draft report states *“The proposal is considered to be contrary to the aims of the NPPF and policies BE2, BE3, NE1, H4 and H10 of the WOLP2011 and should therefore be refused”*.

Notwithstanding the Local Plan, an important material consideration is the National Planning Policy Framework (NPPF). The document promotes sustainable development. It is defined in the Ministerial Foreword as meaning that “better lives for ourselves don’t mean worse lives for future generations” (sustainable) and “growth” (development) where our lives, and the places in which we live them, can be better. The term sustainable development is seen as having three dimensions, in particular, economic, social and environmental. The proposal complies with the NPPF because:-

Economic - the care home will employ a number of staff to look after the children. They are recruited locally.

Social - the care home provides an accessible local service for vulnerable children. It is supported by the County Council, who are responsible for Social Services.

Environmental - the care home is sited on the footprint of an existing unsightly building whose removal provides significant benefit to the landscape.

SAVED POLICY TLC1

The Planning Officers draft report states :-

Development in the open countryside is not considered appropriate unless there is a genuine need or requirement demonstrated. The applicant considers that the proposal could be classed as a community facility and therefore policy TLC1 applies. The council do not consider that the proposed scheme can be classed as a community facility and the proposal has not been supported with any evidence that the use is proposed to meet any specific or particular local need.

Even if officers were minded to consider that the proposed use fitted the description of a 'community use' as defined in the supporting text of Policy TLC I, the policy states that '...community developments will not be allowed where they would have an adverse impact on the character or environment of the countryside.. '.

Chapter 2 of the Local Plan sets out its objectives for the District. Under the heading "Leisure and Community Facilities" the Local Plan objective is:-

"To make available throughout West Oxfordshire a range and mix of leisure, recreation, arts, cultural and community facilities through:

- The retention and improvement of existing facilities;
- The securing of new or improved facilities;
- The protection and support of local culture, heritage and environmental quality."

The objective is applied to both urban and rural areas; there is no discrimination between the two in terms of geography.

The applicant submits that there are similar schemes elsewhere within the district which have been supported by West Oxfordshire Council and officers have previously considered these as 'community facilities' for the purposes of TLC 1. The first case was permitted in December 2010 (10/1648/P/FP) which was for a 12 bedroom care home for the same applicant Hillcrest Southcombe Lodge. The second application was decided in September 2011, for the same site but reducing the number of bedrooms to 7. In both instances the use of the site was assessed against policy TLC 1. The officer argues that referral to this policy being due to it being adjacent an existing school. It is however clear that the school is neither with the same designated site nor do the approvals for both proposals make no reference to the school being fundamental to the use of the application site as a community facility.

The applicant has received representation from Jackie Giles of Oxfordshire County Council Childrens Social Care who writes :-

Oxfordshire County Council Children's Services regularly use Hillcrest Care as an external provider because they are only one of two companies that provide residential children's homes in Oxfordshire and the quality of their care is consistently good. We have a duty to ensure 'sufficiency' of suitable accommodation for looked after children in our area and our placement strategy is to ensure that we keep children in or close to Oxfordshire. We have a large number of children placed a distance from Oxfordshire and we want to be able to bring

them closer to their homes and support networks and to avoid placing children a distance from home in the first instance.

The representation clearly states that Oxfordshire County Council has to place a large number of children out of their home county due to a lack of provision in the area. The applicant submits that it is clear that the proposed use is a community facility and should therefore be considered against Policy TLC 1 and that there is a genuine specific local need.

SAVED POLICY TLC12

The policy seeks to protect existing community facilities.

The supporting text states that public halls, local shops, public houses, post offices, doctors' surgeries, public toilets, crèches and places of worship are all examples of facilities which are often an essential part of the social and economic life of towns and villages (paragraph 8.92).

The supporting text (paragraph 8.95) further states that when assessing proposals for the loss of community services or facilities, consideration will be given to a variety of factors and these include the following:-

- The wider community role of the service or facility;
- Its contribution to the character of the area;
- Whether it provides a specialist facility; and
- Its provision of local employment opportunities and its contribution to the neighbourhood's well-being.

In September 2004, the District Council refused planning permission (LPA Ref: 04/1402/P/FP) to convert an existing care home (C2), comprising of an existing pair of bungalows, into a dwelling (C3) at Tall Trees, Burford Road, Shipton under Wychwood. The proposal was rejected on the basis of an adopted (R5) planning policy and emerging (TLC12) planning policy which both sought to protect existing community facilities. The Planning Officer's delegated report, and other documents, indicates in his assessment that the existing care home provides 7 beds, with ancillary accommodation, for physically and mentally handicapped people. The view was taken by the Planning Officer, and his colleagues, that "clearly the care home provides a community facility over a wider area than a pub or shop" whether "be it for the Wychwood area or the wider District". It is interesting to note that the Planning Officer requested that the Applicant sought the views of the Oxon Care Partnership on its retention and viability. The Parish Council also took the view that the care home should be retained as a "community resource" and its loss would also reduce opportunities for local employment. The County Council raised no objection on highway grounds, subject to the number of units being known as this would have a bearing on the imposition of conditions.

It is concluded that the Planning Officer, and by association the District Council, is being contradictory in that a "home", whether it provides accommodation for the young or old, it is a specialist facility that provides a distinct service to the community.

SAVED POLICY H4

The housing strategy for the District indicates that the provision of new dwellings will come from the following:-

1. The erection of new houses on both allocated and windfall sites.
2. The subdivision of existing houses.
3. The conversion of appropriate existing non-residential buildings.

The Local Plan does not have a policy for either protecting the existing housing stock or for replacing an existing house with another subject to the latter being disproportionate.

The wording of the Saved Policy H4 refers to the construction of new dwellings in the countryside. The Local Plan includes a Glossary and this defines a dwelling as being:-

“A self contained unit of residential accommodation (houses, flats, maisonettes, studios etc).”

The glossary does not attempt to define what is meant by “residential institution” but does acknowledge the C1, C2 and C3 uses as listed in the Use Class Order.

The Planning Portal’s Glossary of Terms defines a dwelling/dwellinghouse as being:-

“A self-contained building or part of a building used as a residential accommodation, and usually housing a single household. A dwelling may be a house, bungalow, flat, maisonette or converted farm building.”

The Planning Portal’s Glossary of Terms does not define a residential institution.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories. It defines a residential institution as being within C2 and includes:-

“Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.”

The submitted floor plans for the children’s home show that it can accommodate 7 children and each one will have their own room. The children will be supervised by staff and where 2 can sleep overnight to provide 24 hour care, if required. The bathroom and 3 shower rooms are shared between the staff and the children. On the ground floor, there is an office for the manger of the home and a designated meeting room for staff. The lounge, quiet room, games room, dining room and kitchen are all communal.

The design of the children’s home is deliberate in that the Applicant wants it to look “domestic” as this helps with the therapeutic care of the children i.e. by creating a safe and secure family home environment. The design approach is not to have a building that looks institutional in its appearance i.e. a building associated with the care and confinement of its occupants that is characterised by the blandness, drabness, uniformity and lack of individualised attention. Also, the appearance of the building complements its surroundings, which currently has 3 dwellings in close juxtaposition.

The Planning Portal defines an ancillary use/operation as being:-

“A subsidiary or secondary use or operation closely associated with the main use of a building or piece of land”.

As noted above, the provisions of Saved Local Plan Policy TLC12 seek to protect existing community facilities from being lost forever. Many community facilities have residential accommodation attached to them. A good example of this is the public house. This is deemed by the Use Class Order to be an A4 i.e. a drinking establishment. Many public houses have a bedsit/flat specifically for the manager/landlord on the floor(s) above the bar/lounge. These are not considered to be separate residential dwellings but an amenity integral to the successful operation of the public house.

It is concluded that the Planning Officer is being unreasonable in her view that this policy can be applied to the proposal. The development is a change of use on the site from an existing dwelling and creates a new C2 community facility not a new dwelling.

SAVED POLICY H10

The policy considers the conversion of existing buildings to residential use in the countryside and where such development is deemed acceptable if it meets certain criteria. It is noted that criteria (a) and (b) are applied on an either/or basis. In contrast, criteria (c) and (d) must both be complied with.

The ability of the modern barn to be converted into a home is not an option because of the following:-

Suitability/capability of conversion

The barn cannot be used for any other alternative use because of the following:-

Employment - the provisions of Saved Policy E5 preclude it from being used for employment purposes because the Application Site is, by virtue of the Lawful Use Certificate, no longer an agricultural holding (criteria b). It is also the case that the Application Site is not located within or adjacent to an existing settlement.

Recreation facility - The provisions of Saved Policy TLC2 preclude it being used as a recreation facility because the Application Site could not provide adequate off-street parking (including not being located close to other public parking); the scale of development could generate a level of activity which would have a detrimental effect on the character/appearance of the area and the reasonable amenities of adjoining dwellings; the building is not capable of conversion without excessive alteration or rebuilding which would damage its character and setting; and the character and setting of the existing bungalow could be damaged.

Community facility - The provisions of Saved Policy TLC2 preclude it being used as tourist accommodation because the Application Site could not provide adequate off-street parking (including not being located close to other public parking); the scale of development could generate a level of activity which would have a detrimental effect on the character/appearance of the area and the reasonable amenities of adjoining dwellings; the building is

not capable of conversion without excessive alteration or rebuilding which would damage its character and setting; and the character and setting of the existing bungalow could be damaged.

Visitor accommodation - The provisions of Saved Policy TLC2 preclude it being used as tourist accommodation because the Application Site could not provide adequate off-street parking (including not being located close to other public parking); the scale of development could generate a level of activity which would have a detrimental effect on the character/appearance of the area and the reasonable amenities of adjoining dwellings; the building is not capable of conversion without excessive alteration or rebuilding which would damage its character and setting; and the character and setting of the existing bungalow could be damaged.

Tourist attraction - The provisions of Saved Policy TLC2 preclude it being used as a tourist attraction because the Application Site could not provide adequate off-street parking (including not being located close to other public parking); the scale of development could generate a level of activity which would have a detrimental effect on the character/appearance of the area and the reasonable amenities of adjoining dwellings; the building is not capable of conversion without excessive alteration or rebuilding which would damage its character and setting; and the character and setting of the existing bungalow could be damaged.

Operational/social need

The provisions of Saved Policy H4 are deemed not to be relevant, as noted above.

Adaptation of structure

The barn, although of substantial construction being built of steel stanchions with block insets, box profile cladding with concrete sheets on the roof, would have to be significantly altered and modified in order to provide the accommodation for a home suitable to meet the therapeutic care needs of 7 children. Moreover, the resulting adapted building would still be incongruent with its countryside setting.

Contribution to area

The barn has an unsightly industrial appearance and is an unwelcome intrusion into the openness of its surroundings. Its bulk, scale and use of materials are alien in terms of the local built environment.

It is concluded that converting the modern barn into a residential institution is neither logical nor practical and, in visual amenity terms, should be removed rather than retained. The proposal is a low key use and activity that complements its near neighbours.

SAVED POLICY BE2

The wording of the policy is such that it is a permissive design policy where a development proposal has to comply with a number of criteria. These are :-

General Development Standards

New development should respect and, where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment. Proposals for new buildings and land uses should clearly demonstrate how they will relate satisfactorily to the site and its surroundings, incorporating a landscape scheme and incidental open space as appropriate. A landscape scheme accompanying detailed proposals for development should show, as appropriate, hard and soft landscaping, existing and proposed underground services, a phasing programme for implementation and subsequent maintenance arrangements.

Proposals will only be permitted if all the following criteria are met:

Quality of Development and Impact upon the Area:

- a) *the proposal is well-designed and respects the existing scale, pattern and character of the surrounding area;*
- b) *new buildings or extensions to existing buildings are designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining buildings, with local building traditions reflected as appropriate;*
- c) *the proposal creates or retains a satisfactory environment for people living in or visiting the area, including people with disabilities;*
- d) *existing features of importance in the local environment are protected and/or enhanced;*
- e) *the landscape surrounding and providing a setting for existing towns and villages is not adversely affected;*
- f) *in the open countryside, any appropriate development will be easily assimilated into the landscape and wherever possible, be sited close to an existing group of buildings.*

Crime:

- g) *good design has been used to help reduce the opportunities for crime.*

Energy and Resources:

- h) *regard has been given to:*
 - i. *principles of energy and resource conservation;*
 - ii. *provision for sorting and storage facilities to facilitate recycling of waste.*

Impact on landscape

The provisions of criteria (a-f) require that in the open countryside any appropriate development will be easily assimilated into the landscape and wherever possible, be sited

close to an existing group of buildings. The supporting text (paragraph 3.6) to the policy states that in the open countryside sensitive siting and design and use of appropriate materials and screening is essential to integrate necessary development outside built-up areas into the landscape. The text specifically refers to useful guidance on landscape impact can be found in the West Oxfordshire Landscape Assessment 1998.

The planning application is supported by a Landscape Impact Assessment which has been provided in accordance with the District Council's validation checklist. The report describes the context of the Application Site by advising that "Upper Weaveley Farm, Threshers Barn and associated outbuildings are located within approximately 20-80m north-east of the application boundary" and that "The home will also be closely related to the loose collection of nearby properties and associated agricultural buildings and constructed using local vernacular materials." The report considers the West Oxfordshire Landscape Assessment 1998 and advises that in response to it, and the findings on site, the "proposed home is sensitively integrated into the nearby existing buildings and local landscape by using local material and constructed in a vernacular style together with the proposed landscape framework to contain the development".

Status of barn

The submitted Landscape Impact Assessment acknowledges the modern barn and that it will be demolished and, in doing so, part of its footprint will be used to accommodate the proposed home and this will be less dominant in scale and design. It also acknowledges that the home will also be closely related to the loose collection of nearby properties and associated agricultural buildings and constructed using local vernacular materials. The report concludes that "with the removal of the agricultural barn and replacement with a sensitively designed vernacular building the proposals could be judged to have beneficial effect on the local landscape character".

The planning status of the modern barn has been investigated with reference to the District Council's records.

These indicate that the barn was built, in two phases, in the early 1980's. That part of the barn fronting the road was built (retrospectively) as a calf rearing unit and to store straw. (LPA Ref: W1069/81). The remainder of the barn near the existing bungalow was built in 1984 and was in place when the house, Four Winds, was put on the market in June 1985.

In July 2002, the District Council granted planning permission to convert the barn into a B1 use (LPA Ref: W2002/0373). The application was submitted by a Mr A Lewis. At the time, the Planning Officer's delegated report refers to the barn being "surplus to requirements". A B1 use was deemed appropriate in that it would not give rise to undue noise or pollution from emissions. The level of car parking provided (9 spaces) was deemed acceptable, although a condition (10) required the existing vehicular access to be improved. The condition of the existing access today would suggest that it was never improved and so the planning permission was never implemented. As such, it expired in July 2007.

In March 2014, the District Council approved a Certificate of Lawfulness on the site and this related to a condition (02) on a planning permission (LPA Ref: C112/61) which specified that the property could only be occupied by people working in agriculture. The application is supported by an affidavit from the Applicant (Mr Andrew Lewis) which indicates that when

he purchased Four Winds in July 2001 he was not, and has never been, employed in agriculture. There is no indication that the barn was used by the owner for anything, except domestic storage.

In view of the above, it would appear that the barn was used for agricultural purposes for 20 years (1981 to 2001) but after that it was vacant. It has been in its present condition for the last 14 years!

It is important to note that despite the officer suggesting the proposals do not comply with Policy BE2 the conclusion on design and impact in her draft report clearly state :-

Design:

The proposal indicates that the existing bungalow will be upgraded in terms of replacement windows and doors and the addition of a dark stained cladding on the external wall elevations. Clay roof tiles are proposed, as existing. Officers have no objections to the changes in external materials on the existing bungalow, in principle.

The proposed new care home is two storey, with a single storey element proposed to extend forward, from the front elevation, to create an 'L' shaped footprint. The building is proposed in a limestone faced facade and with stained timber finish windows and doors at ground floor, largely, with white uPVC windows on the side elevations, and upper floor. The design is simple in that it reflects the original barn 'style' and to that end is considered acceptable.

Impact on neighbouring amenities:

The nearest residential property is at Upper Weaverly Farm to the rear of the application site. It is noted that there is sufficient distances between the properties that it would be unlikely that any adverse impact on neighbouring amenities would occur as a result of this proposal.

The neighbours concerns regarding the travel plan and potential traffic increase on the site are dealt with above in relation to the Highway Liaison officer's comments.

SAVED POLICY BE3

The wording of the policy is such that it is a permissive highway policy where a development proposal has to comply with a number of criteria (a - d). These are considered in some detail in the submitted Planning, Design and Access Statement (Section 4). It is demonstrated that the proposal is compliant with the policy on the following grounds:-

Circulation

The existing owners of the bungalow access the Application Site on foot via the driveway. The adjacent minor road has grass verges either side of the carriageway and so there are no designated pavements. The submitted plans indicate that access to the Application Site on foot will not change.

Movement

The Application Site is served by an existing vehicular access and driveway direct from the adjacent minor road. Visibility in both directions is deemed to be excellent. The submitted plans indicate that the existing driveway, which is 2.5m wide, will need to be improved in order to accommodate emergency and other vehicles. The driveway will need to be widened by 1200mm for operational reasons.

Public Transport

The A4260, connecting the Application Site to Banbury in the north and Kidlington in the south, is a designated bus route (Services S4 and W10). The nearest bus stop to the Application Site is located at Sturdy Castle Public House and Motel, some 500m to the north.

Car parking

The Application Site has an existing designated parking area for cars. This can accommodate up to 5 cars and is located between the chalet bungalow and barn.

The District Council's adopted car parking standards indicate that C2 uses are not specifically identified. The Applicant has assumed that the term "residential" includes all class "C" uses in that this is based on the number of bedrooms being provided within a building.

The Applicant intends to employ 10 full-time and 4 part-time staff. They will work on a shift system. The submitted plans indicate that the existing car parking area is to be reconfigured and enlarged and in doing so can now accommodate 9 spaces, including 2 spaces for disabled staff/visitors.

It is concluded that the development proposal is acceptable in highway terms and this is supported by Oxfordshire County Council in their capacity as the highway authority. Their response indicates that considerable weight was given to there being an existing use, the nature of movements to and from the children's home and the travel plan.

SAVED POLICY NE1

The policy seeks to safeguard the countryside by maintaining or enhancing its value for its own sake. The policy identifies specific features and these are as follows:-

Beauty

The submitted Landscape Impact Assessment does not indicate that the Application Site is located in an area which can be wholeheartedly be described as being beautiful (cf the Cotswold AONB designation). It advises that, although the Application Site is located on the transition of two character types (Semi-enclosed Limestone Wolds (large-scale) and Open Limestone Wolds), it is not wholly typical of the broader landscape character being located in a smaller scale landscape associated with a loose group of agricultural buildings and dwellings bounded by road corridors, which are often lined by tree belts and dense hedgerows.

Local character and distinctiveness

The submitted Landscape Impact Assessment describes the context of the Application Site as comprising:

- Rural farmland - a patchwork of medium scale arable fields with, occasionally, smaller scale pastoral fields close to farmsteads and settlements;
- Vegetation - associated with road corridors and Public Rights of Way in the form of tree belts;
- Open fields - boundaries defined by stock fencing or well-maintained field hedges;
- Sparse settlement - isolated farmsteads and occasional properties and other buildings;
- Flat open land;
- Roads - the site is located towards the centre of triangular parcel of land between three roads;
- Pumping station - located on the junction of Banbury Road and the B4027; and
- Burial ground - located immediately to the south of the Application Site.

Diversity of its natural resources

The submitted Landscape Impact Assessment does not indicate that the development of the site would harm a material source of wealth, such as wood, fresh water, or a mineral deposit, that occurs naturally and has economic value.

Ecological, agricultural, cultural and outdoor recreational values

The submitted Landscape Impact Assessment confirms that the Application Site itself does not appear to contain areas of any ecological significance.

The submitted Landscape Impact Assessment confirms that there are no listed buildings, scheduled monuments, SSSI, registered parks or sites of conservation interest close to the Application Site.

It is concluded that there will be no impacts on the setting or integrity of designated features in the area. The removal of the agricultural barn and replacement with a sensitively designed vernacular building, the proposals will have beneficial effect on the local landscape character. With the recommended landscape measures, the proposals can be successfully incorporated within its surroundings without causing significant harm to the character, visual amenity of the local area. The proposed planting and green infrastructure would mature over time to further integrate the development within the local setting of and the wider landscape character with a net gain in green infrastructure.

SUMMARY CONCLUSIONS

It is clear from the previous planning decisions that West Oxfordshire does consider a C2 Residential Institute to be a community facility in that in reaching these decisions both policies TLC1 and TLC 12 have been referred to support and protect such facilities. It has been suggested by the officer that categorising uses is taken on a case by case basis which if correct would suggest an inconsistent approach to decision making this being a direct contradiction to the NPPF.

It should be noted that representations from the 5 consultees raise no specific or valid objection, these are:-

1. Tackley Parish Council – No objection
2. Highways Liaison Officer – No objection
3. Thames Water - No objection
4. OCC Drainage engineer - No objection
5. Mr & Mrs Young - Have raised concern over the proposals setting a precedence for housing development which the officer has confirmed to the applicant is prohibited by policy; and concern over water pressures which can be addressed by condition by provision of booster tanks and pumps within the new building

Officers are required to apply a consistent approach to planning policy and as such the proposals have to be considered against the supporting text of Policy TLC 1. The applicant has clearly evidenced that there is a much needed specific and particular local need for children's care homes within the local area and that the proposals would not have any adverse affect on the character nor environment of the countryside, which has been acknowledged by the officer draft report.

The Department of Education issued a statement on 25th June 2013 announcing reforms to overhaul children's residential care the core message being

“Children in care should expect the same standards that we would want for our own children. Our reforms will improve the quality of care and tackle the out-of-sight, out-of-mind culture and poor decision making, so vulnerable children are safe”

Within these proposals, as they have in other homes in Oxfordshire, the applicant seeks to provide a safe and therapeutic environment improves the wellbeing and enhances their personal development of the children they have in their care. It is hoped that the officer will now acknowledge the conclusions of submitted evidence and enable the applicant to support the local council in fulfilling its duty to protect and support local vulnerable children.