

<b>APPLICATION NO.</b>	<a href="#">P17/V2711/FUL</a>
<b>SITE</b>	Heritage, 63A Oxford Road, Abingdon
<b>PARISH</b>	KINGSTON BAGPUIZE
<b>PROPOSAL</b>	Change of use from C3 dwelling house a 7 bed HMO (sui generis).
<b>WARD MEMBER(S)</b>	Katie Finch and Helen Pighills
<b>APPLICANT</b>	Vincent McMackin
<b>OFFICER</b>	Andy Heron

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## **RECOMMENDATION**

It is recommended that planning permission is granted, subject to the following conditions:-

### **Standard**

**1 : Time limit - Full Application**

**2 : Approved plans**

### **Prior to occupation**

**3 : Car parking**

**4 : Visibility splays**

## **1.0 INTRODUCTION AND PROPOSAL**

1.1 This application is referred to planning committee at the Development Manager's discretion following a call-in request from one of the local members, Councillor Helen Pighills. Councillor Pighills has raised concerns with inadequate parking provision and cycle storage for residents and visitors, the overdevelopment of the site, and car parking implications on mature trees.

1.2 The site is situated in a highly sustainable area to the east of Oxford Road, Abingdon. Abingdon is a market town within the Abingdon-Oxford Fringe Sub-Area. A site location plan is provided below:



- 1.3 The site currently consists of a large, modern, detached 5 bedroom dwelling. The dwelling is constructed of red bricks with a pitched roof, it has an integral double garage to the front. The house is situated on a long narrow plot. It is set-back from Oxford Road with a large front garden.
- 1.4 Vehicle access is via Oxford Road to the west. It is important to note that a tree listed under a TPO (tree preservation order) is located to the north-west of the site. Other TPO listed trees are situated to the east.
- 1.5 Planning permission is sought for the change of use of the dwelling from C3 use to C4 use to convert the dwelling to a 7 bed HMO (house of multiple occupation). Please note that a change of use from a dwelling (C3 use) to a 6 bed HMO (C4 use) would normally constitute permitted development. Planning consent is required in this instance as a 7 bed HMO is sought.
- 1.6 No external changes are proposed to the building. Vehicular access will remain as existing. On-site car parking spaces will be available for 8 vehicles to the front of the dwelling, with cycle storage located to the rear. Extracts from the application plans are **attached** at Appendix 1.

2.1 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.2 A summary of the responses received is set out below. Comments made can be viewed in full online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).

<b>Abingdon Town Council</b>	Objection. Lack of adequate parking provision for residents and visitors, and the overdevelopment of the site.
<b>Oxfordshire County Council – Highways liaison officer</b>	No objection, subject to condition.
<b>Environmental Health</b>	No objection.
<b>Scotia Gas Networks (SGN)</b>	No objection.

<b>Waste management officer</b>	No objection.
<b>Neighbours</b> – 3 letters of objection received. The grounds for objection concern can be summarised as:	<ul style="list-style-type: none"> <li>- Loss of mature tree</li> <li>- Insufficient information</li> <li>- Traffic and parking implications</li> <li>- Noise pollution</li> <li>- Over intensification of use</li> </ul>

3.0 **RELEVANT PLANNING HISTORY**

3.1 P90/V1332/DA - Approved (16/05/1990)  
Erection of a single dwelling and garage. Land adjoining 63 Oxford Road, Abingdon.

4.1 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.2 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The scale of the proposal is below relevant thresholds and the locality has no recognised specific environmental sensitivity. Therefore, an Environmental Statement is not required.

5.0 **MAIN ISSUES**

5.1 **Principle of development**

The settlement hierarchy set out in Core Policy 3 of the Local Plan 2031 Part 1 identifies Abingdon as a market town within the Abingdon-Oxford fringe sub-area. Market towns are defined as settlements that have the ability to support the most sustainable patterns of living within the Vale through their current levels of facilities, services and employment opportunities.

5.2 Market Towns have the greatest long-term potential for development to provide the jobs and homes to help sustain, and where appropriate, enhance their services and facilities to support viable and sustainable communities in a proportionate manner.

5.3 Core Policy 4 of the Local Plan 2031 Part 1 states that there is a presumption in favour of sustainable development within the existing built area of market towns. The site is situated within an urban area within close proximity to local employment, services and facilities.

5.4 The NPPF is clear that local planning authorities should look to significantly boost the supply of housing in line with the principles of sustainable development. Core Policy 4 of the Local Plan 2031 Part 1 sets out the Council’s approach to delivering new homes and retaining the housing stock. New homes will be located in accordance with the settlement hierarchy outlined in Core Policy CP3.

- 5.5 The development is located in the settlement of Abingdon within an area that benefits from a range of services. It would bring a residential unit back into use in a highly sustainable area of the Vale.
- 5.6 In view of the above the principle of development is therefore acceptable providing it accords with other relevant development plan policies.
- 5.7 **Impact on the character an appearance of the area**  
The NPPF states that securing high quality and inclusive design goes beyond aesthetic considerations. Great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.8 Core Policy 37 of the Local Plan 2031 Part 1 states that new development must demonstrate high quality design that responds positively to the site and its surroundings, creating a distinctive sense of place through high quality townscape that physically and visually integrates with its surroundings. It adds that development must be visually attractive, and the scale, height, massing, and materials should be appropriate to the site and its surrounding context.
- 5.9 The property has a spacious garden to the front and is set-behind the building line of neighbouring dwellings. There are no proposed external changes to the building however, 8 car parking spaces are proposed to the front. The proposed car parking area will be screened via mature hedging to the north, south and west.
- 5.10 It is considered that the overall appearance of the site will fit with the general scale and features of the surrounding area. Furthermore, the overall appearance is proposed to conserve the surrounding street scene. There will be adequate amenity space, parking and privacy for the occupants.
- 5.11 In view of the above the design and appearance of the proposed development is in compliance with the advice contained within the NPPF, and CP37 of the Vale of White Horse Local Plan 2031 Part 1.
- 5.12 **Residential amenity**  
Core Policy 37 of the Local Plan 2031 Part 1, DC9 of the Local Plan 2011 Saved Policies, and DP23 of the draft Local Plan 2031 Part 2 are of importance with regard to the potential impact upon neighbouring amenity. Policy DC9 states that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment.
- 5.13 The impact upon neighbouring amenity will be minimal as the dwelling will be sufficiently distanced away from neighbouring dwellings. Neighbours have raised concerns with noise implications and the over intensification of use. The building is large and is situated in a spacious plot away from neighbouring dwellings. No external alterations are proposed to accommodate future

residents. Furthermore, the Council's environmental health officer has reviewed the proposals and is satisfied that the proposed HMO will not create noise levels that would impact on neighbouring amenity.

5.14 It is therefore considered that the criterion contained within Core Policy 37 of the Local Plan 2031 Part 1, DP23 of the draft Local Plan 2031 Part 2, and DC9 of the Local Plan 2011 Saved Policies will be adhered to.

5.15 **Highway safety**

The NPPF promotes sustainable transport modes, whilst seeking to ensure that safe and suitable access to the site can be achieved for all users; and any significant impacts from the development can be mitigated. Paragraph 109 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.

5.16 Oxfordshire County Council as highway authority have reviewed the proposed plans raising no objections, subject to condition. Adequate car parking and access is available for the proposed HMO via Oxford Road to the west. The car parking meets the County Council car parking standards with one car parking space for each resident, plus an additional visitor's space. Furthermore, the site is situated within a highly sustainable area with excellent bus links within close proximity that regularly serve Oxford and Abingdon. It must also be noted that additional cycle spaces are situated to the rear for future residents to securely store their bicycles.

5.17 It is therefore considered that the proposed development will comply with the criteria contained within Policy DC5 of the Vale of White Horse Local Plan 2011 Saved Policies, Policy CP35 of the Vale of White Horse Local Plan 2031 Part 1, Policy DP16 of the draft Vale of White Horse Local Plan 2031, Part 2, and the NPPF.

5.18 **Impact on TPO listed trees**

Policy DC6 of the Vale of White Horse Local Plan Saved Policies 2011 states that proposals for development must protect and enhance the visual amenities of the site and its surroundings including existing important landscape features. Policy CP44 of the Vale of White Horse Local Plan 2031 Part 1 seeks to protect the key features that contribute to the nature and quality of the districts landscape from harmful development.

5.19 The Council's tree officer originally raised concerns with the car parking which proposed the removal of a mature Maple tree to the north-west. This tree is an important feature of the surrounding area. To protect the tree, the tree officer listed the Maple under a tree preservation order (TPO) which was served on 20<sup>th</sup> July 2018. Amended parking plans have since been received to overcome the tree officers concern. The car parking is now located away from the Maple's root protection area to the south of the site.

5.20 The proposed development would protect the TPO listed tree. It is therefore considered that the development accords with Policy DC6 of the Vale of White Horse Local Plan Saved Policies 2011, and Policy CP44 of the Vale of White Horse Local Plan 2031 Part 1.

5.21 **Other matters**

Neighbouring objectors have raised concerns that there has been insufficient information provided in support of the proposed application. There were discrepancies on the original plans. Officers subsequently requested additional information and amended plans to overcome these concerns. All interested parties have been re-consulted following receipt of amended plans which Officers now consider to be satisfactory.

5.22 **Community Infrastructure Levy (CIL)**

Policy CP7 of the Vale of White Horse Local Plan 2031, Part 1 states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery. The Council has implemented its Community Infrastructure Levy (CIL) as from 1st November 2017. Planning applications which are decided after 1st November 2017 may be liable to pay the levy.

5.23 The proposed change of use does not involve an increase in floor space. Under the Community Infrastructure Levy Charging Schedule adopted by Vale of White Horse Council and the government Community Infrastructure Levy Regulations, new dwellings and new residential development of 100m<sup>2</sup> or more will be liable to pay the Community Infrastructure Levy. In this instance the site is within zone 1 under which the chargeable rate is £131.33 per m<sup>2</sup>.

5.24 As such this application is not CIL Liable as there is no increase in floor space.

5.25 **Sustainable development**

When considering development proposals, the Council is required to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

5.26 The National Planning Policy Framework places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed change of use would have a minimal impact upon the local services which operate in Abingdon. The environmental considerations have been assessed in terms of the impact on the character and appearance of the area, and for the reasons given above are considered acceptable. Social considerations overlap those of environmental in terms of amenity. As these have been found acceptable the development is considered to constitute sustainable development.

**6.0 CONCLUSION**

- 6.1 The application has been assessed on its merits, against the requirements of the adopted Local Plan 2031 Part 1, saved policies of the adopted Local Plan 2011 and the National Planning Policy Framework. Regard has been given to the draft Local Plan 2031, Part 2 but as this is yet to be adopted, it's policies hold limited weight.
- 6.2 The application will provide an economic and social role via the additional residents who will use local services, and business.
- 6.3 In terms of the environmental role, limited harm has been identified with respect to the impact on the surrounding character and appearance of the area.
- 6.4 There are no technical objections to the proposal, subject to appropriate conditions.
- 6.5 Overall in the planning balance, the benefits of the scheme are considered to outweigh the limited harm that has been identified. As such, the application is recommended for approval.

This decision has been considered using the relevant policies related to the proposal. These are listed below.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory Development Plan comprises;

- The Local Plan 2031 Part 1
- The Local Plan 2011 Saved Policies
- The Oxfordshire Minerals and Waste Local Plan 2031
- Neighbourhood Plans for; Drayton, Coxwell, Blewbury, Faringdon, Radley, Great Coxwell, and Longworth.

Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (March 2012) (NPPF)
- The National Planning Policy Guidance (March 2014) (NPPG)
- Vale of White Horse Design Guide Supplementary Planning Document (SPD) (March 2015)
- Vale of White Horse Updated Infrastructure Delivery Plan (IDP) (December 2016)
- Draft Vale of White Horse Local Plan 2031 Part 2: Detailed Policies and Additional Sites
- Building for Life 12

Other Relevant Legislation

- Human Rights Act 1998
- 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.

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

The Vale of White Horse Local Plan 2031 Part 1 policies which are relevant to the proposed development consist of:

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP46 - Conservation and Improvement of Biodiversity

The Vale of White Horse Local Plan 2011 Saved Policies which are relevant to the proposed development consist of:

- DC5 - Access
- DC6 - Landscaping
- DC7 - Waste Collection and Recycling
- DC9 - The Impact of Development on Neighbouring Uses

The Local Plan 2031 Part 2: Detailed Policies and Additional Sites complements the Part 1 plan and sets out policies and locations for housing for the Vale's proportion of Oxford's housing need up to 2031, which cannot be met within the City boundaries. It contains policies for the part of Didcot Garden Town that lies within the Vale of White Horse District, and detailed development management policies to complement the Local Plan 2031 Part 1, which replace the saved policies of the Local Plan 2011. It also allocates additional development sites for housing.

Paragraph 48 of the NPPF states that decision-takers may give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Vale of White Horse District Council submitted the Local Plan 2031 Part 2: Detailed Policies and Additional Sites to the Secretary of State on Friday 23

February 2018 for independent examination. The draft Local Plan 2031 Part 2 is currently under examination.

Overall, taking into account the current stage of preparation, the emerging Local Plan 2031, Part 2 now attracts limited weight.

The Draft Vale of White Horse Local Plan 2031 Part 2: Detailed Policies and Additional Sites policies which are relevant to the proposed development consist of:

- CP4a – Meeting our housing needs
- DP16 – Access
- DP23 – Impact of development on amenity
- DP25 – Noise pollution
- DP28 - Waste collection and recycling

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