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**SUBJECT            DEVELOPMENT APPLICATION REPORTS            ITEM 9**


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**REPORT OF**      Head of Planning & Building Control

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<b>APPLICATION NO.</b>	<a href="#">P10/W0630</a>
<b>APPLICATION TYPE</b>	FULL
<b>REGISTERED</b>	04.05.2010
<b>PARISH</b>	CHOLSEY
<b>WARD MEMBER(S)</b>	Mrs Pat Dawe Ms Felicity Aska
<b>APPLICANT</b>	Hicks Developments Ltd
<b>SITE</b>	25 Station Road Cholsey
<b>PROPOSAL</b>	Demolition of existing house and erection of 1x4 bed, 2x3 bed and 2x2 bed houses with vehicular and pedestrian access
<b>AMENDMENTS</b>	As amended by Drawing number 1940/01A accompanying letter from Agent dated 21 May 2010 & as amended by drawing number 1940/01C accompanying letter from Agent dated 18 June 2010 & as amended by drawing numbers 04A & 05A accompanying Agent's letter dated 4 June 2010 & drawing number 1940/01D accompanying agent's letter dated 8 July 2010.
<b>GRID REFERENCE</b>	458723/186406
<b>OFFICER</b>	Miss G Napier

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**1.0 INTRODUCTION**

- 1.1 The application has been referred to the Planning Committee because the recommendation conflicts with the views of the Parish Council.
- 1.2 The application site is shown on the OS extract **attached** as Appendix 1. The site comprises the garden area of 25 Station Road which is an inter war bungalow constructed in render and slate. It is not currently occupied and is beginning to deteriorate through lack of maintenance. The garden area was until recently, extremely overgrown and it contains a number of trees the principal ones being covered by a Tree Preservation Order.

**2.0 PROPOSAL**

- 2.1 This planning application seeks full planning permission for the demolition of the existing bungalow and the erection of 5 dwellings. They comprise a pair of semi's, both 2 beds, 2 detached 3 bed dwellings and one 4 bed dwelling. The properties would be finished in facing brickwork under clay tile roofs. Access would be taken from the existing access from Station Road which passes between No's 23 and 27 Station Road to serve what is a backland location. The applicant has indicated that they are willing to make infrastructure contributions to the County Council and to the Parish Council for the new Pavilion.
- 2.3 The application was accompanied by a Design and Access Statement and a Sustainability pre-assessment report. These can be viewed on the Council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk). The plans of the proposed development are **attached** as Appendix 2.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 Original plans

- OCC Archaeologist** - No objection. The site lies within an archaeologically sensitive area and as such the developer should be responsible for implementing a staged programme of archaeological work
- OCC Developer Funding Officer** - No objection
- Waste Management Officer** - No objection  
**Conservation & Design Officer** - No comments  
**OCC Highway Officer** - No objection. The parking provision is compliant with adopted parking standards and a turning head is to be provided. The visibility on to the highway is acceptable. Recommended conditions should be attached to any permission.
- Drainage Engineer** - No objection. Surface water drainage details should be submitted and approved prior to development commencing
- Health & Housing - Env. Protection Team** - Approve subject to imposition of recommended conditions.
- Forestry Officer** - Refuse. Concerns over impact of the development on the protected Maple trees.
- Cholsey Parish Council** - Refuse. 'Overdevelopment on a garden site. Development of garden sites was specifically rejected in the Parish Plan. Lack of parking provision for visitors could lead to on-road congestion with consequent problems for emergency service vehicle access. The Parish Council would remind SODC that (in regard to a previous similar application for this site) in refusing the application, they stated that development of the site would detract from the character and visual appearance of the locality. This must apply to the current application'. Should planning permission be granted for the development the Parish Council wishes to request Section 106 monies towards the new pavilion and the maintenance of the new Playground.
- Neighbour Approve (1)** - The current application is a vast improvement on

the previous applications and provides much needed 2 bed properties. The land cannot be seen from the public highway and will not have any impact on the character of the village. The on road congestion is not a real issue.

**Neighbour Object (7)**

- The removal of established trees will detract from the character of the area. The protected trees could be damaged during development. The proposed density of buildings is inappropriate and the development would be unneighbourly to properties on Honey Lane and Droverside. The properties have inadequate space and there is a lack of visitor parking. The cramped nature of the development will result in parking overflowing on to Station Road. A large number of vehicles using the access road will cause a light and noise problem. The development will affect our outlook. The development is in contravention of the Cholsey Parish Plan. The developer has made no provision for affordable housing.

Amended plans:  
**Cholsey Parish Council**

- Refuse. 'Footprint as shown inaccurate, Access road too narrow – problems of access for service vehicles, Access road too close to neighbouring property, Intrusive on other neighbouring properties. Insufficient space allowed from No 18 Honey Lane, Garden development, Approval could lead to further similar development of adjacent plot(s).

**Neighbour object (2)**

- This is obviously just phase one of the development with more to follow. The density of housing is far too high. This results in overcrowding with houses being sited far too close to the boundaries. This is unneighbourly and robs us of our privacy. Any development should not adversely affect the houses on Honey Lane or Droverside. These proposals would affect all of those properties

**Forestry Officer**

- No objection. The amended layout has reduced the impact on the two TPO trees.

**4.0 RELEVANT PLANNING HISTORY**

**4.1 P08/W0517.** Erection of 5 dwellings: 2 x 2 bedroom and 1 x 3 bedroom terrace. 1 x 4 bedroom & 1 x 5 bedroom detached houses with associated garages and parking. 25 (Part rear garden 27) Station Road, Cholsey. Refusal of Planning Permission on 02 July 2008. Site plan is **attached** at Appendix 3.

**P07/W0369.** Redevelopment of the site for the erection of 18 dwellings, together with parking and access road. 25-29 Station Road, Cholsey. Refusal of Planning Permission on 06 June 2007. Site plan is **attached** at Appendix 4.

**P06/W0237.** Erection of five terraced houses, two detached houses and four apartments. 25 27 & 29 Station Road, Cholsey. Refusal of Planning Permission on 31 May 2006. Appeal Dismissed on 04 May 2007. Site plan is **attached** at Appendix 5.

**P05/W1223.** Demolition of 25 Station Road and use of rear garden to 27 and 29 Station Road. Erection of 5 three bedroom houses, 2 four bedroom detached houses and 1 block of flats with 5 two bedroom flats and 2 one bedroom flats. 25, 27, 29 Station Road, Cholsey. Withdrawn prior to determination on 08 February 2006.

**P05/W0005.** Demolition of 25, 27 Station Road and use of rear garden to 29 Station Road. Erection of 9 No. 4 bedroom houses. 25, 27 & rear of 29 Station Road, Cholsey. Withdrawn prior to determination on 16 February 2005.

**P03/W0345/O.** Outline permission for two new detached houses. (As clarified by agent's letter dated 14 May 2003). 25 Station Road, Cholsey. Outline Planning Permission on 02 July 2003.

## 5.0 **POLICY & GUIDANCE**

### 5.1 Adopted South Oxfordshire Local Plan Policies (SOLP 2011):

C9: Landscape features

CON5: Setting of a listed building

D1: Good design and local distinctiveness

D2: Vehicle and bicycle parking

D3: Plot coverage and garden areas

D4: Privacy and daylight

D8: Promoting efficient use of energy

D10: Provision for the management of waste

D11: Infrastructure and service requirements

H4: Development in the towns and larger villages

H7: Range of dwelling types and size

H8 : Density of new development

H9: Affordable housing

G2: Protection and enhancement of the environment

G5: Making the best use of land

G6: Promoting good design

R2: Provision of outdoor playing space

T1: Promoting a sustainable transport network

Planning Policy Statements (PPS's):

PPS1: Delivering sustainable development

PPS3: Housing

PPS22: Renewable energy

South Oxfordshire Design Guide; All sections.

PPG17 Open space, sport and recreation facility assessment (2008)

Cholsey Parish Plan

## 6.0 **PLANNING CONSIDERATIONS**

### 6.1 The main considerations in the determination of this application are:

- Principle
- Housing mix
- Amenity provision
- Sustainability
- Affordable housing

- Trees
- Infrastructure
- Impact on setting of adjoining listed building
- Wildlife

6.2 **Principle.** The site lies within the built up limits of the settlement of Cholsey which is listed under para. 5.17 of the Local Plan as a larger village outside the green belt. The proposal will therefore be considered against the criteria of Policy H4 of the Local Plan which states that proposals for housing on sites of up to 0.5 hectares within the larger villages outside the green belt will be permitted provided that it complies with the five criteria of the policy. The site measures some 0.22 hectares and as such, the principle of the proposed development is acceptable.

### 6.3 **H4 criteria issues**

#### **(i) Loss of an important open space.**

The site lies within the built-up limits of the village and there is an existing dwelling on the site. As such, the proposal would not involve the loss of an important open space.

#### 6.4 **(ii) Design, height and scale of the proposed development**

**Design.** The surrounding area is a mixture of various styles and characters of development. To the east of the site is No.20 Honey Lane a grade II listed building. A new cottage style dwelling on land adjacent to No.20, which received planning permission in 2006 has recently been completed. To the south is post war housing whilst Station Road, in the vicinity of the application site, is characterised by relatively attractive Victorian/Edwardian housing. Generally, the area is of low density with several detached properties on relatively spacious plots. Even the smaller frontage properties have deep gardens.

The design of the proposed dwellings has been kept simple and a limited palette of construction materials is proposed. Along Station Road a large number of the properties are constructed in facing brick work and roofs are clad in either clay tiles or slates. It is proposed to construct the dwellings in brick and the roofs are to be clad in clay tiles whilst fenestration is to be in timber. It is considered that the proposed materials are in keeping with the local vernacular and the simple, uncluttered elevations with uniformly aligned openings would not detract from the character of the area. The flared arches add interest to the simple elevations and this feature can be found on a number of the surrounding properties.

**Height and Scale.** The existing bungalow is low in profile and it is set back from Station Road by over 50 metres. The site is generally flat and it is surrounded on all sides by residential development. The properties on Station Road are generally two storey in height as are the properties directly to the rear on Honey Lane whilst the dwellings immediately to the south on Brookside are chalet style bungalows with first floor accommodation. The proposed development is two storey in height and given the scale of the surrounding development this would not be inappropriate.

**Housing Density.** The site measures approximately 0.22 hectares in area with some 0.031 hectares being taken up by the access drive which is approximately 43 metres long and the protected trees at the centre of the plot. The net site area is therefore approximately 0.189 and as such, the proposal would equate to a density of approximately 26 dwellings per hectare. This is below the previous requirements of PPS3 which sought to secure a *minimum* density of 30 dwellings/hectare. However on 09 June 2010 the minimum density requirement was scrapped and it is now for local

authorities and communities to decide for themselves the best locations and types of development in their areas.

As noted by the appeal Inspector the area has a ‘green and attractive character’ and this relatively low density is considered to be in keeping with the established character of the area. For example, the density of dwellings on Brookside which lies directly to the south of the development site is some 27.4 dwellings/hectare and on Droverside the density is some 32.4 dwellings/hectare. Although the density of the proposed development is higher than that of the older Victorian/Edwardian housing along Station Road, it is still relatively low and would not detract from the character of the area, particularly as the site lies at the centre of the village in a built up and established residential area.

6.5 **(iii) the character of the area is not adversely affected.** The new development would be set further back in the plot than the existing bungalow. The property on plot 3 would sit back from the site entrance by some 60 metres and would be located directly to the rear of 23 Station Road. The property on plot 5 would be set back from Station Road by over 90 metres and would be seen in public views from the road. The existing and proposed planting would help to soften the development and as already discussed, the design and scale of the proposed development is considered by officers to be acceptable and appropriate given the established character of the area.

6.6 **iv) there are no overriding amenity, environmental or highway objections.** Policy H4 of the SOLP seeks to resist development that would be harmful to the amenities of occupants of nearby properties with particular reference to privacy, outlook, sunlight, daylight, noise and disturbance.

The pair of semi detached dwellings to the west of the site would be located at a distance of some 25 metres from the rear elevations of No’s 21 and 23 Station Road which accords with the Councils minimum back-to-back window distance of 25 metres as set out under para. 3.2.6 of the SODG. The 3 bed unit at the west of the site would be located at a distance of some 28 metres from the rear elevation of No.23 Station Road which is in excess of the recommended guideline. At the rear of the site the back-to-back distance between the 3 bed unit and 18 Honey Lane is some 28 metres, again, in excess of the Council’s required standards. The back-to-back distance between the unit on plot 5 and 20 Honey Lane is some 29 metres.

The side gable of the 4 bed unit would face on to the rear of No’s 29 and 31 Brookside at a distance of some 20 metres. No first floor windows are proposed within the side elevation of the new dwelling and the occupants of the property would have to observe the conditions of Class A (Schedule 2, Part 1) of the General Permitted Development Order should they wish to install any new openings. The conditions stipulate that the window must be obscure glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above floor level.

A number of trees will be removed from the site and these are listed in the accompanying Arboricultural Implications Assessment and Method Statement. However, a substantial number of trees will remain and additional soft landscaping is proposed. The new close boarded fencing that is proposed as indicated on the site and location plan Dwg. 01D will ensure privacy for the occupants of the new dwellings and those of existing dwellings.

Having regard to the distance and orientation of the proposed dwellings in relation to neighbouring properties, officers are satisfied that there would not be any greater level of overlooking than could be expected in a residential area such as this one.

Two neighbouring residents have raised concerns that the number of vehicles using the access to the site would be detrimental to their amenity by reason of noise and light disturbance. However, the OCC highway officer has raised no objection to the development on these grounds and it is acknowledged that in determining the appeal against the refusal of planning permission for 11 residential units on the site in 2006/2007, the Inspector was satisfied that there would be no unacceptable additional disturbance to the occupiers of those properties due to the noise, and the headlights, of the vehicles that would use the access.

**Highway safety and parking standards.** The application proposes 10 parking spaces in total – 2 spaces per dwelling. The OCC Highways Officer has confirmed that adequate levels of parking and sufficient areas for manoeuvring have been provided and that visibility splays on to Station Road meet the minimum requirements. Your officers therefore consider that the proposal would not be detrimental to the safety and convenience of other users of the highway.

- 6.7 **v) if the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement.** The proposed dwellings would constitute backland development and as discussed above, your officers consider that the proposal would not create problems of privacy.

The site is surrounded on all sides by development and is within the built limits of the village. The proposal would not therefore extend the built limits of the settlement.

It is therefore concluded that the proposed development does comply with all five criteria and is contrary to Policy H4 of the Local Plan.

- 6.8 **Whether an adequate housing mix has been provided.** Policy H7 requires a mix of housing sizes to ensure the current housing needs are met. The 2008 South Oxfordshire District Housing Needs Assessment provides more up to date figures than those specified in the 2006 Local Plan and the findings of the survey showed that in terms of market sector housing, there is a need for the following mix of sizes:

1-bed units - 10%  
2-bed units - 60%  
3-bed units - 10%  
4-bed units - 20%

In this case, the proposed mix is 40% 2 bed, 40%, 3 bed and 20% 4 bed. The need for one bed units is relatively low and as such, it is considered that the proposal to not provide any one bed units is acceptable. Having regard to the fact that the proposed development would provide a good range of dwelling sizes your officers consider that the mix is acceptable in accordance with Policy H7.

- 6.9 **Whether adequate standards of privacy and amenity have been provided.** Policy D4 of the adopted SOLP states that 'new dwellings should be designed to ensure adequate privacy for existing and new residents to enable them to enjoy their homes without undue intrusion from neighbours or from the public. The garden sizes for the 2 bed houses is approximately 70 m sq and the 3 bed dwellings have garden sizes of approx 102 m sq and 176 m sq (plot 4). The detached 4 bed unit has a garden area of over 230 m sq m sq. The gardens (in most cases greatly) exceed the recommended standards for private outdoor areas as set out within the South Oxfordshire Design Guide.

The windows within the new dwellings have been carefully thought through in that any first floor openings within side elevations serve either bathrooms or staircases. As such, there would be no direct overlooking of the other properties and due to the fact that the back-to-back distances between the new properties and surrounding dwellings either comply with or exceed the Council's minimum standards your officers consider that the occupants of the new dwellings would be afforded sufficient privacy and are satisfied that there would not be any greater level of overlooking than could be expected in a residential area such as this one.

- 6.10 **Whether sufficient sustainable measures have been incorporated into the design of the dwellings.** The District Council encourages the use of renewable energy technologies, especially where new build is proposed. The Code for Sustainable Homes pre-assessment report accompanying the application states that the dwellings would meet Code Level 3 of the Code for Sustainable Homes. The Council currently requires all new dwellings to meet Code Level 3 of the Code for Sustainable Homes and the proposal would therefore comply with the Councils' requirements for a development of this scale as specified in para. 4.4.1 of the South Oxfordshire Design Guide.

Your officers are therefore satisfied that the proposed development would accord with Policy D8 of the adopted South Oxfordshire Local Plan.

- 6.11 **Affordable Housing.** Affordable housing is required where there is a net gain of 5 or more units. As the proposed development would result in a net gain of just 4 dwellings, there is no requirement for affordable provision in this case. It was not considered that an additional unit could be accommodated on the site due to the constraint in the form of the TPO'd Maple Trees.
- 6.12 **Trees.** There are a number of trees on the site which are of sufficient amenity value to justify their retention and two specimens have been made the subject of a TPO. The application proposes the erection of 2 dwellings and a number of parking spaces within close proximity of the protected Maples.

The proposed development will require the removal of a number of category C trees (as per BS5837) across the site and the Council's Forestry Officer has no objection to their removal. Originally, the dwellings on plots 4 and 5 were very close to the two protected maples and the Forestry officer considered that the lateral reduction works recommended in the arboricultural report would cause the loss of the trees natural shape and form and would not be considered appropriate works to protected trees. The amended layout of plots 4 and 5 has reduced the impact on the two TPO trees. The unit on plot 5 has been reduced from a 5 to a 4 bed and it has been pulled away from the tree and the unit on plot 4 has been reduced from a 4 to a 3 bed which has reduced its width and brought it further away from the other maple. The parking area and path for plot 4 have also been moved further away from the maple. As such, with suitable tree protection measures being implemented prior to development officers have no further objection to the proposal.

- 6.13 **Infrastructure.** Policy D11 of the SOLP, requires adequate infrastructure to be available or provided for by new development. In this case, the County Council have identified substantial amounts of contributions towards education, library, fire and rescue, waste management, museums, public transport and highways. The developer has confirmed that he is willing to cover the full contributions which could be secured by an appropriate legal agreement.

In addition to this, the Parish Council submitted a request for the developer to



contribute towards the cost of building the Cholsey Pavilion on the recreation ground opposite 25 Station Road, for which planning permission was granted at the end of 2008.

The Councils' PPG17 Open space, sport and recreation facility assessment (2008) which is part of the District Council's evidence base identified the need for one community hall within Cholsey. Whilst the assessment was being undertaken, the pavilion on Station Road burnt down and as such, the need for such a facility has increased. Policy D11 of the adopted South Oxfordshire Local Plan states that development will only be permitted if adequate on –or off-site infrastructure and other services and facilities made necessary by the development are available or will be provided to service it. Community and recreation facilities are included in the list of requirements that are set out under the Policy.

The occupants of the proposed dwellings would benefit from the pavilion facility and the developer was asked to contribute a sum towards the development which was calculated based on the cost of the pavilion, the population of the Parish and Oxfordshire County Councils average occupancy figures for new dwellings.

The developer has agreed to meet the request and the Council's Solicitor is satisfied that the funds can be secured by way of a Section 106 agreement should members be minded to approve the application.

6.14 **Impact on adjoining listed building.** The site has a boundary with No.20 Honey Lane which is a grade II listed building. The boundary comprises a fence and trees/shrubs. The listed property is a little off the common boundary and, having regard to the distance, the character of the surroundings and boundary treatment, there is little impact on the setting of the building.

6.15 **Wildlife.** In connection with one of the previous applications on the site a neighbouring resident expressed concern that the site was used by red kites for nesting. The Council's countryside officer has visited the site previously and confirmed that there was no evidence of red kite nests in the trees. The bungalow is the principal building on the site and therefore unlikely to be a bat roost and there are no ponds on the site.

## 7.0 **CONCLUSION**

7.1 The development lies within the well defined confines of the built up part of Cholsey and there is no objection to the principle of housing development. The proposals comply with normal space and highway standards and the density is considered to be appropriate for the area. The scheme is otherwise generally in accordance with Development Plan Policies.

## 8.0 **RECOMMENDATION**

**It is recommended that the grant of planning permission be delegated to the Head of Planning, subject to the prior completion of appropriate agreements with the South Oxfordshire District Council to secure funds towards local infrastructure.**

1. **Commencement 3 yrs - Full Planning Permission**
  2. **Planning condition listing the approved drawings**
  3. **Sample materials required (all)**
  4. **Obscure glazing**
  5. **No additional windows, doors or other openings**
  6. **Sustainable design**
  7. **Refuse & Recycling Storage (Details required)**
  8. **Hours of Construction**
  9. **External Lighting - Specific**
  10. **Surface water drainage works (details required)**
  11. **Implementation of Programme or Archaeological Work**
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12. **Parking & Manoeuvring Areas Retained**
  13. **Cycle parking facilities**
  14. **Landscaping Scheme (trees and shrubs only)**
  15. **Tree Protection (Detailed)**
  16. **Boundary walls & fences**

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