
SUBJECT DEVELOPMENT APPLICATION REPORTS ITEM 7

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P11/W0147 and P11/W0148/CA
APPLICATION TYPE	FULL and CONSERVATION AREA CONSENT
REGISTERED	10.03.2011
PARISH	BENSON
WARD MEMBER(S)	Felix Bloomfield Rachel Wallis
APPLICANT	Mrs Jane Mitchell
SITE	Land Adjacent no. 4 Birmingham Yard Benson
PROPOSAL	Demolition of existing garage block and store. Erection of 2 no. 1 bed dwellings attached to no. 4 Birmingham Yard.
AMENDMENTS	As clarified by Agent's letter dated 13th April 2011 & as amended by Drawing Numbers 07055-P01B & P02B accompanying letter from Agent dated 27 June 2011
GRID REFERENCE	461735/191675
OFFICER	Mrs S Crawford

1.0 INTRODUCTION

1.1 The applications have been referred to the Committee because the recommendations conflict with the views of the Parish Council. A site visit has been arranged to allow Members to visit the site to appreciate the Parish and neighbour concerns in relation to the problems of parking in the vicinity.

1.2 The site lies in the centre of Benson adjacent to existing housing, garages and communal parking and in the vicinity of local shops and other commercial premises. The character of the area is varied with older traditional properties of a variety of sizes and 1960's detached houses. The site lies within the Benson conservation area and there are listed buildings nearby on Castle Square. The site also lies within a Flood Zone 2 area.

1.3 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 PROPOSAL

2.1 The application seeks full planning permission for the demolition of the existing garage block and store and replacement with two no. 1 bedroom dwellings in a cottage style to continue the existing terrace of properties at Birmingham Yard. Each property would have one parking space aligned parallel to the houses in front of a small area of landscaping. Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Copies of the Design and Access Statement, Flood Risk Assessment and all the consultation responses can be viewed on the Council's website at www.southoxon.gov.uk.

2.2 Conservation Area Consent is sought for the demolition of the existing garages and store on the site. A reduced copy of the drawing of the existing building is **attached** at Appendix 3.

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 Benson Parish Council **Comments on original plans**
Refuse. Unneighbourly loss of privacy due to the close proximity of windows, the loss of light in the afternoon/evening and the extreme competition for the chaotic parking in the area and loss of much needed parking area.
Comments to amendments and additional details,
Refuse. There is insufficient provision for parking and the proposals would be overbearing for the nearby properties. Concerns about the Highways department having no objections.
- 3.2 OCC (Highways) No objection. Subject to parking provision.
- 3.3 Environment Agency No objection refer to standing advice.
- 3.4 OCC (Archaeology) The site lies within an area of some archaeological interest. No objection subject to a condition requiring a watching brief during the construction works.
- 3.5 Health and Housing (contamination) No observations to date (late consultation).
- 3.6 Thames Water No objection.
- 3.7 Crime Prevention officer During the Summer of 2010 the Police Community Support Officers were proactively policing parking issues which had been raised by residents in Castle Close and the surrounding area.
During the summer of 2010 a number of warning letters were issued to parked vehicles which were parking inconsiderately or causing an obstruction within the vicinity of the proposed development.
No Fixed Penalty Notices were issued during this time.
The Police Community Support Officers include this area in their routine patrols to monitor the parking.
- 3.8 Neighbour Objectors (13) There is insufficient parking in the immediate vicinity and the police have been monitoring the situation. The loss of the existing parking and additional competition for the existing limited spaces will exacerbate the situation. The parking proposed will involve reversing across a tight parking space to a congested road.
The windows at the front and rear will be unneighbourly. The buildings will block sunlight. The gardens are too small, it is overdevelopment. 4 Birmingham Yard has a right of way over the land. Involves the removal of a tree. The amendments do not address any of the concerns and the rooflights will still overlook.

4.0 **RELEVANT PLANNING HISTORY**

4.1 P66/M0596 - Site for 41 dwellings and 41 lock-up garages. Accesses. - APPROVED

5.0 **POLICY & GUIDANCE**

5.1 Adopted SOLP Policies

G2 – Protection of District’s resources, G3, proximity of new development to existing services and links to public transport, G6 – Quality of design and local distinctiveness, C1 – Landscape character, C8 – development affecting protected species, CON6 – demolition of unlisted buildings within conservation areas, CON7 – development within conservation areas, EP1 – adverse affects of development, EP3 – proposals for external lighting, EP4 – Protection of water resources, EP5 – Flood risk impact, EP6 - Surface water drainage requirements, EP7 – Ground water resources, EP8 – Contaminated land, D1 – Principles of good design, D2 – Parking for vehicles and cycles, D3 – Provision of private amenity areas, D6 – design against crime, D8 – Conservation and efficient design, D9 – Renewable energy, D10 – Management of waste, H4 – New housing within larger villages, H7 – Mix of units, T1 transport

PPS1 – Delivering sustainable development

PPS3 – Housing

PPS5 – Planning for the Historic Environment (archaeology)

PPS7 – Sustainable Development In Rural Areas

PPG13 – Transport

PPS22 – Renewable Energy

PPS25 – Development and Flood Risk

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in this case are;

- Whether the principle of development is acceptable
- H4 Criteria
- Provision of gardens
- Affordable housing
- Mix of units
- Sustainable design issues
- Flooding issues
- Provision of waste facilities
- Community Safety

6.2 **Principle.** The site lies within the centre of Benson, one of the larger villages in the district and the principle of residential redevelopment is acceptable on appropriate sites subject to the criteria of Policy H4 of the adopted South Oxfordshire Local Plan.

6.3 **H4 criteria issues.**

- i. That an important open space of public, environmental or ecological value is not lost:

The site is currently in use as garaging and car parking. The garages are of a poor standard of construction and appearance which detract from the character of the conservation area. In my view the site is not an important open space and would have little ecological value as the garages are flat roofed and unlikely to provide opportunities for roosting bats.

6.4 ii. Design, height and bulk in keeping with the surroundings:

The scale and design detailing of the proposed two dwellings are in keeping with the vernacular detailing and the scale of the existing terrace. The Conservation Officer was

involved with pre-application discussions and advised that the design put forward was acceptable in terms of the character of the conservation area. The design provides for a two storey building with the first floor accommodation within the roof space, lit by dormer windows. The walls would be constructed in brick with a Flemish bond with an arched header detail, in a blue brick, over the ground floor windows and doors. The pair of cottages would be provided with wood burning stoves and a chimney stack central to the pair. The roof would be covered in a plain clay tile and the proposed windows are timber framed. The design is in line with the advice of the South Oxfordshire Design Guide and the dwellings would be an improvement on the existing garages in the view of your officers.

6.5 iii. That the character of the area is not adversely affected;

The provision of parking in front of the dwellings is regrettable and could be avoided if the whole garage complex was considered comprehensively. However, a comprehensive development is not possible as the two sets of garages are in separate ownership. However, given the current use of the site, the arrangement of parking on the forecourt and the existing parking provision at 4 Birmingham Yard, a refusal on these grounds alone would be difficult to sustain in your officers view.

6.6 iv. Amenity, environmental or highway objections;

Highway issues. There is no objection from the Highway Authority in terms of traffic generation or highway safety associated with the residential use of the site. The site would be accessed over the garage forecourt of the 6 garages adjacent to the site. One of the main concerns of the Parish Council and local residents is the loss of the parking associated with the loss of the garages and the forecourt in front, they are also concerned about additional pressure for on road parking in the vicinity from the two new houses.

The forecourt of the garages is used by local residents for parking. The area around Castle Square is a known parking black spot, where there is competition for any on road spaces by residents and commercial sites (Benson Garage being one). The on road parking causes congestion and Police Community Support Officers have been involved to police parking issues as a direct result of concerns expressed by residents in Castle Close and the surrounding area. During the summer of 2010 a number of warning letters were issued to vehicles which were parking inconsiderately or causing an obstruction within the vicinity of the proposed development. Whilst no Fixed Penalty Notices were issued during this time, the Police Community Support Officers continue to include this area in their routine patrols to monitor the parking.

The agent has stated that the garages, store and areas of land to the front and rear of the garages have been in the applicant's ownership since 1989 but in the family for much longer. Since 1989 at least, none of the garages have been let to the occupants of cottages in Birmingham Yard or the occupants in Castle Close. Castle Close residents have their own parking and garaging facilities. One of the garages has been let to a tenant in Castle Square on a shorthold tenancy which ceased in 2009. Since 1989 the garages have been used mostly for storage purposes or for the parking of one of their own family cars. The applicant emphasises that there are no rights for third parties to park in front of the garages other than for tradesmen who occasionally maintain the applicant's other properties.

In the light of the fact that the application site is private land and there are no rights to use the forecourt for parking by local residents it is my view that planning permission can not be refused on the grounds of displaced parking.

With regard to **parking provision**, each property would benefit from one parking space aligned parallel to the houses in front of a small area of landscaping. This provision would meet the Council's minimum parking standard for a one bed dwelling. In addition, the current owner of 4 Birmingham Yard has been offered an agreement giving him right of access to allow for the continued use of the parking space in the front garden of that property.

The proposal provides parking to meet the council's standard and secures the existing parking provision on 4 Birmingham Yard. The site is also located in a highly sustainable location close to the village centre shops and within walking distance of the local bus stops. In the circumstances a refusal based on the lack of parking or that the development would increase competition for on road parking could not be justified.

Neighbour impact.

The site is located in an area of relatively high density housing. The relationship between properties on Castle Close, Birmingham Yard and Castle Close is below some of the current standards for overlooking distances. However where similar relationships to the existing arrangements will be created they would be difficult to resist and a harmful neighbour impact could not be argued.

The main impact of the proposed development will be on the occupants of 14 and 16 Castle Square, 10 and 12 Castle Close and 4 Birmingham Yard.

14 and 16 Castle Square. The new houses would back onto the private rear gardens and rear elevations of 14 and 16; providing a back to back distance of approx 17.5 and 19 respectively. This would fall well short of the minimum 25 metres distance where there is a direct line of view from first floor windows. The proposal has been amended to address your officer's concerns in relation to overlooking by removing the four dormer windows on the rear elevation. The amended plans include a stairwell window at mid floor level and a roof light to serve the bathroom; the bedroom window to the rear has been removed altogether. Your officers consider that the overlooking concerns can be addressed, subject to conditions to ensure that the stairwell and bathroom windows are obscure glazed, and that permitted development rights to add any further windows are removed.

10 and 12 Castle Close. The new houses would have a front to front relationship with 10 and 12 Castle Close with the distance between the buildings being some 13 metres. There are some concerns about the overlooking from the windows on the front elevation because the proposal will introduce a close relationship that does not already exist for the occupants of that property. However, this would be difficult to justify in a refusal reason as the relationship is not materially different to the existing relationship between 10 Castle Close and 4 Birmingham Yard – which is a front to front relationship at a similar distance.

4 Birmingham Yard. The new dwellings would be a continuation of the terrace and the relationship with the 4 Birmingham Yard is acceptable.

6.7 v. Backland development issues

Whilst the houses do not front onto a road and access is achieved across a parking forecourt, the site is not really in backland location. In any event it replicates the pattern of development seen in the rest of Birmingham Yard.

- 6.8 **Provision of gardens.** Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in policy D3 of the Local Plan. The Council's standards require 35 square metres of private amenity area for 1 bed houses. In this case the gardens appear to be very slightly below the standards (in the region of 31 and 34 square metres).
An under provision of garden area can be an indicator that a scheme is overdevelopment of a site. However, given the plot sizes of the houses in the immediate vicinity, the fact that the gardens are only just under the requirement, the need to use land efficiently, the need for smaller units and the proximity to village amenities I consider that this very slight under provision is acceptable.
- 6.9 **Provision for affordable housing.** Policy H9 of the adopted Local Plan seeks to achieve a provision of affordable housing on sites capable of accommodating more than 5 dwellings in settlements where the population is less than 3000. In this case, the number of units is below the threshold and there is no requirement for affordable housing in this case.
- 6.10 **Mix of units.** Policy H7 of the adopted Local Plan 2011 requires an acceptable housing mix to ensure a steady provision of small two bedroom properties. On all sites that are capable of accommodating two or more dwellings, 45% of the development shall be two bedroom units unless this provision for small dwellings would adversely affect the character of the area. In this case, the proposal is for two no 1 bed dwellings. Whilst there is no mix the provision achieves the aims of the policy by providing two small units.
- 6.11 **Sustainable design issues.** Policy D8 of the SOLP seeks to ensure that all new development demonstrates high standards in the conservation and efficient use of energy, water and materials. The design and access statement details the measures to meet the requirements of the policy, which include sourcing materials locally where possible, high levels of insulation, maximising natural light, energy efficient boilers and woodburning stoves, water butts, and permeable surfaces.
- 6.12 **Flooding issues.** Policies EP4 and EP5 of the adopted Local Plan seek to protect existing water resources and, within areas liable to flood, proposals include mitigation measures. In this case the site lies within a flood zone 2 area and a flood risk assessment has been carried out and submitted with the application. Flood Zone 2 areas are defined as land between 1 in 100 and 1 in 1000 annual probability of river flooding. The site is classified as previously developed land and the footprint of the dwellings is similar to that of the garages. As such the redevelopment in terms of flooding impact is not unacceptable subject to adequate mitigation measures. The Flood Risk Assessment survey work and modelling shows that mitigation measures can be achieved. There is a low point to the north and north east of the site which allows water from Ewelme Brook to back up so far during 1:1000 year flood events. The site is on the edge of this low point and has direct access to Castle Close which is elevated above the flood level, providing a dry route away from the source of flooding. The finished floor level of the dwellings would be 51.6m above ordnance datum which accommodates the 1:100 year flood level plus an allowance for climate change. In the event that flooding does occur within predicted parameters the floor levels would be high enough to prevent waters entering the buildings and there is a safe dry route to Castle Close. The raised finished floor levels are shown on the submitted drawings and still manage to achieve a ridge height that is in keeping with the scale of the terrace.

7.0 CONCLUSION FOR PLANNING APPLICATION

7.1 Your officers recommend that planning permission is granted. Whilst concerns in relation to parking problems in the vicinity are acknowledged the site is private land where third parties do not have rights to park and the scheme provides for parking to meet the Council's standards. Given the plot sizes of the houses in the immediate vicinity, the relationship between existing buildings, the need to use land efficiently, the need for smaller units and the proximity of the dwellings to village amenities the scheme is considered acceptable.

8.0 PLANNING CONSIDERATIONS IN RELATION TO THE APPLICATION FOR CONSERVATION AREA CONSENT

8.1 Policy CON6 of SOLP allows for the demolition of non listed buildings within conservation areas provided that the loss would not adversely affect the character of the area. Where a building is important, consent will only be granted where there are acceptable plans in place for the redevelopment of the site. The existing garages and store are not of historic interest and do not make a positive contribution to the character and appearance of the surrounding conservation area. There is no objection to the removal of the existing building and the proposed replacement building will enhance the character of the area in terms of visual amenity.

9.0 CONCLUSION FOR CONSERVATION AREA CONSENT

9.1 Your officers recommend that conservation area consent is granted for the removal of the existing garage and store as the loss of the building would not have an adverse impact on the character of the area.

10.0 RECOMMENDATION FOR PLANNING APPLICATION

10.1 Planning Permission

1. Commencement 3 years
2. Compliance with approved plans
3. Sample materials wall and roof
4. Archaeological watching brief
5. Provide and retain parking
6. Contamination investigation and remediation
7. Sustainable design
8. Withdrawal of permitted development rights, Classes A, B and C
9. Obscure glaze bathroom and stairwell windows

11.0 RECOMMENDATION FOR CONSERVATION AREA CONSENT

11.1 That conservation area consent is granted subject to the following conditions:

1. Commencement Conservation Area Consent 3 years.
2. Implementation of P11/W0147

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