

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 8 July 2024

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.

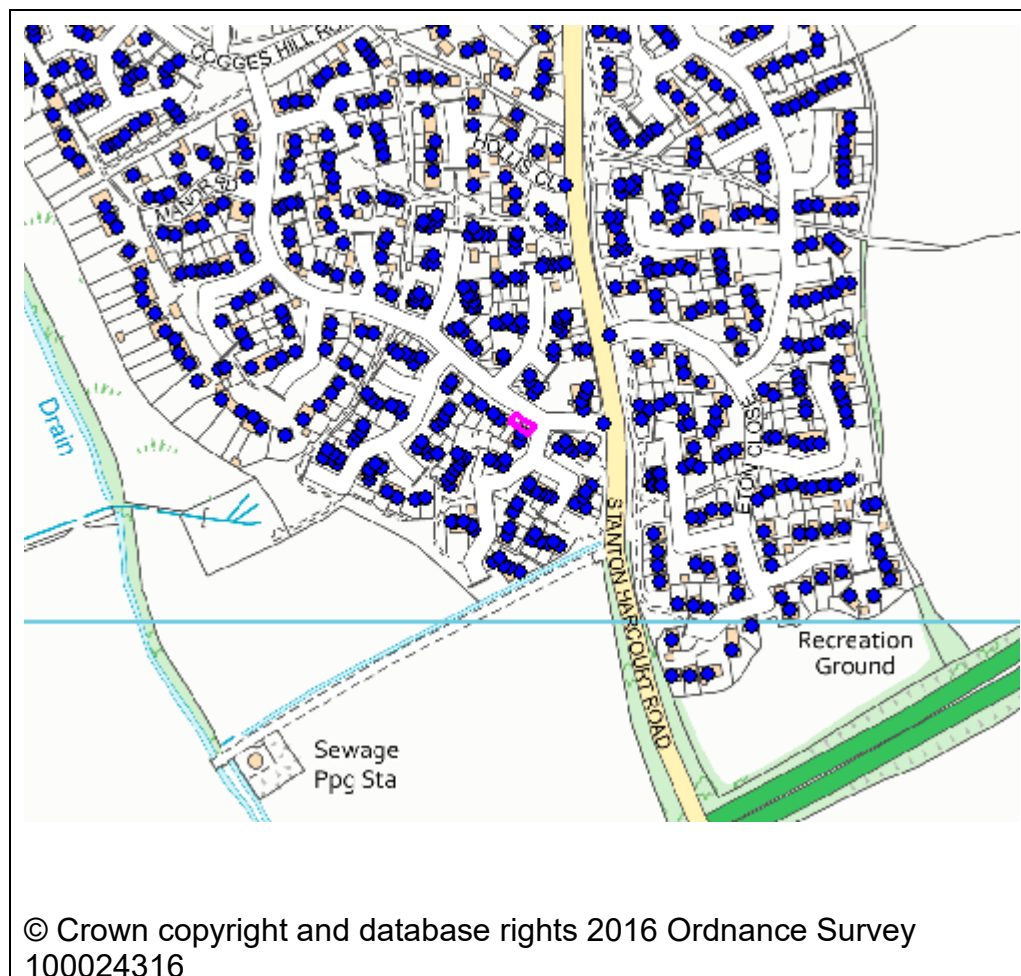
Please note that:

- I. 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

Pages	Application Number	Address	Officer
11-27	24/00655/FUL	111 Manor Road, Witney	Clare Anscombe
28-34	24/00980/HHD	17 Cotswold Close, Minster Lovell	Curtis Badley

Application Number	24/00655/FUL
Site Address	111 Manor Road Witney Oxfordshire OX28 3UF
Date	25 June 2024
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	436578 E 209125 N
Committee Date	8 July 2024

Location Map



Application Details:

Erection of a dwelling with associated parking, bin and bike stores.

Applicant Details:

Mr Jon Pickering
c/o Carter Jonas LLP
Mayfield House
276 Banbury Road
Oxford
OX2 7DE

I CONSULTATIONS

Parish Council

Reconsultation dated 6 June 2024.

Objection.

Witney Town Council note the amended plans to include the insertion of additional windows to the East elevation however still object to this application. Members continue to show concern for the scale of the proposed development in contrast to the site dimensions, the proposed dwelling will appear very cramped. The application is not compliant with the General Principles of policy OS2 of the West Oxfordshire Local Plan, the development is not of a proportionate and appropriate scale to its context and does not form a logical complement to the existing scale and pattern of development. Further, policy OS4, requires that development does not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties - Members expressed concern to the lack of amenity land/garden and they see no change in the amended plans.

OCC Highways

Car parking for the proposed dwelling, I10a, complies with OCC Parking Standards. The existing dwelling is served by 1 car parking space.

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, subject to the following conditions:

- G28 parking as plan
- G11 access specification

INFORMATIVE

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 see Dropped kerbs.

WODC Drainage

No objection subject to conditions.

If planning permission is granted, please request the following condition -

That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))

- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (VI.2 December 2021)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
- Non-statutory technical standards for sustainable drainage systems (March 2015))

Env Health Contamination

No objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

Env Health Noise and Amenity

No objections, subject to the following pre-commencement condition (or likewise):

I. No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must cover (at a minimum) noise, dust, vibration, odour, waste management, recycling, deliveries, site storage and site welfare. The plan must demonstrate the adoption and use of the best practicable means to reduce any adverse impact to the surrounding environment and community.

District Ecologist

Response dated 4 April 2024:-

Further information required.

Parish Council

Objection. Response dated 11 April 2024.

Members have shown concern for the scale of the proposed development in contrast to the site dimensions, the proposed dwelling will appear very cramped and not in keeping with the street scene. The application is not compliant with the General Principles of policy OS2 of the West Oxfordshire Local Plan, the development is not of a proportionate and appropriate scale to its context and does not form a logical complement to the existing scale and pattern of development. Further, policy OS4, requires that development does not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties - Members expressed concern to the lack of amenity land/garden.

District Ecologist

Reconsultation response dated 3rd May 2024:-

Acceptable subject to conditions and informative.

2 REPRESENTATIONS

2.1 Letters of objection have been received from interested parties. The concerns raised have been summarised below:

- Fails to provide an acceptable standard of living for current and future residents
- Fails to provide a high quality design
- Lack of parking
- Out of character with the surrounding area
- No need for an additional dwelling
- Impact on the amenity of neighbouring residents
- Impact on drainage
- Impact on highway safety
- Overdevelopment of the site
- Impact on ecology

3 APPLICANT'S CASE

3.1 The applicant has submitted a Planning, Design and Access Statement which, in summary, makes the following points:

- o It represents a more efficient use and development of a site that is already in benefit of an extant consent for a minor scheme of extension, in the midst of a fully sustainable and accessible location. It typifies all that the NPPF seeks in new residential development proposals

- o The proposal delivers an entirely sustainable form of development
- o The proposal is produced in a traditional fashion overall, with a pitched roof, reduced at ridgeline from the existing house, and set back on its plot from the main house face, all in a subservient matching detached appearance. All as approved in the extent scheme of extension. It is entirely commensurate with the vernacular appearance of the surrounding properties in the local area.
- o The proposal would not cause any neighbour impact issues in terms of loss of light, privacy or outlook to any of the surrounding properties by reason of the siting of the proposal at the side of the host property and alongside an area of public space.
- o Each garden space has ample room for sitting out, informal recreation, clothes drying, gardening etc, all of the conventional garden uses. They also provide space for secure bike storage. A look at the proposed site layout plan demonstrates how the rear garden left with the existing house is just the same as those to many of the neighbouring properties and the amenity area to the new 1 bed unit is certainly spacious in itself for a property of that size, which often times in the case of a 1 bed unit has only a small balcony or terrace, this is significantly larger and more useable for its purpose.
- o The proposed scheme makes a good residential use of an available, windfall site, in a sustainable, accessible location and provides for a new 1 bed unit, which adds to the social mix of the locality.
- o It is a more efficient use of the site that is already in benefit of extant consent for an enlarged dwellinghouse, but which reworks it to a better and improved scheme overall in the provision of a new unit.

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

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H6NEW Existing housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

WIT6NE Witney sub-area strategy

T3NEW Public transport, walking and cycling

EH7 Flood risk

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site relates to a 20th Century, semi-detached property situated within a residential area (Cogges) in Witney. The site does not fall within any areas of special designated control.
- 5.2 The site occupies a corner plot at a junction of Manor Road and is accessed from Manor Road.
- 5.3 The existing dwelling consists of a pitched roof constructed of plain brown tiles and reconstituted Cotswold stone walling with uPVC windows and doors in brown.
- 5.4 The proposed development is for the erection of a dwelling with associated parking, bin and bike stores. This includes the following to facilitate the development:
- o The repositioning of windows along the front elevation; and
 - o The partition of existing outdoor amenity space associated with 111 Manor Road to serve the new dwelling.
- 5.5 1 and 3 Manor Road lie to the east of the site. 113 and 115 Manor Road lie to the rear and to the north is 6 and 8 Manor Road. To the north-east is 10 and 12 Manor Road.
- 5.6 The application is before members as the view of the Town Council is contrary to the Planning Officer's. The Town Council has raised the following concerns:
- i. Not in keeping with the street scene;
 - ii. Not a proportionate and appropriate scale to its context and does not form a logical complement to the existing scale and pattern of development; and
 - iii. Lack of amenity land.

Relevant Planning History

- 5.7 The following planning decisions are relevant to this application:

13/0993/P/FP- Erection of boundary fence - Approved.

21/01036/HHD- Proposed front entrance porch- Approved.

23/00689/HHD - Two storey side and single storey rear extension with associated alterations. Approved. 22nd May 2023. As per Condition 1 of the consent, the permission remains extant until 22nd May 2026. However, the permission has not been implemented to date.

23/02930/FUL - Erection of 1 bed dwelling with associated parking, bin and bike stores. Withdrawn. February 2024.

5.8 The application is a re-submission of planning application reference 23/02930/FUL. The following changes have been made since the withdrawal of the application:

- The height of the ridge line on the proposed dwelling has been increased;
- Amended window sizes at ground floor on front elevation of new dwelling;
- The new dwelling has been brought forward in the plot and the rear lean-to element; reduced in size with a steeper roof pitch;
- Rear windows reduced in size;
- Pitched roof canopy over entrance door; and
- The width of the amenity space extending from the rear elevation has been increased.

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

- The Principle of Development;
- Design, Scale, Form and Amenity;
- Impact on Highway Safety and Parking;
- Impact on Ecology;
- Other Matters; and
- The Benefits of the Development.

The Principle of Development

5.10 In October 2023 the Levelling-Up and Regeneration Act ("LURA") received royal ascent. The LURA replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- the development plan, and
- any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

- 5.11 At this time, Section 93 of the LURA, within which changes to Section 38(6) are contained, has not yet come into force. Therefore, the application should be determined in accordance with the West Oxfordshire Local Plan (WOLP) unless material considerations indicate otherwise.
- 5.12 Annex 2 of the NPPF (December 2023) defines 'previously developed land' as 'excluding land in built-up areas such as residential gardens.' Part of the application site occupies an existing residential garden in a built up area.
- 5.13 Policy H2 of the Local Plan states that new dwellings will be permitted in main service centres, including Witney, on undeveloped land within the built-up area provided that the proposal is in accordance with other policies in the plan and in particular the general principles in policy OS2.
- 5.14 Policy OS2 of the Local Plan states that all development should (inter alia):
- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
 - Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
 - Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
 - Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
 - Conserve and enhance the natural, historic and built environment; and
 - Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

The Council's Housing Land Supply Position and implications of the NPPF

- 5.15 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged (and, as made clear in footnote 8, the development plan policies which are most important for determining the application, including policy H2, are out-of-date).
- 5.16 Policies H1 and H2 of the WOLP identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031. Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the WOLP in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now

more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method. For West Oxfordshire, the latest standard method calculation suggests a housing need figure of 570 homes per year. This is the basis upon which the requirement for the 5-year period 2023 - 2028 has been calculated. Set against a 5-year requirement of 3,060 homes, the Council's latest Position Statement seeks to demonstrate a 5.4-year supply. However, following a recent appeal decision at 'Land south of Burford Road, Minster Lovell' (PINs Ref. 3331279), the Council was found to have a 4.38-year supply, set against the standard method calculation of 570 homes per annum. A 4.34-year supply was subsequently found under appeal ref. 3332089, which amounts to a deficit of around 377 dwellings. On this basis, officers consider that the Council cannot demonstrate a five-year supply of housing land. It is therefore clear that the Council cannot currently demonstrate a five-year supply of deliverable housing sites and as such, footnote 8 applies, the development plan policies which are most important for determining the application, including policy H2, are out-of-date and the provisions of paragraph 11d) of the NPPF are engaged.

Conclusions on the principle of development

- 5.17 In view of the above, it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or whether there are specific policies in the framework that protect areas or assets of particular importance that provide a clear reason for refusing the development.
- 5.18 In respect of bullet point i), detailed above, there are no specific policies in the framework that protect areas or assets of particular importance that provide a clear reason for refusing the development.
- 5.19 In terms of the other relevant housing and locational policies in the Local Plan, Policies OS2 and the first strand of Policy H2 remain consistent with the NPPF in setting out a sustainable pattern of development based on a 'hierarchical' approach and remain up to date.
- 5.20 The proposed dwelling is to be located within a main service centre, as identified in Table 4b of the WOLP. Therefore, the principle of development is considered to be acceptable.

Design, Scale, Form and Amenity

- 5.21 Policies OS2 and OS4 of the WOLP seek a high quality of design. Policy OS2 clearly advises that new development should form a logical complement to the existing character of the area. Similarly, Policy OS4 seeks a high quality of design that respects the character and quality of surroundings.

- 5.22 The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve, and the National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing.
- 5.23 Officers note that concerns have been raised by the Town Council and neighbouring properties regarding the scale and pattern of the development as well as impact on the street scene. Officers acknowledge that an extension of similar scale, form and detailing was approved in May 2023, but note that the proposed scheme is for a new dwelling as opposed to an extension and that should be reflected in the proposed design.
- 5.24 The proposed dwelling has a pitched roof and differs from the extant May 2023 permission in that its footprint is reduced in its rearwards depth projection with a small increase in width to accommodate additional amenity space. There has also been a minimal increase in the height of the ridge line and the size and positioning of windows on the front and rear elevations altered. Separate bin and bike stores are proposed. The proposed materials are the same as granted by the May 2023 permission, to match the neighbouring property.
- 5.25 The proposed dwelling is of a traditional vernacular form which is considered to be in keeping with that of the neighbouring dwelling and neighbouring properties within the immediate locality. The proposed dwelling would be visible on the street scene. However, as the design of the dwelling is in keeping with the traditional forms seen within the locality, the proposed materials match that of the neighbouring dwelling and the proposed dwelling is slightly smaller than/mirrors the adjoining dwelling, it is considered that the proposed development would read as a new dwelling and form a logical complement to the existing scale and pattern of development and character of the area, not giving rise to any adverse impacts to visual amenity of the street scene.
- 5.26 Concerns have been raised by residents regarding the removal of a section of stone boundary walling, as it forms part of the character of the estate, and the erection of additional fencing. However, the boundary treatment along the north of the site adjacent to the road is already close boarded fencing and there are other examples of dwelling plots being separated by timber fencing in the surrounding area. The existing stone walling runs along the rear/western boundary of the site and is only partially visible within the street scene. The works proposed include removing only a small section of the boundary walling and therefore officers do not consider that the proposed development would harm the visual amenity of the street scene or the character of the area.
- 5.27 In terms of residential amenity, Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity

of future and neighbouring occupiers is reiterated in Policy OS4 and the West Oxfordshire Design Guide.

- 5.28 The proposal includes the partition of the existing private outdoor amenity space associated with 111 Manor Road to be used by the new dwelling. The amount of external amenity space has been increased since the earlier application was withdrawn, totalling 40sqm for the new dwelling, and is now considered to be acceptable and provide acceptable living conditions for the occupants of the new dwelling.
- 5.29 As the external amenity space for the adjoining property has ample room for sitting out, informal recreation, clothes drying, gardening and is comparable in size with many neighbouring properties, it is considered that adequate external amenity space would be provided for existing occupants.
- 5.30 With regard to the impact on neighbouring amenity, your officers consider that there is potential for some loss of privacy for neighbouring and future occupants due to the proposed window in the first floor rear elevation serving the bathroom, but this harm could be mitigated through a planning condition requiring the window to be fitted with obscure glazing. With this condition and due to the siting of the proposed dwelling, its separation distance to neighbouring properties, the siting of the openings on neighbouring properties, and existing and proposed boundary treatments, Officers consider that no significant impact will result upon neighbouring occupiers by way of overlooking, loss of privacy, overbearing or loss of light. Specific concern has been raised by neighbouring residents regarding loss of amenity as a result of the proposed parking space adjacent to 113 Manor Road. As the use of this land for parking was deemed acceptable as part of the May 2023 permission for the extension, it would be unreasonable for Officers to now raise this as a concern and refuse the application on that basis.
- 5.31 The Environmental Health Team consider that there is potential for some noise and disturbance during the construction phase of the proposed development and so a condition is suggested requiring the submission and approval of a Construction Management Plan prior to the commencement of development.

Highways

- 5.32 Paragraph 115 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
- 5.33 The proposed works include creating a single parking space to the rear of the new dwelling.
- 5.34 The parking space proposed complies with the minimum space requirements for parking spaces, as set out in the OCC Highway Standards. The Local Highway Authority are the technical experts in terms of highway safety and convenience and officers rely on their

judgement when assessing highway/parking related issues. The Local Highway Authority have been consulted on the application and have raised no objections with regards to highway safety and convenience subject to conditions. On this basis, the scheme is considered acceptable and complies with policy T2 and T4 of the West Oxfordshire Local Plan.

Impact on Ecology

- 5.35 The Biodiversity Officer has been consulted and has no objections, subject to conditions and informatives.

Other Matters

- 5.36 Witney Town Council have raised an objection to the proposed development on the grounds that it would be contrary to policy OS2 and OS4 of the WOLP. These matters have been addressed in the above design section.
- 5.37 Concerns have been raised by residents regarding the impact of the proposed development on surface water drainage. The Drainage Officer has been consulted and has no objection to the proposal subject to a pre-commencement condition requiring a full surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority.

The benefits of the development

- 5.38 Paragraph 60 of the NPPF sets out "the Government's objective of significantly boosting the supply of homes." The proposal would deliver an additional unit of residential accommodation within a sustainable location.
- 5.39 Further Paragraph 70 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. 'Local Planning Authorities should support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.'
- 5.40 Paragraph 123 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.41 Paragraph 124d) of the NPPF states: 'planning decisions should... promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).'

Planning Balance and Conclusion

5.42 In conclusion, your officers consider that, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposed development do not significantly and demonstrably outweigh the benefits of providing an additional dwelling within a sustainable location. Therefore, in accordance with paragraph 11d) of the NPPF, the application is recommended for approval subject to conditions.

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.

4 Before first occupation of the building hereby permitted the window at first floor level in the rear elevation serving the proposed bathroom shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property and the amenity of future occupants of the proposed dwelling.

5 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.

6 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein

specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

- 7 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

- 8 No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must cover (at a minimum) noise, dust, vibration, odour, waste management, recycling, deliveries, site storage and site welfare. The plan must demonstrate the adoption and use of the best practicable means to reduce any adverse impact to the surrounding environment and community.

REASON: To safeguard the environment and amenity of the area.

- 9 The development shall be completed in accordance with West Oxfordshire District Council's Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

REASON: To protect biodiversity in accordance with the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 10 Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority.

The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 11 Before development takes place, details of the provision of integrated bat roosting features (bat boxes/tubes incorporated into the walls of the new dwelling, as close to eaves as possible, on south/south-west elevations) and integrated nesting opportunities for birds (two to four swift bricks incorporated into the walls of the new dwelling, as close to eaves as possible, on north/north-east facing elevations) shall be submitted to the local planning authority for approval. These will include a technical site and elevation drawings showing the types of features, their locations within the site and their positions. The approved details shall be implemented within 3 months of the completion of the development hereby approved and thereafter permanently retained.

REASON: To provide additional opportunities for roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and Section 40 of the Natural Environment and Rural Communities Act 2006.

INFORMATIVES :-

1. 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 see Dropped kerbs.
2. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

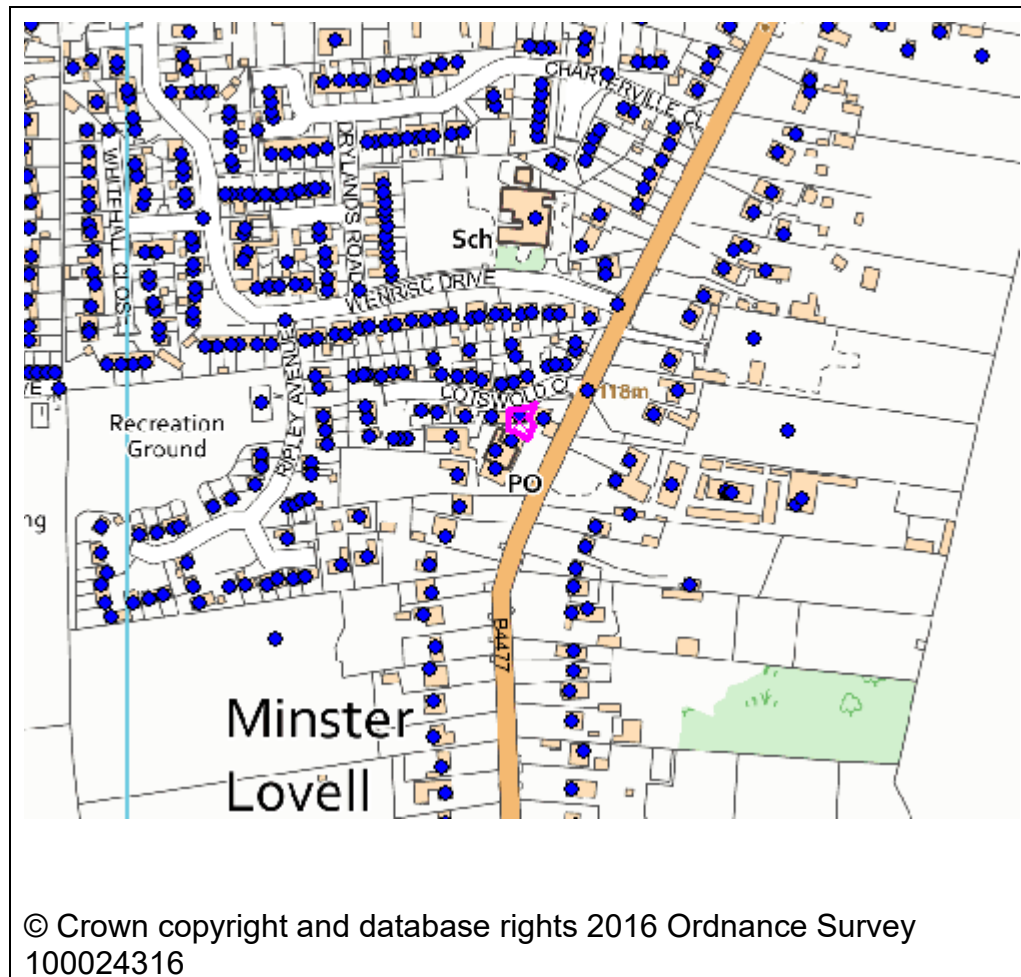
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 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015))
3. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works

West Oxfordshire District Council's Precautionary Method of Working document can be found here: <https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-specifications/>

Contact Officer: Clare Anscombe
Date: 25th June 2024

Application Number	24/00980/HHD
Site Address	17 Cotswold Close Minster Lovell Witney Oxfordshire OX29 0SX
Date	25 June 2024
Officer	Curtis Badley
Officer Recommendations	Approve
Parish	Minster Lovell Parish Council
Grid Reference	431261 E 210585 N
Committee Date	8 July 2024

Location Map



Application Details:

Removal of existing carport, erection of a two storey side extension to create a self contained annexe, and formation of two additional off street parking spaces.

Applicant Details:

Mr Simon Winfield
17 Cotswold Close
Minster Lovell
Witney
Oxfordshire
OX29 0SX

I CONSULTATIONS**OCC Highways**

The parking layout does not fully comply with OCC Parking Standards in that unfettered access to the proposed annex is not provided which may result in overspill parking on the adjacent carriageway. However, in this case I cannot demonstrate that such parking would cause such harm as to warrant the refusal of the application for reasons of highway safety and convenience.

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, subject to the following conditions:

- G28 parking as plan
- G11 access specification

INFORMATIVE

Please note 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 see Dropped kerbs.

Parish Council

Stance: Objects to the Planning Application

Comment Reasons:

- Design and layout
- Highways
- Other - give details

Comment: The Parish Council objects to the proposal as it will set a precedent with regard to development of similar spaces. Also access to the proposed annex is limited in such a tight space with possible issues with parking on the road. Thus making it difficult for others to drive up and down the road with clear sight and unhindered.

2 REPRESENTATIONS

2.1 No third party representations have been received to date.

3 APPLICANT'S CASE

3.1 The applicant has outlined their position within the associated Planning Statement (dated 27th March 2024) noting the application site, proposal, layout, scale, landscaping, appearance and access.

4 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.

5 PLANNING ASSESSMENT

Background Information

5.1 This application is to be heard before the Lowlands Area Planning Sub-Committee as the application has been submitted by an employee of the Council.

5.2 The application seeks planning permission for the erection of two storey side extension to create a self-contained annexe following the removal of the existing car port at 17 Cotswolds Close, Minster Lovell. The proposal also seeks to create two additional off street parking spaces to the front of the dwelling.

5.3 The application site relates to a detached dwellinghouse within the residential area of Minster Lovell which does not fall within any areas of special designated control.

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

- Principle of Development
- Design, Siting and Visual Impact
- Highways
- Residential amenity

Relevant Planning History

- 5.5 15/02898/FUL - Approve (17.09.2015)
Removal of existing dwelling and replace with two dwellings, associated car ports and new access.
- 12/1284/P/FP - 12/1284/P/FP (20.11.2012)
Removal of existing dwelling and replace with two dwellings, associated carports and new access.

Principle of Development

- 5.6 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 West Oxfordshire Local Plan 2031 including OS2, OS4, H6 and T4.

Siting, Design and Visual Impact

- 5.7 The proposal seeks to remove the existing car port which adjoins the Eastern side of the existing three-bedroom detached dwelling, 17 Cotswold Close. In its place, the proposal seeks the construction of a two-storey side extension for use as a self-contained annexe. The proposal also seeks the amendment to the front parking area and boundary to create additional off-road parking.
- 5.8 Policy OS2 of the adopted West Oxfordshire Local Plan 2031 requires any development to be of a proportionate and appropriate scale to its context and the local area. Policy H6 of the Local Plan permits changes to existing housing to manage and maintain sustainable communities and a high-quality environment including alterations, extensions or sub-division of existing dwellings that will respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area.
- 5.9 The proposed two storey extension is to be 6.3 metres in total height and have an eaves height of 4.45m, set lower than the existing dwelling and utilising an integrated dormer to the front and rear of the extension. The extension is set back by 2m from the principal elevation of the dwelling and through the moderate height, set back and limited width (3.2 metres) - the extension is considered to be subservient to the main dwelling. To the front, the extension features two smaller windows which match the

windows within the first floor of the existing dwelling, and this is replicated to the rear. The access to the extension is gained through a single side door, leading into a single room containing a small kitchen and living area. At first floor level, the extension contains a bedroom and ensuite bathroom which is accessed by a set of stairs also located within the extension. The proposed elevations are to be red brick, with wooden windows and doors beneath a concrete tile roof to match the existing dwelling.

- 5.10 By virtue of its scale, footprint, form and materials proposed, your officers are of the opinion that the development will appear sufficiently subservient and will respect the character and appearance of the host dwelling. The proposed side extension would be visible on the street scene, however, officers are of the opinion that given the use of matching materials, its subservient and appropriate design, and the siting of the extension to the side of the property, the development will not result in any adverse harm to the wider street scene. As such the proposed development would comply with policies H6, OS2 and OS4 of the West Oxfordshire Local Plan.
- 5.11 The original permission with reference: 15/02898/FUL for the development of two dwellings (including the application site) included a condition (4) which restricted extensions, porches, dormer windows, roof lights, no garages or other such buildings under permitted development. In consideration of the scale of development and in consideration of the existing condition which continues to relate to the application site, an additional condition relating to the restriction of permitted development rights is not considered necessary.

Highways

- 5.12 OCC Highways have been consulted on the application due to the additional bedroom and amendments to the parking provision. The OCC Highways response raised no objections in regard to highways safety and convenience. Whilst they have set out that the "parking layout does not fully comply with OCC Parking Standards in that unfettered access to the proposed annex is not provided which may result in overspill parking on the adjacent carriageway. However, in this case I cannot demonstrate that such parking would cause such harm as to warrant the refusal of the application for reasons of highway safety and convenience". The recommended conditions relating to the provision of parking and means of access in accordance with the associated plans is attached.
- 5.13 The Minster Lovell Parish Council has raised objection to the access to the proposed annexe and possible issues in relation to parking, access and highway safety. In consideration of the above assessment which sets out that the OCC Highways Officer cannot demonstrate that such parking would cause such harm as to warrant the refusal of the application for reasons of highway safety and convenience, it is considered on balance that the application should not be refused on this basis.

Residential Amenities

- 5.14 The proposed two storey extension is adjacent to the existing car garage located to the Eastern side of the site. By virtue of the proposals position to the East of the dwelling and screening by existing built form, the extension is not visible from neighbouring dwellings to the West. In consideration of the extensions positioning adjacent to existing built form and the modest nature of the proposal, an impact by overlooking, overshadowing and overbearing is not expected.
- 5.15 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. To prevent the subdivision of the property into separate dwellings a suitable condition will be attached to restrict the use of the annexe to the residents to remain ancillary to the existing dwelling on site (17 Cotswold Close).
- 5.16 In light of the above assessment, your Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that the application is acceptable in terms of residential amenity.

Other Matters

- 5.17 The Minster Lovell Parish Council has raised objection to the proposal partially "as it will set a precedent with regard to development of similar spaces". As set out within the above assessment, the proposed development is considered to be a suitable increase in built form in relation to the dwelling and plot size and remains subservient and in keeping in the surrounding area. It is therefore considered that the development is appropriate and acceptable and that similar proposals will be considered on their individual merits.

Conclusion

- 5.18 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 2023.

6 CONDITIONS/REASONS FOR REFUSAL

- I 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 annexe accommodation permitted shall be used as ancillary to the existing dwelling on site (17 Cotswold Close) 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 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.

6 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the annexe hereby approved.

REASON: To ensure a safe and adequate access.

INFORMATIVES :-

1. Please note 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 see Dropped kerbs.

Contact Officer: Curtis Badley

Date: 25 June 2024