
SUBJECT	COMMITTEE SITE VISIT REPORTS 22 SEPTEMBER 2010 Attendance – Verbally updated at Committee	ITEM 7
REPORT OF	Head of Planning & Building Control	

APPLICATION NO.	P10/E0945
APPLICATION TYPE	Full
REGISTERED	13.07.2010
PARISH	Whitchurch-on-Thames
WARD MEMBERS	Pearl Slatter Ann Ducker
APPLICANTS	Whitchurch Parish Council and Mr Hugh Whitelock
SITE	The Cricket Ground, Eastfield Lane, Whitchurch-on-Thames
PROPOSAL	Erection of detached 4 bed house and garage and provision of new 12 bay car park with joint access from Eastfield Lane
AMENDMENTS	One – Drawing numbers 10 EFL SP04 F and 10 EFL SP06E
GRID REFERENCE	463954/177245
OFFICER	Mr T Wyatt

1.0 **INTRODUCTION**

- 1.1 This application is referred to the Planning Committee at the Planning Manager’s discretion.
- 1.2 The application site, which is shown on the OS extract **attached** as Appendix A, is located in the south western corner of the cricket ground, which lies on the north side of Eastfield Lane between existing residential development and Whitchurch Primary School. The site, like Whitchurch as a whole, lies within the Chilterns AONB.

2.0 **THE PROPOSAL**

- 2.1 The application seeks permission for the construction of a single detached four bedroom dwelling. The dwelling would comprise two storey and single storey elements and would reach a maximum height of 8 metres. It would be approximately 16 metres in width and 13 metres in depth, excluding the proposed single storey double garage that would be attached to the front elevation. The dwelling would be constructed using facing brick work, clay tiles and timber fenestration. The dwelling would be sited within the centre of a good sized plot measuring approximately 40 metres deep and 20-25 metres wide.
- 2.2 A car parking area would be created to the east of the dwelling for 12 cars. This area would provide parking for the users of the playing field and the adjoining school. Access to the car park and the proposed dwelling would be via a new access off Eastfield Lane approximately 25 metres to the east of the existing access, which would be stopped up. Amended plans have been submitted to change the car park layout to address concerns regarding the impact of this part of the development on adjacent trees.

- 2.3 Although used as a village cricket ground since the early part of the twentieth century, the land is in private ownership. This application has been submitted by the owner of the land, Mr Whitelock, and the Parish Council as joint applicants. In exchange for planning permission to construct a dwelling for sale on the open market, the owner of the land would transfer the land to the Parish Council. This is desirable to the Parish Council as it would secure the long term use of the cricket ground for the community.
- 2.4 A copy of the proposed plans is **attached** at Appendix B. Documents relating to the application can be found on the Council's website, www.southoxon.gov.uk.
- 3.0 **CONSULTATIONS AND REPRESENTATIONS**
- 3.1 **Whitchurch-on-Thames Parish Council** – Support due to the community benefits.
- 3.2 **OCC Highway Liaison Officer** – No objections subject to conditions.
- 3.3 **Forestry Officer** – No objections subject to conditions relating to tree protection and landscaping.
- 3.4 **Sport England** – No objections provided that the remainder of the playing field is retained for sport and recreation.
- 3.5 **Sports Development Officer (SODC)** – Supports the application as the proposal would secure the use of the playing field and increase its use for sport and recreation by the community.
- 3.6 **Contaminated Land Officer** - Conditions should be imposed on any permission to address any contamination issues at the site.
- 3.7 **Waste Management Officer** – No comments received
- 3.8 **Neighbours** – 138 letters of support have been received raising the following matters:
- The transfer of the land to the village would be of benefit to the local community as it would allow for a greater range of sports and events and secure the long term future of the land for use by the village as well as protecting the landscape.
 - The benefits of the proposal outweigh any planning policy objections
 - The additional parking would ease congestion in Eastfield Lane
 - The proposed dwelling is of a good design
- 2 letters of objection have been received raising the following concerns:
- The proposal would set a precedent
 - Noise and disturbance from additional traffic
- 4.0 **RELEVANT PLANNING HISTORY**
- 4.1 P10/E0944/LD - The use of the land for the purposes of sport and recreation. Certificate of Lawfulness granted.
- 4.2 P99/S0193 - Change of use of part of cricket field to domestic curtilage. Planning Permission granted on 8th June 1999.
- 4.3 P97/S0083/O - Laying out of new village cricket and recreation ground with ancillary facilities and construction of 10 dwellings. Refusal of Outline Planning Permission on 11th June 1997 and appeal dismissed on 21st May 1998. The site plan and appeal decision in respect of this application are **attached** at Appendix C.

- 4.4 P96/S0194/O - Laying out of new village cricket ground with ancillary facilities and construction of 10 dwellings. Withdrawn prior to determination.
- 4.5 P81/S0127/O - Erection of two dwellinghouses. Refusal of Planning Permission on 8th April 1981 and appeal dismissed on 25th February 1982. The site plan and appeal decision in respect of this application are **attached** at Appendix D.
- 4.6 P80/S0408/O – Erection of two dwellinghouses. Refusal of Planning Permission on 22nd September 1980 and appeal dismissed on 25th February 1982.
- 4.7 P72/H1360 – Erection of four dwellinghouses. Refusal of Planning Permission on 15th June 1973.
- 4.8 P65/H0070 – Site for about 20 dwellings and access. Refusal of Planning Permission on 31 May 1965.
- 5.0 **POLICY AND GUIDANCE**
- 5.1 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):
-G1, G2, G3, G4, G6, C1, C2, C4, C8, C9, CON7, EP2, EP8, D1, D2, D3, D4, D6, D7, D8, D10, H6, R1, R4, R7, CF1, CF2, T1, T2, T7
- 5.2 Government Guidance:
-PPS1 – Delivering Sustainable Development
-PPS3 – Housing
-PPS5 – Planning for the Historic Environment
-PPS7 – Sustainable Development in Rural Areas
-PPG13 – Transport
-PPG17 – Planning for Open Space, Sport and Recreation
-PPS23 – Planning and Pollution Control
-PPS25 – Development and Flood Risk
- 5.3 Supplementary guidance:
-South Oxfordshire Design Guide July 2008 (SODG)
-South Oxfordshire Landscape Assessment
-Chilterns Buildings Design Guide
-Whitchurch-on-Thames Village Plan
- 6.0 **PLANNING ISSUES**
- 6.1 The planning issues that are relevant to this application are:
1. The principle of the development
 2. The impact on the character and appearance of the surrounding area
 3. The impact on the amenity of neighbouring occupiers and future occupiers
 4. The impact on trees
 5. Highway considerations
 6. Loss of playing field
 7. Flood risk
 8. Other material considerations
 - i) Sustainability
 - ii) Waste Management
 - iii) Contamination

The Principle of the Development

- 6.2 The application site occupies the south west corner of an existing open area of land in

use primarily as a cricket ground. The land is open in character with the only buildings on the site being modest single storey structures associated with the use of the land. The site does adjoin existing housing development stretching along Eastfield Lane to the west whilst Whitchurch Primary School is located a short distance to the east at the end of Eastfield Lane, and there are also a small number of dwellings located immediately to the south of the school and the south east of the site also accessed via Eastfield Lane.

- 6.3 The Primary School and the dwellings to its south are separated from the contiguous part of the built up area along Eastfield Lane by the cricket ground to the north of the road and a grassed field opposite to the south. Although clearly the cricket ground, the school and the small number of dwellings to the south of the school form part of the community of Whitchurch, these parts of the village are detached from the main built up part of the settlement, which predominantly lies to the west of the site.
- 6.4 In accordance with Policy H6 of the SOLP planning permission will not be generally be granted for new houses in the countryside or on the edge of settlements where the built up area of the settlement would be extended. Whitchurch-on-Thames is a settlement where the principle of limited new housing is broadly acceptable having regard to Policy H5 of the SOLP where the site is within the main built up area of the village. Policy H5 states that ‘..infill, which is defined as the filling of an appropriate small gap in an otherwise largely built up frontage by the erection of one or two detached or up to four small terraced or semi-detached dwellings, or backland development of the same scale, will be permitted provided that criteria (i) – (v) of Policy H4 can be met.
- 6.5 As the site lies within an open area of land beyond the main built up edge of the village, the proposal would extend the built up edge of the settlement contrary to Policy H6 of the SOLP. Support for this view is taken from the extensive planning history of the site in respect of refused applications for residential development on the application site and wider cricket ground. Paragraph 8 of the Inspector’s appeal decision in respect of application P97/S0083/O states:

‘The hedge alongside FP23 (this is footpath 23 as marked on the location plan **attached** at Appendix A) is a strong visual feature ..whilst it performs an enclosing function, you accept that this does not necessarily preclude the site from being part of the countryside and I find no convincing reason why the enlarged cricket pitch and recreational facilities should be included within the built confines of the village... Furthermore, in considering objections to the SOLP, that Inspector concluded that the Swanston Field estate reasonably marks the limit of consolidated built development in this compact village where it adjoins the paddock which comprises part of this appeal site’.

- 6.6 This view is consistent with the Inspector in respect of his decision in relation to application P81/S0127/O where he states at Paragraph 10:

‘In my opinion the question of where the eastern boundary of the village should be drawn is not easy to resolve, and I have no doubt that for different purposes, different lines will be drawn. For the purposes of development control, I consider that, in general, it would not be correct to include in village boundaries all the loose scatter of buildings that exist around the fringes in most settlements, especially where significant amounts of open space occur between the buildings. In this case the local planning authority are acting reasonably in drawing the boundary as close to the core of the village as possible. The eastern limit of the Swanston Field estate seems to me to be the edge of this central core between Hardwick Road and Eastfield Lane. The 4 dwellings on the north side of Eastfield Lane (including Chestnut Cottage) that lie

outside this limit are a protrusion into open country.’

- 6.7 Even if the site were deemed to be part of the main built up area of the settlement against previous findings, the proposal would fail to accord with Policy H5 of the SOLP as the development would not relate to infill development as it would not result in the infilling of a small gap in an otherwise largely built up frontage.
- 6.8 In light of the above, there is a general presumption against new housing development on the site. As such there would need to be material considerations of sufficient weight to override this.
- 6.9 The application proposes that the cricket ground to be transferred to the Parish Council. This would secure the future use of the land for sporting and recreational use by the community, including the adjacent school. This would undoubtedly be of significant benefit to the local community and there is overwhelming local support for the Parish Council’s acquisition of the land as evidenced by the large number of letters of support received during the consultation process and one of the key actions in the Whitchurch-on-Thames 2009 Village Plan, which is to ‘make continued and persistent efforts to acquire the cricket ground for the extended use of the village’.
- 6.10 Policy CF2 of the SOLP states that the provision of additional community facilities or services within settlements will be permitted provided that there are no overriding amenity, environmental or traffic objections to the proposals and that there is no conflict with other policies in the local plan. Policies R1 and R4 of the SOLP are also generally supportive of proposals to improve and provide facilities for outdoor sport and recreation. In general the council is keen to encourage proposals resulting in improved community facilities, and support for this proposal has been forthcoming from the council’s Sports Development Officer. Whilst there are undoubted benefits to the local community, the proposal is in conflict with the relevant housing policies of the SOLP and therefore is also in conflict with Policy CF2.
- 6.11 Previous applications for housing on the site ranging from 10 dwellings over a larger site area proposed in 1997 (P97/S0083/O) to 2 dwellings proposed in 1981 (P81/S0127/O) have sought new residential development on the site whilst retaining and securing the cricket ground for community use. In particular planning application P81/S0127/O sought the construction of two detached dwellings in the same part of the site as the current proposal. If this application had been granted planning permission, the owner of the land undertook to transfer the ownership of the land to a Trust comprising the Parish Council and the Cricket Club. The application was refused and dismissed at appeal. At Paragraph 12 of his decision notice the Inspector states:
- 6.12 ‘It is claimed that planning gain would result from the proposed transfer of ownership of the cricket field from your client to the parish council and to the Cricket Club. I do not agree that the change of ownership and continued use of the land for its present purpose represents a planning gain, even if there were some financial benefit to the cricketing facilities as a result of the transaction. However, whether there is a benefit to the community or not, the planning objections to the construction of the dwellings are of greater importance in this case.’
- 6.13 Although application P81/S0127/O was determined almost 30 years ago and application P97/S0083/O was determined over 10 years ago, there has been little apparent change in circumstances in terms of the planning policy position regarding new housing on the site. The circumstances of the case are similar to those listed above and, as found by previous appeal Inspectors, Officers do not consider that the

undoubted benefits of the Parish Council ownership of the land would outweigh the objection to the proposal based on Policy H6 of the SOLP.

- 6.14 It is a central planning concept that every application should be determined on its own merits. However, Officers are mindful that justifying the proposed dwelling on the basis that the remainder of the land would be transferred to the Parish Council or any other organisation for community gain could set a precedent for other land within the District.

The Impact on the Character and Appearance of the Site and Surrounding Area

- 6.15 Like the settlement as a whole, the site lies within the Chilterns Area of Outstanding Natural Beauty where any development should conserve and, if possible, enhance the natural beauty and landscape qualities of the area.
- 6.16 The dwelling would be sited alongside, but slightly behind the adjacent property to the west, Chestnut Cottage. In this regard the proposal would be viewed as a continuation of the existing linear form of residential development along Eastfield Lane. The proposed dwelling would be in proportion with the width of the plot and its overall size having regard to the grain of the adjoining residential development. The dwelling would clearly be viewed in context with the adjacent development and would not appear as an incongruous form of development in this location. Furthermore, apart from within the cricket ground and from a short section of Eastfield Lane, there would be limited views of the development. Therefore, if the principle of residential development were acceptable Officers consider that the proposal would comply with the criteria of Policy H4 and would not harm the landscape qualities of the AONB or the landscape setting of the settlement and therefore would also comply with Policies C1, C2 and C4 of the SOLP.
- 6.17 The proposed dwelling is in the same location as the two dwellings dismissed on appeal under application P81/S0127/O. In Paragraph 5 of the Inspector's decision notice, it states:

'The construction of these two dwellings would not have an adverse affect on the amenity of the area, partly because of the limited view of them from surrounding roads and paths and partly because they would be designed to a standard commensurate with the importance of the site.'

The Impact on the Amenity of Neighbouring Occupiers

- 6.18 The nearest part of the dwelling to the east facing side elevation of Chestnut Cottage would be approximately 6.5 metres away. This element of the dwelling would also be of single storey construction to a height of 4.5 metres whilst the main two storey part of the dwelling would be sited some 10.5 metres from the side elevation of Chestnut Cottage. Although there are east facing windows on the side elevation of Chestnut Cottage, the proposed dwelling would be sited far enough away from this property to ensure no significant loss of light to these windows. The rear building line of the dwelling would be sited some distance behind the rear building line of Chestnut Cottage, however, due to the design of the dwelling, its aspect and its separation from Chestnut Cottage, Officers do not consider that there would be any significant loss of light, or privacy or any significant overbearing effects on Chestnut Cottage. These issues were again addressed by the Inspector in relation to application P81/S0127/O at Paragraph 7 of his decision notice:

'The amenities of Chestnut Cottage would not be seriously affected. There would be some loss of view from the living room window facing east, but this is not the main

window in that room, and the nearest house on the appeal site would be positioned about 10m away. There would, therefore, be no loss of sunlight and daylight, especially if that part of the proposed house nearest to Chestnut Cottage were only of single storey construction’.

- 6.19 It is apparent that Chestnut Cottage has been extended since the above decision; however, the relationship between this property and the proposed development appears to be similar in respect of this previous scheme and the current proposal. There are no other neighbouring residential occupiers who would be affected by the proposal to any significant degree.

The Impact on Trees

- 6.20 Policy C9 of the SOLP seeks to ensure the retention of landscape features that make an important contribution to the local scene. There are several trees on and adjacent to the site, which enhance the rural character and appearance of the site, especially when viewed in context with the extensive areas of woodland close to the site, particularly above Hardwick Road to the north.
- 6.21 There are four trees, a beech, a horse chestnut and two limes, immediately adjacent to the boundaries of the site, which are protected by Tree Preservation Orders. The original plans for the development included the car park area within the root protection areas of one of the protected limes and a maple. The Forestry Officer raised an objection to the proposal based on the impact of the development on these trees, particularly with respect to restraining their future growth potential. The amended plans have shown a revised parking layout, which takes into account the tree constraints and is now acceptable.
- 6.22 The proposed new vehicular access would result in the loss of a small number of beech trees. These trees are not a significant constraint in terms of their contribution to the appearance of the area, and the Forestry Officer has raised no objection to their loss. The trees of importance along the front boundary, such as the protected chestnut will be retained and these trees will continue to provide a strong landscape setting to the cricket ground when viewed from Eastfield Lane. New planting of hedgerows and trees would also take place, which would soften the development and help to assimilate it into the surrounding landscape.

Highway Considerations

- 6.23 The proposal would result in the stopping up of an existing vehicular access and a shared new access between the car parking area and the proposed dwelling. The dwelling would be provided with a double garage with additional parking potential to the front whilst 12 parking spaces would be provided for users of the cricket ground and adjoining school.
- 6.24 The proposed parking would help to reduce congestion at the end of Eastfield Lane, particularly in relation to traffic movements to and from the school. Negatively the parking may encourage people to travel by car when they would have travelled by alternative means, however, overall the parking provision would be of benefit to highway safety and congestion in this part of Eastfield Lane. The Highway Liaison Officer has raised no objections to the proposal subject to conditions.

Loss of Playing Field

- 6.25 Paragraph 10 of PPG17 states, ‘existing open space, sports and recreational buildings

and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements.’ The site of the proposed dwelling forms part of the cricket ground, an established playing field, and the policy in respect of the protection of playing fields seeks to protect all parts of the playing field and not just those laid out with pitches. Sport England has been consulted in respect of this application, and is of the opinion that the loss of part of the playing field is acceptable in this instance as the development only affects land incapable of forming part of a playing pitch. Furthermore, the loss of part of the playing field would be compensated for by the transfer of ownership to the Parish Council and the resultant opportunities for a more intensive and varied use of the field for sport and recreation.

Flood Risk

- 6.26 The site lies within Flood Zone 2, which is a medium flood risk zone comprising land having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% – 0.1%). Within PPS25, a dwelling is classified as a ‘more vulnerable’ use, which is an appropriate use with Flood Zone 2. The proposal is therefore acceptable in terms of its flood risk.

Other Material Considerations

Sustainability

- 6.27 Policy D8 of the SOLP seeks to ensure that new development demonstrates high standards in the conservation and efficient use of energy, water and materials. This Policy is supported by guidance contained within the SODG that seeks that new residential development meets Code Level 3 of the Code for Sustainable Homes. This requirement is acknowledged through the application submission and could be secured through a suitably worded condition.

Waste Management

- 6.28 Policy D10 of the SOLP relates to the requirement to provide adequate provision for the management of waste. Adequate space exists for the storage and collection of waste and recyclables and again precise details could be secured through a suitably worded condition.

Contamination

- 6.29 Policy EP8 of the SOLP seeks to ensure that any contamination present on land is treated. The Contaminated Land Officer has recommended that a condition be attached to any permission to ensure that any contamination is addressed prior to the first occupation of the development.

7.0 **RECOMMENDATION**

7.1 **It is recommended that planning permission be refused for the following reason:**

1. **The application site lies in a countryside location beyond the edge of the main built up area of Whitchurch-on-Thames. As such the proposed dwelling would represent development in the countryside and an extension of the built up area of the settlement and is not acceptable having regard to Policy H6 of the South Oxfordshire Local Plan 2011, and guidance contained within PPS1, PPS3 and PPS7. There are no material considerations of sufficient weight that would override the provisions of the development plan in relation to this proposal.**

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