

APPLICATION NO.	P15/V1026/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	7 May 2015
PARISH	KENNINGTON
WARD MEMBER(S)	Bob Johnston; Edward Blagrove
APPLICANT	Ms. Sian Morris
SITE	Silvertrees, 113 Bagley Wood Road, Kennington, OX1 5NA
PROPOSAL	Change of use from dwelling to residential accommodation for up to three families and live-in support staff to provide family-based coaching and support in short-term stays.
AMENDMENTS	Corrected red line site location
GRID REFERENCE	451275/201266
OFFICER	Holly Bates

SUMMARY

This is a planning application for the change of use of a relatively large house, known as Silver Trees in Bagley Wood Road, Kennington, to a “sui generis” use. The proposed use is for residential accommodation for up to three families and support staff to provide short term coaching and support programmes to help with family issues. The site would be run by the London Borough of Hackney for families from Hackney who will benefit from structured professional support, in a rural environment, over a short period of up to three weeks each.

The main issues are:

- Whether the proposal represents sustainable development in terms of its social, economic and environmental dimensions. Although the proposal is for the benefit of non-local residents it is supported by the NPPF and is likely to have economic benefits
- The impact of the proposal on the area, including designated Bagley Wood Ancient and Semi-Natural Woodland
- The impact on neighbours and the community, including fears over crime and safety
- The relationship of the proposal to green belt policy
- Highway safety. Although the site does not benefit from direct access to public transport routes the predicted level of traffic generation is not so significant as to cause concern

Overall officers consider that, with suitable safeguards that can be controlled by condition, the proposal is acceptable. The recommendation is to grant planning permission with conditions.

1.0 INTRODUCTION

- 1.1 The application site is a house located to the west of Kennington outside of the main village and within an area of dense woodland. The A34 lies approximately 150 metres to the west. The site area is approximately 0.80 ha (1.98 acres). Silver Trees is a relatively large eight-bedroom detached house with associated parking. A site plan is **attached** at appendix one

- 1.2 Vehicular access to the application site is gained from Bagley Wood Road to the north. The only neighbouring dwelling in close proximity adjoins the site to the west, no.115 Bagley Wood Road. This house lies approximately 35 metres from Silver Trees. The application site is located within the Oxford Green Belt, and the rear of the site to the south forms part of the Bagley Wood Ancient and Semi-Natural Woodland. The site is also located within the North Vale Corallian Ridge, a local landscape designation.
- 1.3 The application has been referred to committee by the chairman due to its unusual nature and the level of local objections.

2.0 PROPOSAL

- 2.1 The application seeks planning permission for the change of use of the dwelling to a facility for the London Borough of Hackney that provides short-term stays for up to three families and staff to enable family coaching and support in a more beneficial environment. The families are not “troubled” families or families who are in care. They are families who will benefit from short term support in a rural setting to help with a particular issue. Examples include:
- Parents improving ways to support children with learning difficulties
 - Parents learning strategies and skills to manage children in their teens
 - Parents have asked for support due to concerns about their children’s vulnerability which they do not know how to address;
 - Improving the relationship between parents and one of their children
- 2.2 The aim of the facility is to strengthen family bonds through early intervention to deal with issues in families before they potentially become significant. The initiative is known as the Family Learning Project. The families who will use the facility currently live independently and are not receiving support. They will be assessed to ensure they will benefit from a supported stay at the facility, although attendance will be voluntary. The maximum number of family members on site at any one time will be 12 and the maximum number of persons in total will be 18. Although the upper limit for a family to stay will be three weeks it is expected that most stays will be considerably less, generally a few days to a week.
- 2.3 The initiative has been recognised as innovative and, for this reason, has been awarded temporary government funding for 18/24 months to help with start-up running costs. Hackney Council has confirmed that it can cover the entire cost of running the facility in the long term from its own budgets and that it is cheaper to operate the facility on the application site than to operate a similar facility in London.
- 2.4 A management plan for the proposed facility has been submitted. A copy is **attached** at appendix two. This shows there will be a permanent manager on site who will co-ordinate the use of the facility and act as a liaison with the local community. It also contains practises and procedures to be followed in the day-to-day running of the facility. CCTV would be installed to assist with security.
- 2.5 There are no material changes proposed for the exterior of the dwelling and only minor internal changes to the layout. These would not require planning permission. The existing vehicular access to the site from Bagley Wood Road would be utilised, and the current parking provision on site for five cars would be retained.

2.6 An amended red line site location plan has been submitted during the application, correcting the proposed application site area. A re-consultation was carried out on the basis of this amended plan.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Below is a summary of the responses received to both the original plans and the amendments. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

3.2

First consultation	
Kennington Parish Council	<p>No objections; subject to following summarised comments: CCTV should be non-invasive; Holding objection of drainage engineer is supported; Would remind the LPA of the alleged breach in 2013 of forming an access, hardstanding and bund; A condition should be imposed restricting any further development which would enable an increased number of families.</p> <p>Full comments are attached at Appendix 3.</p>
Neighbours - Object	<p>40 representations (1 of which has been withdrawn) raising the following concerns:</p> <ul style="list-style-type: none"> • Additional disturbance and stress; • Loss of privacy; • Potential for trespass; • Difficulty in integrating the families into the local community; • Increase in anti-social behaviour; • Threatens safety of village; • No benefit to local community; • Concerns regarding potential “troubled” or “disturbed” families coming to the village; • Increase risk to the safety of the children at the nearby Chandlings School; • Increase in noise; • CCTV would invade privacy and would harm visual amenity; <ul style="list-style-type: none"> • Harmful impact on the ancient woodland, which is a protected special site; • Harmful impact on the Green Belt; • Effect on the character and appearance of the area; • Harm to wildlife and biodiversity;

	<ul style="list-style-type: none"> • Cumulative impact of use and previous permissions represents an overdevelopment of the site; • Unsustainable location; • Long distance to walk to facilities and bus stops; • Impact on local facilities such as doctors surgery's and schools; • Sustainability of the use compared with the existing use; • Unsuitable location for the type of use proposed; • Intensification of use on the site; • Lack of information of which council will be running it and the type of families involved; • The London authority is just using another authority to deal with its • issues; • Transient population would not be in keeping with the longevity of current residents • Impact on local housing provision; • How will the scheme be funded after the initial government funding? • Loss of a residential dwelling; • Viability and suitability of the site and proposal; • Additional traffic generation; • Unsafe pedestrian access; • Safety concerns regarding proximity to A34; • Septic tank arrangement will be unable to cope with the intensified use; • Ongoing enforcement investigations on the site; • Would set a precedent for other similar schemes; • Lack of wider public consultation and time to comment; • Any permission would need to be strictly controlled to prevent other institutional uses.
<p>Countryside Officer – Vale of White Horse</p>	<p>No comments.</p>
<p>Highways Liaison</p>	<p>No objections, subject to conditions.</p>

Officer – Oxfordshire County Council	
Environmental Protection Team – Vale of White Horse	No objections
Housing Team – Vale of White Horse	Raise concerns that after the initial 18/24 months funding the property may be used as temporary accommodation for households owed a statutory homelessness duty. The potential would be for large families who could either present as homeless to our district, or compete for private sector lets in our district.
Drainage Engineer – Vale of White Horse	Holding objection on lack of information; subsequent comments confirm that the foul drainage details can be submitted by condition.

Second Consultation	
Kennington Parish Council	No objections; subject to comments. The comments are the same as submitted with the first consultation, with one additional point raised in relation to a further condition requiring the stopping up of the unauthorised access. The parish council's full comments are attached at appendix three.
Neighbours - Object	4 representations; 3 objecting 1 withdrawing a previous objection. The objections raise the same concerns as covered earlier
Countryside Officer – Vale of White Horse	No comments.
Highways Liaison Officer – Oxfordshire County Council	No further comments, previous comments remain.
Drainage Engineer	No further comments
Forestry Officer	No objection

4.0 **RELEVANT PLANNING HISTORY**

4.1 VE14/257 – Creation and use of additional access and track

VE13/096 & 13/221 – Use of track at property

VE12/094 - Formation of access and laying of track

P11/V11111 – Retrospective application for conservatory – Planning permission
09/09/2011

VE09/205 – Unauthorised buildings

P04/V0328 – Two storey side extension and detached garage – Planning Permission
28/09/2004

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse District Council Local Plan 2011**

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were ‘saved’ by direction on 1 July 2009.

Policy Number	Policy Title
GS2	Development in the Countryside
GS3	Development in the Oxford Green Belt
GS6	Redevelopment of buildings outside settlements
GS9	Re-use of buildings outside settlements
DC1	Design
DC5	Access
DC6	Landscape
DC9	The Impact of Development on Neighbouring Uses
NE4	Other sites of nature conservation value
NE7	North Vale Corallian Ridge

5.2 **Emerging Local Plan 2031 – Part 1**

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. At present it is officers' opinion that the emerging Local Plan policies carry limited weight for decision making.

5.3 **Supplementary Planning Guidance**

- Design Guide – March 2015

5.4 **National Planning Policy Framework (NPPF) – March 2012**

5.5 **National Planning Practice Guidance 2014 (NPPG)**

5.6 **Neighbourhood Plan**

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

5.7 Kennington has not submitted a neighbourhood plan.

5.8 Environmental Impact

This proposal does not exceed 150 dwellings and the site area is under 5ha. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and this proposal is not EIA development and there is no requirement under the Regulations to provide a screening opinion.

5.9 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

5.10 Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.11 Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The relevant planning considerations in the determination of this application are:

1. Principle of the development
2. Landscape and Visual Impact – Green Belt
3. Locational Credentials
4. Residential Amenity
5. Traffic, Parking and Highway Safety
6. Flood risk and surface/foul drainage

6.2 The Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

6.3 Other material planning considerations include national planning guidance within the NPPF and NPPG and the emerging Vale of White Horse Local Plan: Part 1-Strategic Sites and Policies and its supporting evidence base.

6.4 Paragraph 14 of the NPPF confirms that the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means where the development plan is absent,

silent, or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

- 6.5 In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles.
- 6.6 One of the core planning principles contained in the NPPF is to take account of, and support, local strategies to improve health, social and cultural well-being (paragraph 17). This application is unusual in that the aim of the proposed facility is to improve the well-being of residents in another local authority area. Nevertheless it is clearly part of a strategy to improve social and cultural well-being, and therefore falls within the ambit of the NPPF core principle.
- 6.7 Prior to the confirmation that Hackney Council can run the facility in the long term the Vale council's housing team raised concerns about the use of the property after the initial government funding period. With the confirmation regarding the long term funding of the facility, officers consider this concern has been addressed.
- 6.8 In any event, the applicant has agreed that the proposed use is a "sui-generis" one. This means that the particular characteristics of the use make it unique in planning terms from any other type of use. This would include any other type of accommodation for groups of individuals. Should it prove necessary in the future to change the use of the site to another use, this will require a fresh planning application that can be assessed on its own merits.
- 6.9 It is considered the proposal would contribute towards the economic role of sustainability. It is likely that some local employment would be provided in terms of maintaining and servicing the property. There is also the potential of support for local services arising from normal day-to-day living requirements. The environmental dimension will be explored in further detail below.
- 6.10 **Locational Credentials**
The NPPF requires the need to travel to be minimised and the use of sustainable transport modes to be maximised (paragraph 34). The application site is located outside of the main built up area of Kennington village. Kennington is one of the larger villages in the District. It is defined as a larger village in the council's Town and Village Facilities Study (Update February 2014), Its facilities include a number of shops a post office, a medical centre, a village hall and a primary school.
- 6.11 The application site is about 880m from the main built up area of the village, and about 1.2 km from The Avenue, the main road running through Kennington. The nearest bus stop to the site on The Avenue, for the 35 and 35A service is about 1.3 km away. The 31 bus service runs along Oxford Road to the west of the site and connects Abingdon to Oxford. The nearest bus stop to the site for this service is approximately 1 km away
- 6.12 Objectors are concerned that the site is in an unsustainable location. There are also safety concerns due to the lack of a footpath on the main road and the proximity to the A34. The site has been selected by Hackney Council due to its rural location. This will help to achieve the aims of the project to provide a relatively peaceful environment to help support the families during their stay. This does mean that options for access to the site by sustainable means are limited.

- 6.13 The families staying at the facility would not have their own vehicles and it is anticipated they would travel to the site in a facility mini-bus. Whilst at the site family journeys would be limited to structured trips and visits as part of the programme, with staff members. The majority of time will be spent at the house in structured activities supported by staff.
- 6.14 Officers agree the location of the proposal dictates that the majority of the visits to and from the site would be by private vehicle. However the supporting information shows the proposal will not generate a substantial number of trips. The local highway authority has raised no objections to the proposal subject to conditions.
- 6.15 **Green Belt**
The application site is located within the Oxford Green Belt. The NPPF, at paragraph 79, confirms that:
- “The Government attaches great importance to green belts. The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts are their openness and their permanence.”
- 6.16 The NPPF states that certain forms of development are not inappropriate in green belt provided they preserve the openness of the green belt and do not conflict with the purposes of including land in green belt. One of these exceptions is the re-use of buildings provided that the buildings are of permanent and substantial construction (paragraph 90). This form of development is also supported by policy GS3 of the adopted Vale of White Horse Local Plan 2011.
- 6.17 The application proposes the re-use of the existing building, which is of permanent and substantial construction. No extensions or external alterations are proposed. As such, the proposal complies with the NPPF in this regard, and the proposal is not considered to be inappropriate development within the green belt.
- 6.18 **Character and appearance, landscape and Ancient Woodland**
The southernmost part of the site is located within an area designated as Bagley Wood Ancient and Semi-Natural Woodland. The NPPF, at paragraph 118, confirms that one of the principles to apply in order to conserve and enhance biodiversity is:
- “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;”
- 6.19 Local plan policy NE4 refers to development likely to harm a site of nature conservation.
- 6.20 The existing residential curtilage of the site includes the land designated as Bagley Wood Ancient and Semi-Natural Woodland. Objectors are concerned that the proposal will result in damage to the ancient woodland. They argue that the increased number of persons at the site, and the transient nature of the persons, will increase the likelihood of damage.
- 6.21 There are no proposed building works or other development proposed on the site, including in the designated area. Officers do not consider that the change of use will result in the loss or deterioration on the ancient and semi-natural woodland. Given the nature of what is proposed, and the number of on-site personnel, officers can see no

reason to conclude that there will be an increased likelihood of damage to the woodland.

- 6.22 Conditions requiring full details of the proposed boundary treatments, larger parking and turning area and CCTV are considered reasonable and necessary, both in the interests of visual amenity and neighbour amenity. Overall officers consider the proposal complies with local plan policies DC1, DC6, NE7 and HE4 and the NPPF, NPPG and the council's adopted Design Guide 2015
- 6.23 **Residential amenity**
Adopted local plan policy DC9 seeks to prevent development that would result in a loss of amenity to neighbours. Protecting amenity is a core principle of the NPPF. Design principles DG63-64 of the Design Guide pertain to amenity, privacy and overlooking.
- 6.24 The amenity of residents includes fears over crime and safety. Such fears can only be a material planning consideration where the nature of the use itself could reasonably be considered a genuine basis for such fear. Strong local objections have been made regarding the suitability of the site as a location where families from a London borough will receive support, and over the fear of trespass and other forms of disruptive behaviour. There are also concerns over increased noise and disturbance.
- 6.25 Additional information has been provided by the applicants regarding the proposal and, in particular, the families for whom the facility is designed to help. They emphasise that the families are not connected in any way to the government's Troubled Families Initiative. They are families living independently, who are not receiving any current support, who will benefit from expert help and support to assist in strengthening family bonds over a specific issue, away from their normal environment, for a few weeks.
- 6.26 Members need to give careful consideration to this issue. The submitted management plan would be enforced by a condition to provide confidence in the operational management and supervision of the facility. The specific "sui generis" nature of the use means the site cannot be used for any other type of use without a further planning permission. It is also recommended that any planning permission should be made personal to the applicants, so that any change in the ownership of the site will also require a planning application to be submitted. In light of all this officers consider there is no reasonable basis for any increase in fear about disruptive or criminal behaviour arising from the nature of the use itself.
- 6.27 The only neighbouring house is no 115 Bagley Wood Road, to the west. This house lies approximately 35 metres from Silver Trees in a relatively large plot. Currently there is no boundary fencing between the properties. This fencing will be provided and this can be secured by condition. Silver Trees is a large family house. Given the separation between it and no 115, and the upper limit on the number of family members at any one time of 12, officers consider there is no reason to assume noise levels from the proposed use will be materially different to those that could be reasonably expected from use of the house by a large family.
- 6.28 No material changes will be made to the exterior of the house. Thus there will be no harm in terms of overlooking, dominance or loss of light. It is proposed to install CCTV to provide additional re-assurance over the operational management of the facility. The location of CCTV can be controlled by condition to ensure no harmful impact on neighbours in terms of amenity or privacy. Overall, therefore, officers do not consider that the proposal would have a detrimental impact on the amenities of any of the neighbouring properties, and would comply with adopted local plan policy DC9, the

NPPF, NPPG and the council's adopted Design Guide 2015.

6.29 Traffic, Parking and Highway Safety

Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. The NPPF, as paragraph 32 states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

6.30 Objectors' concerns are that occupation by more than one family will lead to a significant increase in traffic to the detriment of general highway safety. The families will not have their own transport, which will reduce the potential number of trips from the site. Given the intended nature of the use, and the short time for most stays, it is considered that numbers of visitors to the families whilst they are on site is likely to be negligible.

6.31 The county highways liaison officer has been consulted on the application. He has carefully assessed the likely impact of the use in terms of traffic generation and the safety of Bagley Wood Road. He raises no objections to the proposal subject to conditions. These include an amended parking plan to clearly demonstrate that there would be sufficient parking and turning space on the site including staff

6.32 As such, with the use of planning conditions, the proposal is considered to comply with local plan policy DC5 and the provisions of the NPPF.

6.33 Other Matters

The council's drainage engineer originally registered a holding objection on foul sewage in that the application form submitted has marked the disposal of foul drainage as unknown. The area is not served by mains drainage. Following further discussion the drainage engineer has confirmed that information on the means of non-mains drainage can be provided by way of a planning condition requiring full details of the proposed non-mains foul water drainage system.

6.34 There is an outstanding enforcement issue related to the site in terms of an alleged unauthorised access track, bund and potential waste storage/transfer. This is currently being investigated by the Vale of White Horse District council enforcement team in conjunction with Oxfordshire County Council. This is a separate planning matter not connected to this merits of this planning application.

7.0 CONCLUSION

7.1 The application is unusual in that the proposed use is for the benefit of residents who live some distance from the Vale. The proposal has generated considerable local objection and concern. Members will be aware that the application has to be considered on its planning merits and that consideration should be limited to material planning considerations.

7.2 The proposed use is part of a strategy for improving general social and cultural well-being. The NPPF, in one of its core principles, states that the planning system should support such strategies. Concerns have been raised about the operational rigour and long-term funding of the facility. Assurances have been provided on this, including a management plan. The proposed use is "sui generis" and any planning permission will be made personal to the applicant. Officers consider there are sufficient safeguards to ensure the facility is operated appropriately in the long term and to control any future change of use.

7.3 Objectors are concerned about the suitability of the location for the use. The site is not

well related to public transport. However, the nature of the use means a rural setting is preferred and the traffic generation is likely to be relatively low. Consequently the location is considered to be acceptable and there is no detriment to highway safety.

- 7.4 There are concerns about the likely impact on Bagley Wood Ancient and Semi-Natural Woodland. The proposed management of the site and the nature of its intended use means officers have no reasonable basis to conclude that there will be damage to the woodland. There are also concerns about the suitability of the use in the green belt. Green belt policy supports the re-use of existing buildings provided there is no conflict with the purposes of the green belt. The proposal is for the re-use of the building with no new development. Officers consider there is no reason to conclude the use in itself will cause harm to the green belt.
- 7.5 There are objections regarding the impact of the use on neighbours and the community, including fears over crime and safety. There will be no harm from loss of light or overlooking and it is unlikely that noise levels will be materially different to those associated with any large family house. For the fears over crime and safety to be material there needs to be a reasoned basis for the fears. In light of the information that has been submitted about the nature of the proposed use, and the controls that can be imposed by condition, officers conclude there is no reasonable basis for these fears.
- 7.6 Officers therefore conclude that the proposed development is consistent with the principles of sustainable development. It accords with relevant policies of the adopted Vale of White Horse Local Plan 2011 and with the NPPF.

8.0 **RECOMMENDATION**

8.1 **That planning permission is granted, subject to the following conditions:**

1. **Time limit.**
2. **Approved plans.**
3. **Personal permission.**
4. **Boundary treatment details to be submitted.**
5. **Car parking and turning plan to be submitted.**
6. **Full details of the proposed non-mains drainage system to be submitted.**
7. **Full details of the CCTV system to be installed including locations the use hereby permitted shall be as specified in this planning permission. The premises shall not be used for any other use without the prior grant of planning permission.**
8. **The maximum number of people residing in the property shall not exceed 18 at any one time (inclusive of families visiting and staff members).**
9. **The premises shall be managed and run strictly in accordance with the submitted "Silver Trees Management Plan" document submitted with this application. Any change or variation to the management plan shall be submitted to and approved in writing by the local planning authority.**

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