

SUBJECT **DEVELOPMENT APPLICATION REPORTS** **ITEM 8**

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P12/S1213/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	22.6.2012
PARISH	DIDCOT
WARD MEMBER(S)	Mr Terry Joslin Mrs Margaret Turner
APPLICANT	Mr A Birkby
SITE	Land bounded by Lydalls Close Lydalls Road & Manor Road Didcot, OX11 7DU
PROPOSAL	Erection of new dwelling incorporating community landscape enhancements. (Re-Submission of P11/W1619)
AMENDMENTS	Details of surface treatment to Lydalls Close as amended by drawing number 1050 - P101A accompanying agent's letter dated 19 July 2012
GRID REFERENCE	452121/190314
OFFICER	Mrs S Crawford

1.0 **INTRODUCTION**

1.1 The application has been referred to the Planning Committee at the request of one of the local members Mr Terry Joslin.

1.2 The site is open and forms part of a larger paddock. Access is gained off an unmade single track that is a vehicular access and shared public footpath. Levels drop from west to east. The character of the buildings around the paddock is varied in age and style; some are listed buildings. The site lies in the Old Didcot conservation 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 a two storey, four bed dwelling with a detached double garage. Some improvements to the landscape are put forward with the application; namely

- Removal of leylandii hedge fronting Lydalls Close and Lydalls Road, replacement with a native species and thereby improving views into the site
- Additional tree planting
- Removal of leylandii hedge around a previous application site in Manor Road to be removed
- Hedge around 15 Manor Road to be reduced in height
- The remainder of paddock could be opened up to provide an attractive open space
- New landscaping on Manor Road

- Improvements to fencing
 - Maintenance programme to be secured through a S106 agreement.
- 2.2 An application on the site for a similar but larger four bedroom house with annex accommodation was refused under delegated powers on 7 December 2011. for the following reasons;
1. The site comprises an important open and undeveloped space within the Old Didcot Conservation Area. The erection of a substantial dwelling involving the loss of a significant part of the centre of the paddock and the use of the land as residential curtilage would detract significantly from the character of the Conservation Area. The enhancements put forward do not outweigh the harm to the character of the area that would follow as a result of the development and would set an unfortunate precedent for development on the paddock as a whole. As such the proposal would be contrary to Policies G2, G5, G6, D1, H4 and CON7 of the adopted South Oxfordshire Local Plan.
 2. The design of the proposed dwelling fails to reflect local architectural traditions and would detract from the character of the Old Didcot Conservation Area contrary to Policies D1 and CON7 of the South Oxfordshire Local Plan and the advice contained in the South Oxfordshire Design Guide.
- 2.3 The current application differs from the previous refused scheme in the following ways;
- Footprint reduced from 273 square metres to 260 square metres.
 - Ridge height reduced from 7.65m to 7.3m, first floor rooms now partially within roof space.
 - Ground floor guest annex now a games/family room
 - Both schemes are for a four bed dwelling.

The application includes 22 response forms from local residents in support of the application.

- 2.4 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 Didcot Town Council Application should be refused – because the paddock is a historic open space in the Old Didcot Conservation Area so the development would be contrary to CON7. The paddock is an important green space in the heart of old Didcot. The bulk and mass of the building is out of keeping with the area. Concern was also expressed that roads in the area are not suitable for construction traffic and that Lydalls Close is an important route to school for many children and increased traffic would pose a danger to them.
- Conservation Consultant Objection. Despite some minor improvements to the design of the proposed new dwelling, the scheme remains very similar to the 2011 proposals, and my fundamental objections remain as before
- Thames Water No objection subject to informatives

Forestry Officer	The proposed layout does not alter the affect that the previous layout (P11/W1619) had on the trees and, therefore, the comments made by the previous Forestry Officer still apply. No objection subject to conditions in respect of tree protection and landscaping.
OCC (Highways)	No objection, with conditions This being a re-submission of P11/W1619, has exactly similar implications to that. P11/W1619 was refused Planning Permission on 7th December 2011 on non-highways grounds. There have been no changes since 7th December 2011 that have implications for my previous comments, save that references to the Drawing 1050_P01A are substituted with references to Drawing 1050_P101.
OCC (footpaths)	Didcot public Byway Open to All Traffic (BOAT) no.11 runs adjacent to the southern boundary of the site and is concurrent with the access to the proposed property. No objection to amended details in respect of the surface treatment to Lydalls Close
Health and Housing	No objection subject to conditions in respect of contaminated land
Neighbour Objectors (9)	This would detract from the sole remaining historic piece of open space in Old Didcot conservation area. This is a timeless asset which should never be built on. The impact of this application is so similar to the previous ones that it should be refused for the same reasons, The Paddock s historic contribution and visual impact are evident in the 1876 map of Didcot and in photographs in Didcot library's local history section. The applicant's own photographs of the meadow, included in the re-submitted application, make clear the contribution and visual impact of the meadow today. As is also clear from the recent photographs, the area is still used for grazing. The site proposed for development is part of an existing conservation zone, a wildlife habitat, vigorous ecosystem, an important green zone and haven in a town where conversion of gardens into second building plots and paving over of front gardens has reduced the available natural green space. There is nothing in the new application which alters any of my previous objections. It is a haven for wildlife, a major starling roost, and provides a wonderful amenity for the community to walk by and see the cow and the horse there. The "offer" of a Section 106 guarantee of no further development in future is something of a red herring. If the current zoning of the land for agricultural use does not change, then there can be no residential development.

- Neighbour Supporters (3) I have lived overlooking the field for 15 years and believe that unless a well thought through and balance (sic) application is passed we will be open to a much larger build when the planning rules are relaxed in the near future.
The proposal to have a Section 106 agreement placed on the paddock will ensure there will be no further encroachment by building in the future, a point that many objectors have missed. With the possible relaxation of planning regulations in the future the Section 106 agreement is fundamental to this application as it will stop further development.
Permission will ultimately be granted for development on this property in the future and I think the proposed dwelling will not detract from the area in any way.
- Support letters from residents supplied by applicant (22) Will be a benefit, sympathetic to the area, do not disagree in principle but the size is some concern, makes the area look more tidy. The S106 agreement to prevent more houses is a good idea.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P11/W1619](#) - Refused (07/12/2011)

Erection of new dwelling incorporating community landscape enhancements.

[P84/W0313/S.53](#) – Enforcement Notice (03/09/1984) - Refused on appeal (28/11/1985)

Erection of agricultural building (Section 53 Determination)

[P83/W0038](#) - Refused (04/03/1983) - Refused on appeal (05/10/1983)

TWO NEW HOUSES WITH GARAGES. ACCESSES.

P72/R4753 – Refused (01/06/1972)

PROPOSED SITE FOR 3 BUNGALOWS WITH GARAGES

[P64/R2865](#) - Refused (05/06/1964)

PROPOSED SITE FOR DWELLING

[P63/R2415](#) - Refused (01/03/1963)

PROPOSED SITE FOR DWELLING

[P61/R1968](#) - Refused (09/06/1961)

PROPOSED SITE FOR DWELLING HOUSE

[P60/R1709](#) - Refused (07/10/1960)

PROPOSED SITE FOR 5 DWELLINGS

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 policies;

C1 - Development would have adverse impact on landscape character

C8 - Adverse affect on protected species

C9 - Loss of landscape features

CON7 - Proposals in a conservation area

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D6 - Community safety

- D8 - Conservation and efficient use of energy
- EP1 - Adverse affect on people and environment
- EP7 - Impact on ground water resources
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- G3 - Development well served by facilities and transport
- G5 - Best use of land/buildings in built up areas
- G6 - Appropriateness of development to its site & surroundings
- H4 - Housing sites in towns and larger villages outside Green Belt
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008

NPPF

None of the policies within the South Oxfordshire Local Plan of relevance to this application are inconsistent with, or contradictory to, the provisions of the Framework

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in this case are:

- Whether the principle of development is acceptable
- H4 criteria
- Tree issues.
- Housing shortfall.

6.2 **Principle.** The site is within the built up area of Didcot where the principle of new residential development is normally acceptable subject to the criteria of Policy H4. Whilst the principle of residential development may be acceptable in Didcot, the development of this site is not acceptable and it does not comply with the criteria of Policy H4 and other policies in the development Plan. The specific concerns are discussed below.

6.3 **H4 criteria issues.**

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

The site sits in the middle of a larger piece of open land in an informal agricultural use in the Old Didcot Conservation Area. The site proposed for the new dwelling would split the open paddock area in half. The applicant and others have sought to gain planning permission for housing on parts of this piece of land many times in the past. Planning permission for new residential development on the paddock as a whole has been refused and dismissed at appeal consistently since the 1960's. The most recent appeal application related to a small part of the paddock area adjacent to 24 Lydalls Close (P97/W0886). In commenting on the 1997 appeal the Inspector agreed that the character of the paddock as a whole was very important. He concluded "that a favourable decision in this case would make it much more difficult for the local authority to resist further encroachment". The paddock is acknowledged as an important open space in the conservation area in its entirety and any incursions into this space, whatever the quality of the design or the potential enhancement of the remaining area will not be acceptable in my view. This position has not changed since the last appeal. In the future, as Didcot get larger, the important spaces within the historic core are likely to become more important due to their historic significance.

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

Whilst the design of the new building has been slightly improved, including the use of more traditional roof pitches and materials, it remains a very large building with a

substantial footprint. The size of the dwelling would be out of keeping with some of the more modestly sized historic buildings in the immediate vicinity of the application site, some of which are listed. However, this is not sufficiently harmful in itself to warrant a refusal reason in my view because other more modern dwellings are of a comparable size.

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

The subdivision of the paddock and building on it would harm the character of the conservation area and set a precedent for other development on the paddock. The proposal includes a number of suggestions on how the character of the existing paddock could be improved; namely

- by removing all the leylandii hedges on and around the site and thereby improving views into the site,
- new post and rail fencing to mark the boundaries, and
- provides the potential for an area that could be opened up to provide an attractive open space.

These improvements are only required because the applicant has planted the leylandii hedging over the years to screen parts of the site in an attempt to make the area easier to develop.

Whilst, the improvements put forward would be significant improvements that would enhance the character of the area, they could not be secured by condition as they do not relate specifically to the development proposed. A condition in this respect would fail to meet the tests of Circular 11/95.

The agent has suggested that the improvements and maintenance of the meadow could be secured with a legal agreement. However, I do not think that the improvements would outweigh the harm to the character of the Old Didcot Conservation Area created by the encroachment into an important open area and the precedent this would set for further development these concerns are set out above in paragraph 6.3 above.

The paddock is an important element of the old field pattern in Didcot that contributes to the historic character and appearance of the settlement. It is a piece of the old countryside in the middle of the town. The proposed siting of the new building would split this open green space into two smaller spaces which will substantially reduce the contribution it currently makes to the setting of the buildings in Manor Road and to the general ambiance of this part of the Old Didcot Conservation Area.

6.6 **iv. Amenity, environmental or highway objections;**

Highway and parking issues. The access track is only a single lane track that is potholed; it is also a public footpath and much used by school children accessing the primary and Didcot Girls Schools.

The proposed scheme uses an existing access point and it has been confirmed in the Design & Access Statement that the gates would be set back and visibility of an appropriate level provided. It is suggested that conditions be imposed on any permission to ensure that the above is the case. Parking, including drainage of hard-standing areas can similarly be dealt with, from a highways point of view, through the imposition of conditions.

There are no objections to the increased use of the Lydalls Close, despite its poor condition, subject to a condition to secure a scheme of road improvements. This would include the provision of a passing space as proposed on Drawing 1050_P01A.

In terms of parking provision the proposal provides for adequate parking and turning areas, a double garage and parking for bicycles. This provision could be secured by condition had the proposal been acceptable in other terms.

- 6.7 **Neighbour impact.** The new dwelling would back onto 15 and 17 Manor Road. The main body of the new dwelling would be approx 29 metres from the main body of 15; this distance reduces to approx 20m when considering the two storey rear wings to both buildings. However the rear wing of the proposed dwelling has one small obscure glazed window to this elevation and there would be no direct line of overlooking under the minimum 25 metre minimum. Given the size of the plot and relationship with surrounding dwellings the proposal will have a very limited impact on neighbours
- 6.8 V) **Backland development issues.** Not applicable
- 6.9 **Tree issues.** The trees within the site are not the subject of a tree preservation order but the site is within a conservation area, affording them protection. The proposed development will require the removal of a significant amount of trees. However the trees marked for removal are of low arboricultural value and therefore should not be seen as a constraint to development. Apart from the proposed access, the new dwelling will be outside of the retained Tree's root protection areas (RPA), and with suitable tree protection they shouldn't be damaged. The proposed 'No Dig' driveway does pass through the RPA of T3. T3 is not of sufficient quality to be considered as a constraint to development. The plans do include some landscaping information however more information is required, this could be conditioned.
- 6.10 **Other issues.** The applicant has submitted with the application a number of neighbour responses on a standard template in support of the application. Many cite the removal of the leylandii hedges as a positive improvement and comment on the unkempt nature of the site. They also consider that the S106 agreement will prevent further development on the site. As has already been stated the unkempt nature of the site and the planting of the leylandii hedges have been used as tools by the applicant to promote the development of the site and make the current use and character less attractive. The current state of the land should not be seen as a reason to allow redevelopment; a different owner of the site may maintain the site in a manner more in keeping with the character of the area.

With regard to the S106 agreement – the applicant has not suggested that this should include a “no further development” clause; the S106 has only been put forward to control the landscaping and maintenance of the meadow land only.

- 6.11 **Housing land supply.** The council is able to demonstrate a five year supply of deliverable housing sites across the district, in accordance with paragraph 49 of the NPPF. Therefore, the relevant policies for the supply of housing can be considered up-to-date, and the presumption in favour of sustainable development does not apply, with regard to Paragraph 14 of the NPPF.

In any event, in this case it is considered that the site represents an important open space in the conservation area and should not be developed. A new dwelling in the centre of the paddock would set a precedent for further encroachments in to this area for the reasons specified above. As there is an up to date 5 year supply there is no need to consider this application favourably

7.0 **CONCLUSION**

7.1 The principle of residential development on this important open space in the conservation area is not acceptable for the reasons outlined above and the planning application should be refused.

8.0 **RECOMMENDATION**

8.1 **Refusal of Planning Permission for the following reason**

- 1 . The site is part of an important open and undeveloped space within the Old Didcot Conservation Area. The erection of a substantial dwelling involving the loss of a significant part of the centre of the paddock and the use of the land as residential curtilage would detract significantly from landscape setting of this part of Didcot and from the character of the Conservation Area. Development on this site would set a precedent for development on the paddock as a whole. As such the proposal would be contrary to Policies G2, G5, G6, C4, D1, H4 and CON7 of the adopted South Oxfordshire Local Plan.**

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