
APPLICATION NO.	P16/V0117/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	8.3.2016
PARISH	NORTH HINKSEY
WARD MEMBER(S)	Debby Hallett & Emily Smith
APPLICANT	GJS Properties Limited
SITE	76 West Way Botley, Oxford, Oxfordshire, OX2 9JT
PROPOSAL	Retain first floor flat. Convert ground floor into residential use. Raise single storey element in height to accommodate two flats within 1.5 storeys. Remove existing garaging and reconfigure car parking (description amended to be more concise).
AMENDMENTS	Amended by plans PA05A, PA06A, PA07A & PA08A to improve parking and access arrangement.
OFFICER	Marc Pullen

1.0 **INTRODUCTION**

- 1.1 This application is referred to the planning committee because the officer recommendation conflicts with the views of the parish council.
- 1.2 The application site, which is shown on the plan **attached** as appendix 1, forms a corner plot along Poplar Road and West Way in Botley. There is opticians on the ground floor and an existing first floor flat above. The site lies opposite the West Way local shopping centre but is not within a conservation area and is not listed. The locality has a mixed residential and commercial character.
- 1.3 The site contains an existing two storey building fronting West Way with a long single storey projection to the rear. There is a garage with additional parking to the rear of the site with access from Poplar Road.

2.0 **PROPOSAL**

- 2.1 This application seeks a full planning permission for the conversion of the building wholly to residential use, with an additional 3 x 2-bedroom flats on site and the provision of four parking spaces and shared amenity space.
- 2.2 A copy of all the current plans accompanying the application is **attached** as appendix 2. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **North Hinksey Parish Council** - No objection
- 3.2 **Landscape Architect - Vale of White Horse DC** - No objection
- 3.3 **Health & Housing - Env. Protection Team** - No objection
- 3.4 **Highways Liaison Officer (OCC)** – No objection following amendments
- 3.5 **Neighbours - 6 letters of objection** have been received. The grounds for objection are:

- Overshadowing
- Over dominance
- Overlooking
- Loss of business premises
- Impact upon the highways safety
- Limited number of parking spaces

4.0 RELEVANT PLANNING HISTORY

4.1 [P15/V1015/PEM](#) – Pre-application (02/07/2015)

Conversion of existing retail premises to create 3X2 bedroom flats (retention of existing first floor flat). The response to this can be summarised as follows:-

The principle of residential use is acceptable subject to the changes to the building being acceptable in terms of design, amenity space, neighbour amenity and parking.

[P02/V1541](#) - Approved (29/10/2002)

Loft conversion to include two rooms, bathroom and dormer windows side and rear. First floor extension over existing kitchen with internal alterations.

5.0 POLICY & GUIDANCE

5.1 National Planning Policy Framework

The NPPF replaces all previous PPG's and PPS's and also indicates the weight to be given to existing local plan policies. The local plan policies that are relevant to this application are considered to have a high degree of consistency with the NPPF and should therefore be given appropriate weight.

5.2 Planning Practice Guidance (March 2014)

This document provides supplementary guidance to the NPPF

5.3 Draft Vale of White Horse Local Plan 2031 Part 1

The draft Local Plan Part 1 is not currently adopted policy and this emerging policy and its supporting text has limited weight as per paragraph 216 of the NPPF. Greater regard therefore is to be given to the NPPF in line with paragraph 14 and where relevant, the saved policies (listed above) within the existing local plan.

5.4 Vale of White Horse Local Plan 2011 (adopted July 2006)

DC1 - Design
DC5 - Access
DC9 - The Impact of Development on Neighbouring Uses
GS1 - Developments in Existing Settlements
H10 - Development in the Five Main Settlements

5.5 Supplementary Planning Document:

Design Guide (SPD adopted March 2015)

6.0 PLANNING CONSIDERATIONS

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

1. Principle of the development
2. Sustainable development
3. Design and Layout
4. Residential Amenity
5. Traffic, Parking and Highway Safety

The Principle of Development

- 6.2 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 47 of the NPPF expects local planning authorities to *"use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area"*... The authority has undertaken this assessment through the April 2014 SHMA which is the most up to date objectively assessed need for housing. In agreeing to submit the emerging Local Plan for examination, the Council has agreed a housing target of at least 20,560 dwellings for the plan period to 2031. Set against this target the council currently does not have a five year housing land supply.
- 6.5 Paragraph 49 of the NPPF states *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*. This means that the relevant housing policies in the adopted local plan are not considered up to date and the adverse impacts of a development would need to significantly and demonstrably outweigh the benefits if the proposal is refused. In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles
- 6.6 Policy GS1 of the adopted local plan provides a strategy for locating development concentrated at the five major towns. In terms of allocating development this strategy is consistent with the NPPF. The site is not specifically allocated for housing but is within the established built up area. The West Way local shopping centre lies opposite the site but the application site itself is not protected for retail use.
- 6.7 The relevant housing policies of the adopted and emerging local plan hold very limited material planning weight in light of the lack of a five year housing supply. Consequently the proposal should be assessed under the NPPF where there is a presumption in favour of sustainable development. Therefore the proposal is acceptable in principle unless any adverse impacts can be identified that would significantly and demonstrably outweigh the benefits of meeting this objective.
- 6.8 The site is considered to be within a very sustainable location, with good transport links and within close proximity of local services. This is reflected in the classification of Botley as one of the man five settlements in the adopted local plan (policy H10) and emerging local plan (core policy C3).
- 6.9 The proposal is considered to reflect the intention of policies H10 of the local plan 2011, and core policies 1, 2 and 4 of the emerging local plan 2031. Whilst it is noted that

these policies have limited weight, the proposal is considered in principle to be in general accordance with the NPPF.

- 6.10 One objector is concerned with the proposed loss of the existing optician business on site. As stated above, however, the site is not protected for retail use and, in consequence, officers consider there is no justification to refuse the application for this reason.

Sustainable Development

- 6.11 Consideration must be given as to whether this proposal accords with the definition of sustainable development, which comprises three strands – social, economic and environmental. The NPPF makes it clear that these are mutually dependent and gains should be sought in all three areas simultaneously.
- 6.12 As the site is within easy walking distance of a significant number of local services and amenities the need for travel by car is reduced. Moreover there is a bus stop with frequent services just few metres away from the site. Thus the site has a significant degree of sustainability arising from its location.

Design and Layout

- 6.13 The NPPF provides that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 60). It gives considerable weight to good design and acknowledges it is a key component of sustainable development.
- 6.14 A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (policies DC1, DC6, DC9). In March 2015 the council adopted its design guide, which aims to raise the standard of design across the district. The following assessment is set out in sections to reflect those in the design guide.
- 6.15 The site is mainly surrounded by other residential dwellings. To the north-east is no. 74 West Way while to the north-west is no.1 Poplar Road. The proposal is that the first floor flat should be retained whereas the ground floor space beneath would be converted from retail into residential use, creating a further two-bedroom flat. The existing single storey element would be slightly raised to allow two maisonettes to be accommodated within 1.5 storeys, with bedroom accommodation on the first floor lit by new dormer windows on the south-west elevation.
- 6.16 The existing single storey element ridge height would be increased by 2.4 metres. As the ridge and eaves line would be significantly lower than those of the main element officers consider the resulting element will retain a subservient relationship to the main building. The proposed materials would match those of the existing structure. Also, the proposal will include vernacular features that can be found within close vicinity.
- 6.17 There would be limited shared amenity space provided on site. As the two dwellings at the rear would be separated vertically, it could be argued that they are dwelling houses and therefore that they benefit from permitted development rights for extensions and outbuildings. Consequently it is recommended that permitted development rights are removed in order to protect the visual amenity of the area and to ensure the development avoids an overdeveloped or cluttered appearance on site.
- 6.18 The boundary treatments for the whole site have been conditioned due to the limited information provided, as well as concerns regarding the loss of garage structure along the north east boundary line.

Residential Amenity

- 6.19 Adopted local plan policy DC9 seeks to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment. Protecting amenity is a core principle of the NPPF. Design principles DG63-64 of the design guide pertain to amenity, privacy and overlooking.
- 6.20 The proposed dormer windows would face towards the street to the west to avoid undue overlooking onto neighbouring properties. Residential gardens towards the east are relatively well screened. Nevertheless, the proposed roof lights along the east should be installed with a sill height of not less than 1.7 metres above the finished floor level of the rooms in which they are fitted to avoid a potential harmful overlooking of neighbours.
- 6.21 Taking into account the window arrangement and the subservient nature of the proposed roof extension, the overall impact upon the neighbouring amenities is acceptable.

Traffic, Parking and Highway Safety

- 6.22 Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. Paragraph 32 of the NPPF states: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.23 The existing garaging would be removed, which will allow the car parking to be reconfigured to enable cars to turn and exit from the site in a forward gear using the existing vehicular access. Following amendments to the proposed scheme the proposed level of parking is considered acceptable having regard to the council’s parking standards and the highly sustainable location of the site.

7.0 CONCLUSION

- 7.1 The application proposal is in accordance with the relevant development plan policies and national planning policy as, subject to conditions, the development would respect the character and appearance of the existing dwelling and the surrounding built form, would not cause any adverse harm on the amenity of neighbours or the local highway.

8.0 RECOMMENDATION

To grant planning permission subject to the following conditions:

- 1. Time limit – development to commencement within three years of permission.**
- 2. Approved plans – development to be completed in accordance with approved plans.**
- 3. Materials in accordance with application – use of materials to be as shown on plan.**
- 4. Permitted development restriction on dwellings – extensions and outbuildings – restriction of Part 1, Class A, B, C, D and E of general permitted development order.**
- 5. Rooflight sill height - not less than 1.7 metres above the finished floor level of the rooms in which they are fitted.**
- 6. Boundary details – details of internal and external treatments to be submitted for approval.**

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Vale of White Horse District Council – Committee Report – 27 July 2016

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