
APPLICATION NO.	P11/E0247
APPLICATION TYPE	Full
REGISTERED	23 rd February 2011
PARISH	Rotherfield Greys
WARD MEMBERS	Mrs Judith Nimmo-Smith
APPLICANT	Mr Jon Connell
SITE	The Walled Garden, Badgemore Park Golf Club, Badgemore
PROPOSALS	Removal of existing buildings and erection of a single dwellinghouse with ancillary facilities, garages, access and landscaping
AMENDMENTS	One
GRID REFERENCE	474717/183134
OFFICER	Tom Wyatt

1.0 **INTRODUCTION**

- 1.1 This application is referred to Committee as the Officer's recommendations conflict with the views of the Parish Council.
- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) comprises derelict squash courts and open land within a walled enclosure, which at one time probably served as a walled garden to Badgemore House. The site is currently used as a maintenance depot for Badgemore Park Golf Club. The squash courts on the site were built in the 1970s but have not been used for a number of years.
- 1.3 The site lies beyond the edge of Henley-on-Thames within a rural location forming part of the Chilterns AONB.

2.0 **THE PROPOSAL**

- 2.1 The application seeks permission for the erection of a three storey building, including basement for use as a single dwelling. The building is of contemporary design with the use of materials including timber boarding, render and stone, and sedum roof. The external areas of the site would comprise lawn, landscaped gardens and permeable hard surfacing. A swimming pool would also be located towards the southern boundary of the site. The existing vehicular accesses into the site from the north and west would be retained and improved for the dwelling.
- 2.2 This application follows a recent planning permission (P09/E0929) for the replacement of the existing squash courts with a new leisure centre with facilities including cardio suites, studios, treatment rooms, changing areas and a café.
- 2.3 A copy of the plans accompanying the application are **attached** as Appendix B. Other documents associated with the application can be viewed on the council's website through the following link:

<http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P11/E0247&TYPE=Application>

3.0 CONSULTATIONS AND REPRESENTATIONS

3.1 Rotherfield Greys Parish Council – Objects for the following reasons:

- A dwelling is inappropriate development within the AONB
- A dwelling in lieu of a commercial permission (leisure centre) is not appropriate.

3.2 OCC Highway Liaison Officer – No objections subject to conditions.

3.3 Countryside Officer – There are no significant constraints to the development.

3.4 Forestry Officer – No objections subject to landscaping and tree protection conditions

3.5 Neighbours – No correspondence received

4.0 RELEVANT PLANNING HISTORY

4.1 P09/E0929 - Proposed removal of existing buildings permitted for use as a leisure centre (Planning permission ref: P09/E0031) and erection of a new leisure centre incorporating a health spa, swimming pool, tennis courts, cycle parking and landscaping. Planning Permission granted on 4 November 2009

4.2 P09/E0031 - Conversion of existing buildings, minor extensions and alterations and new link together with new swimming pool and tennis courts to form a new leisure centre. Planning Permission granted on 17 March 2009.

4.3 P06/E0795 - Demolition of squash courts, viewing gallery, toilets, bar and ancillary facilities together with golf club implement and equipment store and workshop and external stores; the erection of two detached dwellings set within the walled enclosure, car parking and landscaping. Refusal of Planning Permission on 17 October 2006 and appeal dismissed on 28th March 2007.

4.4 P05/E0807 – Demolition of existing squash courts and ancillary structures. Erection of four detached dwellings with associated parking and landscaping, within walled enclosure. Refusal of Planning Permission on 21st October 2005 and appeal dismissed on 28th March 2007.

4.5 P88/S0256/O - Leisure complex comprising additional squash courts, health suite, swimming pool, and associated facilities, and (post-facto) creation of associated car park. Withdrawn on 29 November 1988.

4.6 P77/S0522 - Provision of new swimming pool, changing and toilet facilities and 2 new squash courts and tennis court. Alterations and adaptations of existing outbuildings and retention of existing squash court building. Planning Permission granted on 19 December 1977.

5.0 POLICY AND GUIDANCE

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

- G1, G2, G3, G4, G6, C1, C2, C8, C9, EP8, D1, D2, D3, D4, D6, D8, D10, H6, R3
T1, T2

5.2 Government Guidance:

- PPS1, PPS3, PPS4, PPS5, PPS7, PPG13, PPG17, PPS23

5.3 Supplementary Planning Guidance

- South Oxfordshire Design Guide 2008 (SODG)

-South Oxfordshire Landscape Assessment (SOLA)

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 site and surrounding area
3. The impact on the amenity of neighbouring occupiers and future occupiers of the development
4. Highway considerations
5. Sustainability considerations
6. Other material considerations

The Principle of the Development

- 6.2 The site lies in a countryside location where Policy H6 of the SOLP does not allow for new open market housing. Indeed, proposals for the construction of two and four dwellings on the site were dismissed on appeal in March 2007. The Inspector confirmed that the site lies beyond the built up area of Henley and, in his view, the site was not located in a sustainable location in terms of transport choices and the proposals conflicted with Policies G1, G2, G3, T1 and H6 of the SOLP. New market housing on the site would also be against the thrust of Government guidance contained within PPS3 and PPS7 in particular, which seek to direct new housing to sustainable locations with good access to jobs, and local services and facilities. Para. 9 (ii) of PPS7 states that new houses should be strictly controlled 'in the countryside away from established settlements or from areas allocated for housing in development plans.'
- 6.3 This current application has been advertised as a departure from the development plan due to the conflict with Policy H6 of the SOLP in particular. There have been no material changes in planning policy or the physical characteristics of the site and surrounding area since the consideration of the previous applications for housing on the site. Therefore, on face value there would appear to be very little justification for the proposed development given the appeal decision referred to above. However, there have been intervening planning permissions for development on the site, and the current proposals needs to be assessed having regard to these.
- 6.4 Planning permission was granted in March 2009 for the conversion, including some extension, of the existing squash courts to form a leisure centre. This permission was granted having regard to the lawful use of the site for sporting use. The squash courts were permitted in 1977 along with a swimming pool and tennis court. Only the squash courts were constructed although it would still be possible to construct the swimming pool and tennis court having regard to the planning permission. A leisure centre use falls within the same Use Class as the squash courts and given that a change of use from squash courts to a leisure centre use would not require planning permission it was considered that the application was acceptable.
- 6.5 A further application for a leisure centre was approved in November 2009, which involved the demolition of the existing squash courts and the provision of a new leisure centre of contemporary design. Plans associated with this planning permission are **attached** as Appendix C. The justification for granting this permission related to the fall back position relating to applications P77/S0522 and P09/E0031 and took into consideration that the squash courts were somewhat derelict and it would be more beneficial in visual terms to replace these buildings with a new purpose built leisure centre.

- 6.6 Policy R3 of the SOLP explains that the principle of new indoor sports facilities is broadly acceptable providing that the development is within the built up areas of the district's towns and villages. Clearly the application site is not within such an area and usually a proposal for a new indoor sports facility would be resisted. Thus planning permission for the leisure centre was only forthcoming due to the presence of the existing squash courts along with the extant permission for the tennis court and swimming pool.
- 6.7 The site is not in a sustainable location in transport terms and as a result of the site's countryside location, the provision of a leisure centre on the site is equally contrary to the provisions of the development plan to proposals for new housing. Indeed Government guidance within PPG17 seeks to direct intensive leisure uses such as leisure centres to sustainable locations within existing settlements. Policy G3 of the SOLP emphasises the general need for sustainable development and is repeated below:
- In considering proposals for new development, locations which are close to services and facilities, and which are well served by public transport will be favoured. Development that would give rise to a significant increase in traffic generation in relatively inaccessible or isolated rural locations will not be permitted.*
- 6.8 Given that both the leisure centre use and housing are contrary to the provisions of the development plan in this location, Officers consider that the sustainability of each of these uses needs to be considered in transport terms. The leisure centre use as permitted is not restricted to members of the adjacent golf club although its members may well have also taken the opportunity to use the centre. Thus, many of the visitors to the site would have made the journey to the site just to use the leisure centre. Therefore, the approved leisure centre use has the potential to generate many daily traffic movements to and from the site. By contrast a single dwelling would generate significantly less traffic movements. As such the new dwelling would be relatively more sustainable in transport terms than a leisure centre and the conflict with Government guidance and the development plan on this issue would be less pronounced.
- 6.9 Although housing would not normally be permitted on the site, the site is previously developed land and Para. 36 of PPS3 states that, 'the priority for development (housing) should be previously developed land, in particular vacant and derelict sites and buildings'. Like the previous application for a leisure centre, this proposal would remove the existing squash courts, which have become an eyesore on the site. The site is largely surrounded by a walled enclosure and is well related to other adjacent buildings, which include a dwelling, offices and a training centre with an element of accommodation. As such the development would not be visually divorced from existing buildings.
- 6.10 Although the leisure centre use approved is a commercial use and would generate some employment, it is not a traditional employment generating use, such as those falling within Class B of the Use Classes Order, which include offices, warehouses and general industrial premises. Whilst an economic use of the site may sit more comfortably having regard to Government guidance contained within PPS4, such a use would conflict with Policy E3 of the SOLP, which also seeks to direct such uses to more sustainable locations within the district's towns and villages. This Policy does allow for the principle of the conversion of existing buildings to economic uses but in this case the existing buildings are not attractive and their removal would be beneficial in visual and landscape terms. Again an employment generating use of the site is likely to generate many more traffic movements than a single dwelling, and in these particular circumstances, Officers consider that it is more suitable to accommodate a single

dwelling on the site than either the previously approved leisure centre or an alternative employment generating use.

The Impact on the Character of the Site and Surrounding Area

- 6.11 The site lies within the Chilterns AONB and is visually prominent in views from the surrounding golf course. The previous applications for housing on the site were partially refused due to the impact on the character of the area, having regard to the need to protect the special landscape qualities of the AONB in particular as required by Policy C2 of the SOLP. In determining the appeals, the Inspector considered the impact on the surrounding area and referred to the harmful impact of the existing squash courts. Para. 35 of his decision notice states:

The appeal site is previously developed land and forms part of the existing group of established and substantial buildings which already influence the character and appearance of the immediate locality and the AONB. In this context it was accepted by the council in evidence that the squash court buildings are incongruous and that, in combination with the screening trees to the north-west they harm the character and appearance of the landscape.

- 6.12 The Inspector considered that the primary issue in terms of the impact on the character and appearance of the surrounding area had regard to the effect of the proposals on the character and appearance of the landscape as seen from public vantage points, which he considered related solely to views from the public footpath crossing the golf course some 200 metres north of the application site. The Inspector considered that the development would not be harmful to the character and appearance of the surrounding landscape and he concluded by stating at Para. 44 of his decision notice.

The replacement of the squash courts and redevelopment of the walled garden area with either four or two suitably designed houses, in conjunction with new planting, could be achieved without harm, and with some benefit to the character and appearance of the local 'Amenity Landscape'.

- 6.13 The proposed dwelling is large in footprint but relatively low in height and much of the dwelling comprises single storey elements above ground. From the public footpath referred to above and the main views from the surrounding golf course, the above ground two storey element will be visible. However, this façade would be set back approximately 6 metres into the site compared to the existing squash courts, and at slightly over 6 metres high, the building would be lower than the squash courts and would be screened and softened from the main public views by new planting and the retention and extension of the wall on the northern boundary of the site.

- 6.14 The dwelling is relatively large but would sit within a spacious plot and with the generous gaps to the site boundaries the dwelling would not appear cramped in the plot. The design of the dwelling is modern with the use of a limited pallet of high quality materials including timber boarding to the most prominent first floor elevations, render and stone. The simple form of the hard and soft landscaping shown on the submitted site plan complements the layout and form of the proposed dwelling. Although the buildings surrounding the site are traditional in appearance, Officers do not consider that modern design should be discounted in this location. Para. 38 of PPS1 states, 'Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on

design’.

- 6.15 Although the dwelling would appear in contrast to the more traditional buildings surrounding it, these buildings do vary in terms of height, scale and overall appearance and given the size of the application site and those of neighbouring buildings there is scope to provide a new dwelling of a quality and unique design without detriment to the appearance of the overall group of buildings within the locality. Indeed the proposed building would add considerable interest to the built form within the area and would represent a significant improvement to the appearance of the existing buildings within the site. It should be noted that the proposed building is similar in design to the leisure centre approved under application P09/E0929 and as such a contemporary design approach has already been agreed by the council for the redevelopment of the site.
- 6.16 Officers agree with the Inspector’s findings in relation to the appeals against the refusal of the previous housing schemes on the site that suitably designed housing would be of benefit to the character and appearance of the local landscape. As a result the proposal accords with Policies G2, G6, C1, C2 and D1 of the SOLP.

The Impact on the Amenity of Neighbouring Occupiers and Future Occupiers of the Development

- 6.17 The buildings surrounding the site comprise Garden Cottage and Badgemore House to the east and south respectively, which are both in commercial use and positioned away from the position of the proposed dwelling. The only residential property adjacent to the site is The Bothy, which lies to the south west. This property is in the same ownership as the golf club and the application site and no objections from the occupiers have been forthcoming. The proposed garage would be the closest part of the development to the boundary with The Bothy. The garage would be approximately 5 metres from the shared boundary and would be approximately 3 metres in height. Given the separation between the garage and The Bothy and its modest height the garage would not cause any significant harm to the amenity of this neighbouring property.
- 6.18 The main part of the proposed dwelling extends to the north away from The Bothy and Officers do not consider that the building would cause any significant overbearing or overlooking impacts.

Highway Considerations

- 6.19 As outlined above the proposal would generate a substantially lower number of vehicle trips compared to the extant permission for the leisure centre. This is confirmed by the Transport Assessment submitted in support of the application, which states that the leisure centre use would generate up to approximately 250 movements a day whilst a dwelling would generate up to approximately 14 movements a day. In addition the parking for the dwelling would be within the application site whilst parking for the leisure centre would be within the main car park for the golf club. As such this proposal will also avoid the possible congestion caused within the existing car park by a considerable increase in visitors to the site as a result of a new leisure centre.
- 6.20 The Highway Liaison Officer has acknowledged that the proposal would demonstrate a significant reduction in traffic movements compared to the leisure centre use and has raised no objections to the proposal.

Sustainability Considerations

- 6.21 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. Guidance contained within the SODG seeks that all new dwellings achieve at least Code Level 3 of the Code for Sustainable Homes. A Sustainability Statement has been submitted with the application and this indicates that the dwelling will achieve Code Level 4. Measures to achieve this rating include the installation of a wood pellet biomass boiler, provision for photovoltaic panels, rainwater harvesting, green roofs, passive solar gain, maximisation of natural daylight, and measures to meet Lifetime Homes standards.

Other Material Considerations

- 6.22 The proposal would involve the removal of a line of high conifers just outside the western boundary of the site. These trees are not native and make no positive contribution to the appearance of the area apart from in respect of offering some screening of the existing squash courts. The proposal includes new planting on both the inside and outside of the wall forming the northern boundary of the site. This new planting along with any planting within the site would improve the appearance of the site and would complement the existing planting around the nearby areas of the adjacent golf course.
- 6.23 There is no evidence of bat use within the site, and as such the proposal is unlikely to have any impact on bats, which are a protected wildlife species, which is in compliance with Policy C8 of the SOLP. If protected species are found to be present on the site, it may be necessary for the applicant to acquire a licence for any works affecting such species.
- 6.24 As well as the previous use associated with the squash courts, the site is currently in use in association with the maintenance of the adjacent golf course. There is a possibility that the land has been subject to contaminants and as such a condition is recommended to ensure that any contamination is addressed prior to the occupation of the proposed dwelling. This is in accordance with Policy EP8 of the SOLP and guidance contained within PPS23.

7.0 **RECOMMENDATIONS**

7.1 **That planning permission be granted, subject to the following conditions:**

1. **Commencement – 3 years**
2. **Development in accordance with the approved plans**
3. **Samples of materials to be submitted and approved, including samples for new boundary walling**
4. **Details of the restoration of the existing boundary wall to be submitted and approved**
5. **Details of SUDS compliant hardsurfacing and new boundary walls (including bond) and gates to be submitted and approved**
6. **Landscaping scheme to be submitted and approved**
7. **Tree protection details to be submitted and approved**
8. **Drainage scheme to be submitted and approved**
9. **Contamination land assessment and remediation scheme (if necessary) to be submitted and approved**
10. **Demolition of all buildings prior to occupation and resultant debris removed from the site**
11. **Permitted development rights removed for extensions**

- 12. Sustainability measures to be implemented in accordance with approved details**
- 13. Provision and retention of parking and turning areas**

Informatives

- 1. Possibility of protected species**
- 2. Contaminated land**

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