

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 5th January 2022**

### 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 Strategic Director. 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.

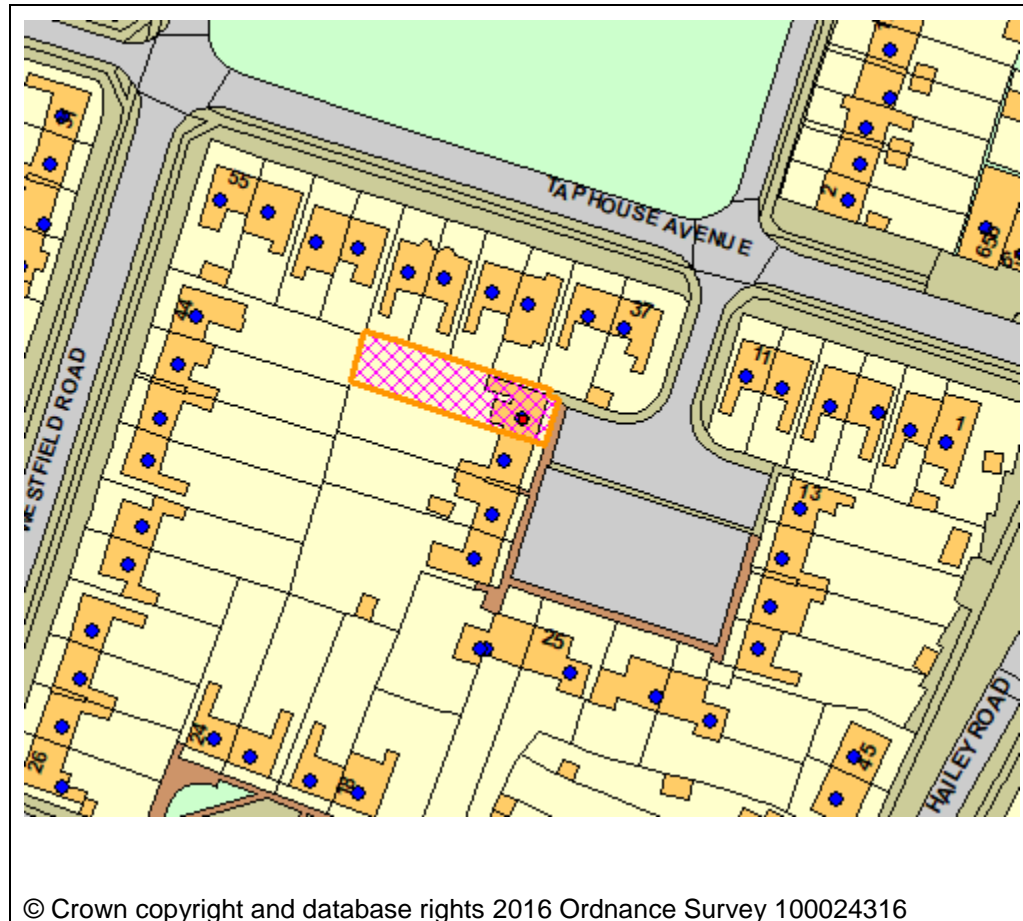
Please note that:

1. 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)

<b>Page Number</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
13	<a href="#">21/01565/FUL</a>	35 Taphouse Avenue Witney	Kelly Murray
18	<a href="#">21/02364/FUL</a>	Land (E) 432925 (N)209696 Downs Road	Abby Fettes
31	<a href="#">21/03565/HHD</a>	81A Newland Witney	Elloise Street

Application Number	21/01565/FUL
Site Address	35 Taphouse Avenue Witney Oxfordshire OX28 1JL
Date	16th December 2021
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435599 E 210855 N
Committee Date	5th January 2022

### Location Map



### Application Details:

Sub division of dwelling to form a large house of multiple occupation and a self-contained studio flat and associated works (Retrospective)

### Applicant Details:

Mr Chris Dominikowski  
13 Finmore Road  
Oxford  
OX2 9AE

## **I CONSULTATIONS**

Town Council Witney Town Council object to this application. The scheme represents over-development of a site and is not in accordance with the General Principles of Policy OS2, the scheme does not form a logical complement to the existing pattern of development and the character of the area, the potential increased occupancy is not compatible with adjoining uses and members expressed concern for the harmful impact on the amenity of existing occupants. Further, the proposed use is not compliant with Policy OS4 with regard to harm to the use or enjoyment of land and buildings nearby including living conditions in residential properties.

Witney Town Council shares the concerns of the Highways Authority, the development does not have adequate parking and the proposal does not address any provision for safe cycle storage. The lack of parking impacts all residents in the cul-de-sac making the proposal anti-social.

OCC Given the location the details are acceptable.  
Highways Please condition the cycle parking as plan.

## **2 REPRESENTATIONS**

2.1 No comments received

## **3 APPLICANT'S CASE**

3.1 A Design and Access Statement has been submitted with the application. It has been summarised as; The house, 35 Taphouse Avenue is semi-detached with 1-metre path between the house and the boundary on the right leading to the rear garden. It is part of terraced houses estate, uniform in materials and design with their front facing a green space and ample parking.

The applicant bought the house in 2016 and rented it out first to a family. He had later employed Norton Architects to convert the loft, under PD rights, to add two more bedrooms and a bathroom (the smallest bedroom at first floor was lost by the necessary stairs to the loft rooms). The Completion Certificate, dated 30/04/2018, was issued by the Building Control.

The applicant, Mr. Dominikowski, did not realize he needed to apply for planning permission for the Change of Use from a single-family dwelling to HMO and applied in 2019 only to the Licensing and Management of HMO.

On the ground floor the former living room and conservatory were converted into a self-contained studio flat, part of HMO but independent of shared facilities such as bathroom, kitchen or laundry.

On the other side of the entrance lobby there is a kitchen/diner and, accessed from the yard, utility room and WC. These serve the four bedsits at first and attic floors. First floor contains one double and a single bedsit and a shared bathroom while the converted loft has two single bedsits and a bathroom.

The large rear dormer, added at the time of attic conversion and with wall in pebbledash, to match the house walls, ensure sufficient headroom and windows for the bathroom and stair landing.

At present there are six tenants in total, though the HMO Licence is for seven people.

This application seeks permission for Change of Use from a single-family dwelling to four bedsits (one double and three single) and a self-contained studio flat.

The outbuilding - originally a storage built as PD

The side passage leads between the side of the house and the boundary with No. 33 to the rear garden with an outbuilding of 42 sq. metres close to the rear boundary. It was built in 2018 under Permitted Development rights as a storage for the house.

The application for Change of Use from a storage to a dwelling is seeking to add a one person or a couple to the existing HMO in the main house. I would become a one bedroom 42 sq. metres annexe to the HMO in the house for which the planning permission is sought at the same time, retrospectively.

Currently, the five lodgers in the four bedsits use shared facilities: two bathrooms and a kitchen/ dining. With the shared facilities there is no possibility of self-isolating, if needed. The conversion of the outbuilding to residential accommodation was done at the beginning of the current year (Jan-Feb) but it has not been occupied. With the amenity of the garden, shared with other HMO renters living in the main house it would be a valuable addition to rented accommodation.

The garden annexe, ancillary to the main house HMO, is designed for a max. 2 persons (either on person or a couple).

The application seeks to increase the total number of occupants at 35 Taphouse Avenue to maximum 9 people.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

5.1 The application site is located within a mature residential area of Witney. The application seeks retrospective consent for change of use from residential to an HMO. It is not within any areas of designated control.

5.2 The application was deferred from December committee for a member site visit as they raised concerns with the policy compliance of the proposal.

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 proposal is for the change of use of a residential dwelling to a house of multiple occupation. As the number of residents will be more than six, planning permission is required for the development. The works are retrospective.

5.5 Your officers consider that in terms of Policy OS2 of the adopted West Oxfordshire Local Plan that the principle of the development is acceptable given the location of the development. Policy H6 of the adopted West Oxfordshire Local Plan discusses Existing Housing and states;

*Alterations, extensions or sub-division of existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area.*

Policy OS4 also continues by stating that new development should not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties.

5.6 As the development is within a main service centre location, such development is acceptable subject to the proposals not adversely affecting neighbouring properties' residential amenities.

5.7 Your officers consider that the change of use to the existing dwelling to HMO which provides four bed sits is acceptable but members will be able to consider this for themselves on site. The works to the existing dwelling house that have taken place are permitted development.

5.8 The garden studio, now given its use, requires planning permission.

### **Siting, Design and Form**

5.9 The siting of the garden studio is located to the rear of the garden. The building provides accommodation for two people. The form of the building is single storey in scale. A pedestrian path leads to around the side of the main existing dwelling to provide separate access.

5.10 In terms of amenity to serve all of the occupiers, there are areas of paved courtyard which your officers consider, on balance, acceptable, but members will be able to consider this on site.

### **Highways**

5.11 After initial concerns regarding parking further information was sought from the applicant's agent, which has satisfied OCC Highways and they are no longer objected to the development.

### **Residential Amenities**

5.12 Given the single storey scale of the studio building, your officers do not consider that an adverse impact will result in terms of loss of privacy or overbearing issues.

### **Conclusion**

5.13 Whilst the works are retrospective, your officers consider that the proposal will not adversely affect existing neighbouring properties residential amenities to such a degree to warrant refusal of the application. Your officers shared the same concerns as the Town Council regarding parking issues. However given the further information, OCC Highways are not objecting to the proposal.

5.14 In view of the above your officers consider that the retrospective works are compliant with Policies OS2, H6, OS4 and T4 of the adopted West Oxfordshire Local Plan.

## **6 CONDITIONS/REASONS FOR REFUSAL**

I 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.

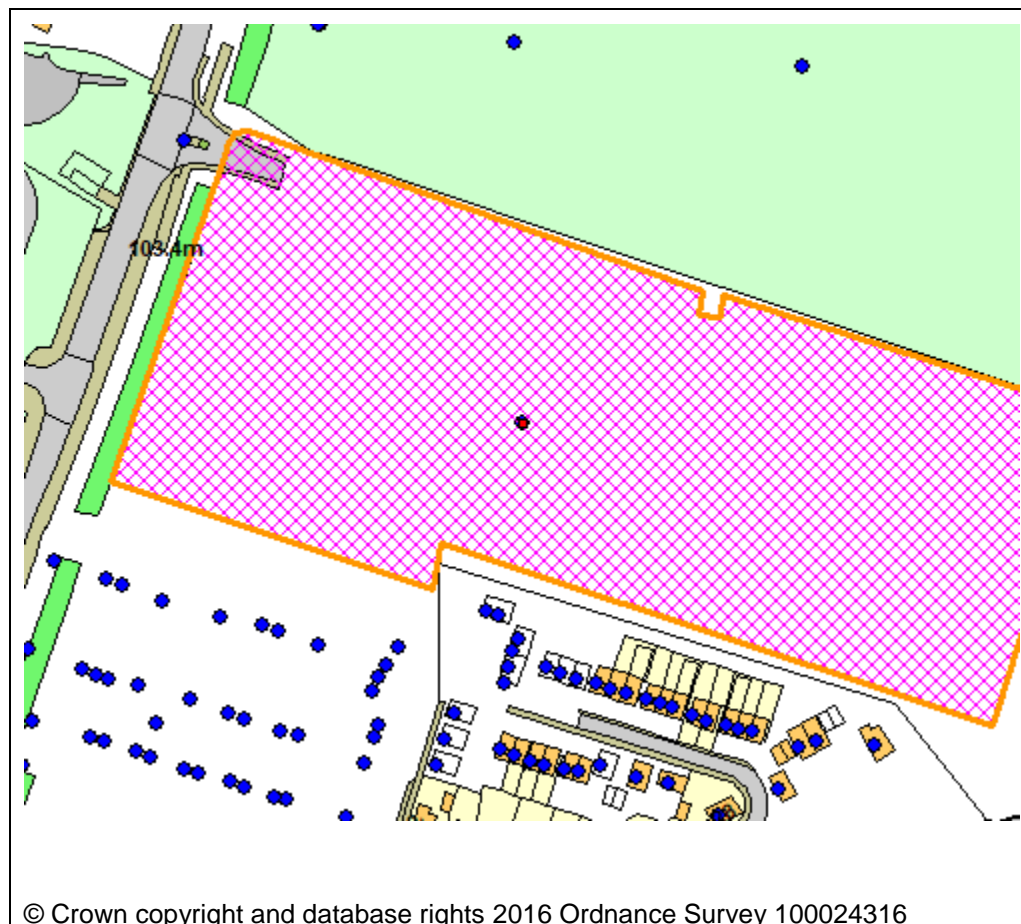
**Contact Officer:** Kelly Murray

**Telephone Number:** 01993 861660

**Date:** 16th December 2021

Application Number	21/02364/FUL
Site Address	Land (E) 432925 (N)209696 Downs Road Curbridge Witney Oxfordshire
Date	16th December 2021
Officer	Abby Fettes
Officer Recommendations	Provisional Approval
Parish	Witney Parish Council
Grid Reference	432926 E 209697 N
Committee Date	5th January 2022

### Location Map



### Application Details:

Erection of 4 employment units (Class E (g iii), B2 and B8) with drainage, car parking and landscaping. (Amended plans)

### Applicant Details:



## I CONSULTATIONS

Major Planning Applications  
Team

Comments on original plans:

### Highways

The LHA has no objection of the above application from the transport perspective provided the Applicant addresses the above conditions and issues satisfactorily, should the Local Planning Authority be minded, to approve the above application.

### LLFA

The discharge rate of 381 l/s is unacceptable for this development. According to our calculations, QBar for the development proposed at 8043 ac (3.255 ha) is given as 8.59 l/s. We expect the discharge rate to be as close to this as possible.

Where the reports state "Flow rate allowed for Phase 2 development = 54 l/s", there is no evidence submitted which shows the flow rate for Phase 2 has been limited to 54 l/s.

In addition, we cannot accept flooding in any storm events except for 1 in 100 yr + 40% CC. Now, the drainage system is flooding in the 30-year storm. This must be rectified.

Furthermore, calculations provided do not show the attenuation value required for storm even provided.

ERS Air Quality

No Comment Received.

ERS Env. Consultation Sites

I have looked at the application in relation to contaminated land and potential risk to human health.

The proposed development site appears to have been used as an agricultural field over time. Please consider adding the following condition to any grant of permission.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of

the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

WODC Env Health - Lowlands

I have No Objection in principle.

Ecologist

Original plans

Compensation and enhancements

The proposed scheme includes landscaping measures such as hedgerow planting and the creation of a flowering grass verge alongside the hedgerow. These measures are welcomed. However, I understand that a large area of dense scrub is present on site and therefore the removal of this habitat should be compensated for through the provision of additional biodiversity enhancements. For example, the scheme could potentially incorporate green roofs and/or additional wildlife meadow areas/verges (e.g. along the western, southern and eastern boundaries). Other biodiversity enhancements, such as the provision of bird boxes (including at least 3 no. swift bricks) and bat boxes integrated into or mounted onto the external walls as well as hedgehog highways within any new fences/walls, should be explored and incorporated into the scheme.

Skylarks

Skylarks were recorded on site during the Phase 1 Habitat Survey and it is possible that the species may breed on site. Currently, the ecology report does not mention whether any compensation for skylarks is proposed. It is also unclear whether a skylark compensation scheme was approved as part of application no. 12/0084/P/OP (the relevant outline planning application). Please may this be clarified?

Conservation Officer

No Comment Received.

Thames Water

Waste Comments

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:-

1. Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All wastewater network upgrades required to accommodate the

additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:-

1. Capacity exists off site to serve the development or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason – Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203577 9998) prior to the planning application approval.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

#### Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Adjacent Parish Council

No Comment Received.

Town Council

Original plans

Witney Town Council object to this application.

In terms of scale, use and visual impact, this new proposal bears no resemblance to the scheme as was approved in the outline planning permission. The harmful impact of the new scheme is completely unacceptable for our residents, in particular residents of the new development.

The drawings show a complete absence of a buffer between the employment zone and the nearest residential properties. Policy OS2 states that all development should "Be compatible with adjoining uses and not have a harmful impact of the amenity of existing occupants". This proposal puts residential properties in close proximity to industrial scale buildings with use allowed for Industrial Processes (Use Class E(g)(iii)), General Industrial (Use Class B2) and Storage or distribution (Use Class B8). This is not compatible with adjoining residential use and therefore not compliant with Policy OS2. There are no office style buildings within this scheme.

It is accepted that this area of the site was intended as an employment area for B1 use, but not for the proposed use classes or in this built form. The approved Land Use Parameter Plan, Revision P shows a 'Buffer area' whereby the employment land nearest to residential properties was marked for B1 use only. (B1 use class now superseded by E(g)(i), E(g)(ii) and E(g)(iii), Uses which can be carried out in a residential area without detriment to its amenity). The approved Land Use Parameter Plan does not allow for B2 and B8 uses within the specifically marked out buffer zone.

Further, Policy EH8 states that "New development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance".

Members object to this proposal on the grounds that it would cause unacceptable levels of harm to nearby occupants.

Members note there are reported factual inaccuracies in the Environmental Noise Report. There are concerns that the measurements recorded as distance to nearest residential properties are inaccurate, the housing is a lot closer to the employment site boundary than is being claimed. The noise monitoring was carried out over a weekend where weather conditions meant that the findings are not representative. Further the report recommends that barrier screening be considered, this recommendation does not appear to have been adopted. Proposed noise mitigation measures are not detailed in the application, Members ask that Planning Officers liaise with relevant Environmental Services Officers to ensure that the ENR is scrutinised and harmful noise impact for residents is given due consideration.

Witney Town Council question the principle of development when Paragraph 6.17 of the West Oxfordshire Local Plan identifies the need for land for employment, but quite clearly states "the bulk of demand is for smaller units of less than 3,000 square feet" and that the priority will be towards the provision of smaller units. The smallest unit on this proposed development is seven times that 'smaller unit size' and the biggest unit over 20 times bigger.

This application has highlighted that Condition 13 of the Outline Planning Permission 12/0084/P/OP has not been met. The condition requires that "Prior to the development of the dwellings located adjacent to or in the proximity of the proposed employment area, a scheme for protecting proposed dwellings (as per Parameter Plan Land use Fig 4.1 of the application) from any noise, odour or lighting nuisance at the boundary of any residential property shall be submitted to and approved in writing by the Local Planning Authority." This condition does not appear to have been met and this new application does not meet what is required from the Outline Permission.

Committee Members note an unusually large number of objection comments submitted by members of the public, Witney Town Council hear these objections and acknowledge the impacts of this industrial scale scheme for the residents living near the proposed development. Members ask that Officers fully consider the visual, noise and light implications of this proposal and urge West Oxfordshire District Council to refuse this application.

Major Planning Applications Team	No Comment Received.
WODC Business Development	No Comment Received.
Major Planning Applications Team	No Comment Received.
Parish Council	Witney TC requested an extension for comments until 15th December.
Sustainability Checklist Officer	No Comment Received.

## **2 REPRESENTATIONS**

2.1 Over 120 letters of objection have been received and they are summarised as follows:

- does not adhere to the outline permission
- meant to be a BI buffer for small offices and landscaping
- monstrous units bigger units than initially planned
- supposed to be office blocks and not massive factory units
- will be an eyesore
- far too large to be next to housing
- overbearing on community
- existing units already cause light and noise pollution
- disturbance from construction period
- overshadowing neighbouring properties
- overlooking neighbouring properties
- ruins outlook from residential properties
- increase light pollution
- affect the price of our house adversely
- were not aware this was industrial when we bought house

- affect local ecology
- detrimental environmental impact
- increase danger of flooding
- traffic already bad
- What carbon emissions will we be expecting?
- question the demand for these size of units, phase 1 not let
- other vacant properties of this size in Witney already
- need working hours, noise regulations, industries which are appropriate for residential areas
- break up the facade with a living wall

## 2.2 22 comments have been made to date on amended plans

- cars using area for joy riding and anti-social behaviour
- no separation of business park and estate so traffic coming through estate
- plans changing and getting worse
- Lorries breaking up Downs Road
- Would rather this was allotments or open space for families
- thought it would be low rise offices not industrial
- no attempt to provide an appropriate transition between the residential development and the proposed employment site
- proposals make no attempt to acknowledge the residential character of the area immediately to the south and east
- The proposed materials are purely functional and pay no heed to prevailing local materials or design guide
- poor-quality scheme designed without reference to its local context
- not in accordance with NPPF or Local Plan
- Plant an environmental green area for residents instead

## 2.3 Four further reps have been received since the last committee, no new issues raised

## 2.4 Cllr Jane Doughty made the following comments:

It is extremely important that we encourage businesses to invest in West Oxfordshire and Witney. However, I am concerned that the planning application submitted does not adhere to outline planning proposals. Original plans suggested that there would be several office buildings - these would have acted as a nice buffer between industry on the site and residential properties.

However, these new plans are totally unacceptable and completely overbearing. Residents have purchased their homes knowing that this employment zone will exist, but these proposals really are not in keeping with the original plans. There is highly likely to be an increase in noise and light pollution, as well as the potential for very nasty odours too. Therefore, I must object to this application due to the negative effects this will have on my residents.

## **3 APPLICANT'S CASE**

### 3.1 The applicant's case can be read in full online but is summarised as follows:

This full planning application seeks consent for the development of four employment units providing a floor space of 14,306m<sup>2</sup> with 1,392m<sup>2</sup> of ancillary office area. All units are proposed for Class E(g)(iii) and B8 uses.

The application site is identified for employment development by Policy E1: Land for Employment which states that employment sites are those which include predominately office-based, industrial or storage and distribution activities, or related sui-generis uses.

Policy WIT6: Witney sub-area strategy states that the focus of new housing, supporting facilities and additional employment opportunities will be Witney. WIT6 goes on to state that proposals for development in the sub-area should be consistent with the strategy which includes the provision of further employment land (at least 10ha) on the western edge of Witney to provide sufficient space for business expansion, relocation and inward investment.

The application site also has the benefit of an outline planning permission (12/0084/P/OP) as an employment site to deliver B1 development.

This application is seeking permission for 5 employment units for uses E(g)(iii) and B8 - storage and distribution. Given its location within an area identified for employment development of B1, B2 and B8 uses within the Local Plan the principle of development is acceptable in principle subject to other material considerations.

The design and scale of the proposals are considered to be appropriate, reflecting the character and appearance of phase 1 and 2a of the employment area. The proposal is accompanied by robust technical reports which demonstrate that there are no adverse impacts arising from the development and any impacts are appropriately mitigated.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development is in accordance with the policies contained within the West Oxfordshire Local Plan and amounts to sustainable development in accordance with the National Planning Policy Framework (2019) and should be approved without delay.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

E1NEW Land for employment

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

NPPF 2021

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**



5.1 The application relates to the site scheduled for employment development as part of the West Witney development and that has already been built out in part. It seeks full planning consent (not Reserved Matters Consent) for four employment units with associated drainage, parking and landscaping. Whilst the site is part of the West Witney Development area and was allocated for employment use under outline permission 12/0084/P/OP the fact that this is a full application and not a reserved matters unlike the previous phases means it needs to be assessed on its own individual merits and is not bound by the conditions or limitations of the outline consent - albeit they will be of relevance in terms of what was previously considered acceptable. During the course of the processing of the application amended plans have been negotiated, received and re-consulted on, and the extended consultation period expires on 10th December.

5.2 The application was deferred from the December meeting for a site visit.

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 of development
- layout, scale and massing
- residential amenity
- highways
- drainage
- ecology

### **Principle**

5.4 The principle of development is considered to be acceptable as this site was approved an employment area under permission 12/0084/P/OP. That permission set the parameters for the land use and building heights in this area. As approved this was to be B1 use in this part of the site but the applicants have applied for uses that go beyond B1 use. It is also relevant to note that the parameter plans allowed under the outline consent allowed buildings up to 15m high whereas with this proposal the largest unit (12) is 12m high. It is clear that the impacts of what is now proposed are different, with some elements conforming to the outline better than before and others not conforming and potentially worse. That is why this scheme has been tabled as a full application and is why the details of what is now before us need to be looked at in the round as opposed to merely looking at what was originally conditioned/agreed.

5.5 In that regard your officer's assessment is that the principle of some form of employment development is clearly established by the allocation and the outline but the details need to be assessed carefully to determine whether this alternative to what was originally envisaged is acceptable on its own merits. The key factors that are relevant in making that assessment are set out under the following headings of this report.

### **Siting, Design and Form**

5.6 Officers initially had concerns regarding the proposed site layout and its impact on the residential area that is already occupied adjacent to the site. The general form of the buildings was considered neat and attractive and to fit in very well with the existing commercial units that have already been built and occupied in Phase 1. However the transition to the smaller scale residential properties was considered problematic and considerable negotiation has been undertaken to seek to get to a position where the impacts are acceptable.

5.7 Usually when an industrial scheme is located alongside residential units it is preferable to back them on to the units such that the activity in the service yards is screened away from the residences and the buildings act as a noise buffer. Even though the units proposed were smaller than the height parameters agreed in the outline, they were considered to be unneighbourly in such proximity. Following much negotiation officers have secured amendments whereby the units are located gable end on to the neighbours to reduce their massing impact. They have been moved further away (18m to the boundary with the rear gardens and 28m to rear elevation of closest properties to units 10&11) so that they now considerably exceed the distance that a house face to face relationship would be considered acceptable and space for additional planting is provided. These amendments, coupled with the fact that the units are considerably lower than those allowed under the outline consent and of a more 2 1/2 storey scale than 3 or 4 storey scale means that officers are satisfied that the relationship is such that a refusal based upon the physical proximity to the neighbours is not sustainable. The reorientation does however open up the potential for increased disturbance from the activity and this is addressed in the next section of the report.

### **Residential Amenities**

5.8 The site is bounded by residential properties to the south. In creating the building/ gap/ building/ gap/ building relationship that has secured the acceptable buildings to neighbours relationship, the gaps potentially enable a greater transfer of noise to neighbours. This is compounded in that the proposals seek to widen out the nature of activity that can take place away from B1 "neighbourly" uses to more general commercial activity. In assessing the impact it will be noted that the advice of Environmental Health is that they have no objections on noise grounds.

5.9 Notwithstanding this position Officers have secured amendments that ensure that it is the parking rather than servicing areas that are closest to neighbours and that acoustic barriers will be provided within the site to seek to limit any residual impacts of servicing activity even further. Given the generally industrial nature of the remainder of the wider employment area, the lack of objection from EHO, the distance, the intervening car parking and the provision of acoustic barriers your officers have been satisfied that the impacts upon neighbours (who would have purchased in full knowledge of the fact that there were existing and proposed employment sites in the vicinity) is not such that it justifies refusal.

### **Highways**

5.10 Members will note that there is No objection to the original plans and whilst comments are awaited on the amended plans it is not envisaged that these will be insurmountable. A verbal update will be given at the meeting.

### **Other matters**

5.11 Members will note that there are comments outstanding as regards the ecology (lighting), drainage details (both foul and surface water and discharge rates) and contamination/remediation. However it is considered that all of these matters can be addressed by the imposition of a suitable condition to address the outstanding matter. In that the site was originally bound by the S 106 agreement that tied the wider area there will need to be a separate side agreement to address contributions as this is a full as opposed to reserved matters consent. Contributions have been requested by the County Council for Highway works.

### **Conclusion**

5.12 This is a contentious application. It is different to what was originally envisaged in some respects, but that of itself does not make it unacceptable. It needs to be assessed on its own merits and having done that, and secured amendments to address differences that arose from the particular characteristics of this scheme, your Officers have concluded that it is acceptable on its merits for the reasons identified above.

5.13 It will however be noted that at the point of assessment on the committee date there will still be a small portion of the re consultation period outstanding. Officers request that the decision is delegated to officers to approve subject to no further technical objections being raised in that outstanding period and to conditions and the prior completion of a section 106 agreement to secure the requisite contributions towards infrastructure.

## **6 CONDITIONS/REASONS FOR REFUSAL**

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 Prior to first occupation, a record of the installed Suds and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

REASON: To ensure the drainage does not cause on or off site flooding.

5 Prior to commencement of the development, a plan detailing the layout of the Car and HGV parking area shall be submitted to, and approved by, the Local Planning Authority. The Car Park and larger Vehicle parking Layout Plan must set out so that all car parking spaces, and HGV parking and manoeuvring areas meet the minimum dimensions required and can be safely and easily accessed by cars and HGVs that may utilise them. The Applicant should also ensure that the proposed vehicle parking facilities shall be used solely for that purpose on the implementation of the development.

REASON: in the interest of highway safety.

6 Before the development permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Cycle areas shall thereafter be retained solely for the purpose of the parking of cycles.

REASON: To encourage the use of sustainable modes of transport in line with policy M5.

7 Details of the ducting to allow for the future installation of electrical vehicle charging infrastructure with EVCPs to serve the Employment development shall be provided to LPA for Approval before its first occupation.

REASON: To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework

8 A plan with the details of lighting arrangement for the lit route (24-hour) walking and cycling connection between the development and residential dwellings in Deer Park and Tower Hill shall be provided for approval by LPA before its first occupation.

REASON: To encourage people to travel by sustainable modes in safety.

9 Prior to first occupation a Framework Travel Plan shall be submitted to and approved by the Local Planning Authority.

REASON: To encourage the use of sustainable modes of transport.

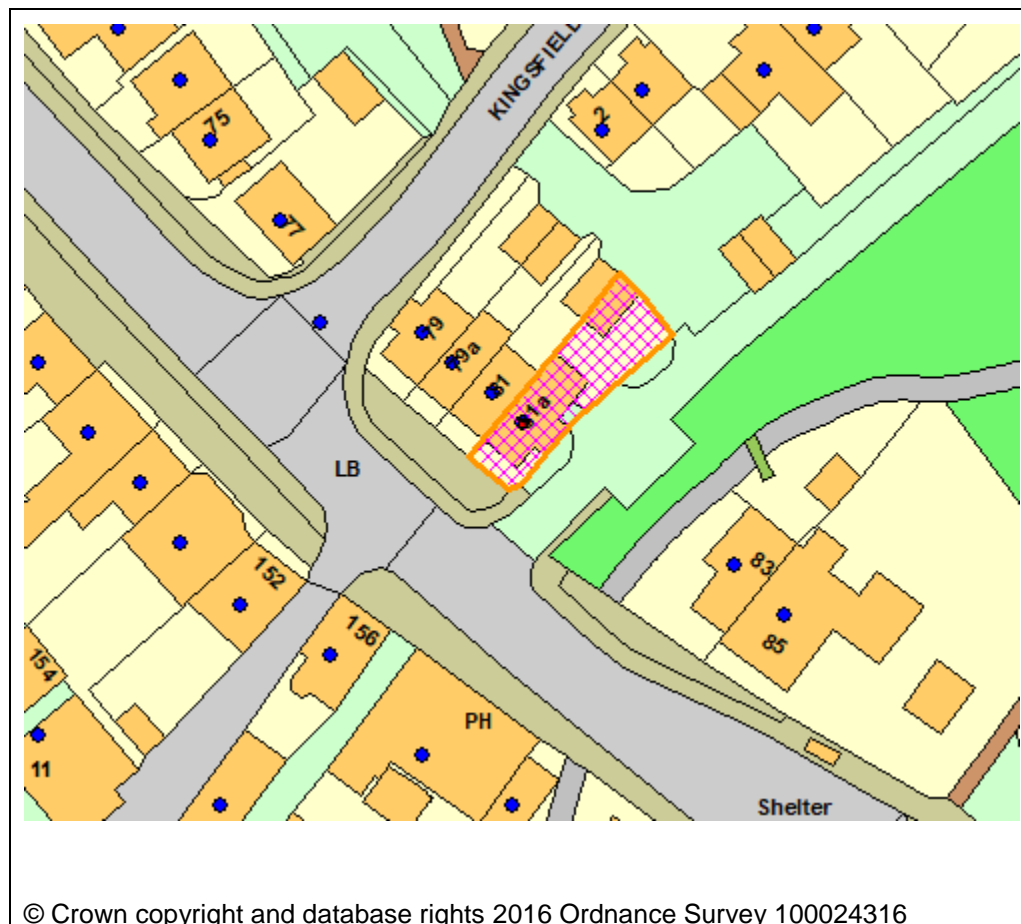
**Contact Officer:** Abby Fettes

**Telephone Number:** 01993 861684

**Date:** 16th December 2021

Application Number	21/03565/HHD
Site Address	81A Newland Witney Oxfordshire OX28 3JW
Date	16th December 2021
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	436441 E 209977 N
Committee Date	5th January 2022

### Location Map



### Application Details:

Single storey side extension and porch. Provision of new solar panels to front elevation (Amended description)

### Applicant Details:

Mr A Prosser  
81A Newland  
Witney  
Oxfordshire  
OX28 3JW

## **I CONSULTATIONS**

Town Council      Mrs S Groth Witney Town Council has no comments on this application.

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

OCC Highways      No Comment Received.

Parish Council      No Comment Received.

## **2 REPRESENTATIONS**

2.1 No representations have been received.

## **3 APPLICANT'S CASE**

3.1 No supporting statement was required with this planning application.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

DESGUI West Oxfordshire Design Guide

NPPF 2021

NPPF 2021

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

## **5 PLANNING ASSESSMENT**

### **Background information**

5.1 The application seeks planning permission for a single storey side extension, new porch and the provision of new solar panels to the front elevation at 81A Newland, Witney.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the applicant is a Council Member.

5.3 The application site relates to an end of terrace property at the edge of the residential area of Witney.

5.4 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impacts of the proposed development on visual amenity and residential amenity.

5.5 Relevant planning history:

- Planning application ref: 19/00267/HHD - Removal of existing conservatory and erection of single storey extension - Approved

5.6 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
- Design
- Impact on visual amenity of the street scene
- Residential Amenity

### **Principle**

5.7 The application seeks planning consent for alterations within the residential curtilage of 81A Newland, Witney. Therefore, the principle of development is considered acceptable by your officers, subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF.

### **Design**

5.8 Proposed is a single storey side extension and new porch and 4 new solar panels to the host dwelling. The proposed single storey side extension is located on the south eastern elevation of the property. The extension extends to the rear by less than 1m. The original windows on the southeast elevation will stay as existing and there will be one additional window to the northwest elevation replacing a door. The materials proposed are natural stone, recon slates, flat roof and timber and UPVC windows all to match the existing dwelling house. The proposed extension will serve as a reconfiguration of the existing room to incorporate a downstairs shower and a WC

5.9 The new porch is on the south eastern elevation and is facing the southwest and is approximately 3.1m to the eaves of the porch and 3.7m to the ridgeline of the proposed. The new porch is still well below the eaves and ridgeline of the host dwelling. The porch extends out by approximately 1.3m but does not extend forward of the front elevation of the host dwelling. Proposed materials are to match the existing with recon slates.

5.10 Also proposed are four solar panels to the south-westerly elevation of the dwelling house which sit above the two dormers but below the ridgeline of the host dwelling.

5.11 Your officer's consider that the proposed extension and porch will appear as a secondary and subservient addition to the host dwelling and therefore considered to be acceptable in terms of their scale and design

### **Impact on the visual amenity of the street scene**

5.12 The single storey side extension would not be visible on the street scene and therefore would not give rise to any adverse impacts in regards to visual amenity. The four solar panels and porch are visible on the street scene, however your officers consider the impacts to the visual amenity to be minimal and acceptable and in keeping with the wider street scene as the neighbouring property already has an existing porch.

### **Residential amenity**

5.13 Given the nature of the proposed development your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity issues such as overbearing, overlooking, and loss of light or privacy.

5.14 Additionally, no objections have been received from neighbours with concerns of the proposed alterations to the property.

### **Conclusion**

5.15 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 and H6 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

## **6 CONDITIONS/REASONS FOR REFUSAL**

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.

**Contact Officer:** Eloise Street

**Telephone Number:**

**Date:** 16th December 2021