

APPLICATION NO.	P16/S4196/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	21.12.2016
PARISH	TOOT BALDON
WARD MEMBER(S)	Sue Lawson
APPLICANT	The Provost & Scholars of the Queens College
SITE	The Poultry Building, Parsonage Farm, The Green, Marsh Baldon, OX44 9LH
PROPOSAL	Demolition of the redundant 'B Use Class' poultry building and the erection of one 1.5 storey residential dwelling with associated access and garden amenity.
AMENDMENTS	None
GRID REFERENCE	456612/199552
OFFICER	Paul Bowers

1.0 **INTRODUCTION**

- 1.1 The application is referred to planning committee because the views of the Baldons Parish Council differ from the officer's recommendation.
- 1.2 The site is located to the east of The Green and contains a single storey building in B1 use which is adjacent to farm buildings to the north and screened to an extent by existing trees and hedging along its western boundary.
- 1.3 A plan identifying the site can be found at **Appendix 1** to this report.

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission from the council to demolish the existing single storey building and replace it with a two storey detached dwelling with associated parking and amenity space.
- 2.2 Reduced copies of the plans accompanying the application can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **The Baldons Parish Council** – Recommend the application for refusal for the following reasons;
- Prematurity in relation to the neighbourhood plan.
 - The site is one being considered for development in the neighbourhood plan for potentially more units than proposed and the approval of this development may prejudice this coming forward.

Neighbour Responses – 1 x letter of support.

Countryside Access - No objection providing that the public right of way is not obstructed.

County Archaeological Services - No objection.

SGN Plant Protection Team - No objection.

Countryside Officer - No objection subject to a condition that requires the development to be carried out in accordance with the details set out in the ecological assessment.

OCC Highways Officer - No objection subject to condition.

Contaminated Land Officer – No objection subject to conditions.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P95/W0124/LD](#) - Approved (01/05/1998)

Vehicle storage.

[P94/W0707](#) - Approved (04/07/1996)

Change of use from storage of vehicles and office to storage of books and display materials with ancillary office and workshop. (As amended by plans accompanying letter dated 10 May 1995 by plans received on 21 July 1995 and by plans accompanying letter dated 12 April 1996 all received from the applicant). (Retrospective).

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework**

National Planning Policy Framework Planning Practice Guidance

South Oxfordshire Core Strategy 2027 policies

CS1 - Presumption in favour of sustainable development

CSEN2 - Green Belt protection

CSEN3 - Historic environment

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 policies;

C8 - Adverse affect on protected species

CON7 - Proposals in a conservation area

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

E6 - Loss of employment uses

EP8 - Contaminated land

G2 - Protect district from adverse development

GB4 - Openness of Green Belt maintained

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 2016

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

South Oxfordshire Local Plan 2032

The Baldons Parish Council is moving forward with a neighbourhood plan. However they are the plan preparation stage and working on the Strategic Environmental Assessment.

6.0 PLANNING CONSIDERATIONS

6.1 The issues to consider in relation to this proposal are;

- **The principle of development.**
- **Impact on the Green Belt.**
- **Whether the proposal accords with the criteria of Policy H4.**
- **Plot coverage and garden size.**
- **Impact on the amenities of the occupants of nearby properties.**
- **Impact on highway safety.**
- **Impact on setting of the conservation area.**
- **Impact on ecology.**
- **Contamination.**
- **Community Infrastructure Levy.**
- **Other issues.**

The principle of development.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

6.3 In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Core Strategy 2027 (SOCS) which was adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP).

6.4 Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

6.5 Paragraph 14 of the NPPF advises that there is a presumption in favour of sustainable development.

For decision-taking this means “approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.”

6.6 Currently the council cannot demonstrate a 5 year housing land supply and the presumption in favour of sustainable development, set out in Paragraph 14 of the NPPF, applies. This means that our core strategy housing policies, including SOCS Policy CSR1 relating to housing in villages, are out of date and are given less weight in our decision making.

6.7 However this is providing that the development does not conflict with other policies

within the NPPF that seek to restrict development – such as section 9 of the NPPF that seeks to protect Green Belt land. The impact on the Green Belt is considered acceptable and the detailed assessment of this can be found at paragraphs 6.13 to 6.17 of this report. The conclusion therefore is that this development is considered in the context of the presumption in favour of sustainable development.

- 6.8 The first consideration is the loss of the existing building as an employment generating site and whether the development complies with Policy E6 of SOLP which seeks to retain employment sites. The main relevant criteria of Policy E6 is that the existing use is no longer economically viable and that the site has been marketed at a reasonable price for at least a year for that and any other suitable employment or service trade use.
- 6.9 The application details include a structural report that has concluded that the existing building in its current state, which is extensively overgrown, is unsafe and no longer serviceable; the report recommends that the building should be dismantled. Given the state of the building, which is obvious from a visual inspection, I have no reason to question the conclusion of this report.
- 6.10 Marketing of the building in its current state would not likely generate any significant interest and bringing the building back to a state which would prove attractive for potential employers to locate their business here would be extremely costly. In my view, the state of the building justifies a departure from Policy E6 and the loss of the employment use here whilst regrettable is not something the council can resist to the point that planning permission should be refused on that basis alone.
- 6.11 The next part of the assessment in terms of replacing the existing building with a dwelling is whether the site is within the settlement. The site is adjacent to the Marsh Baldon Green with dwellings immediately to the west and to the south and farm buildings extending north and to the north east. In my view this site is on the edge of the settlement but it is clearly within the settlement.
- 6.12 There are buildings to the north, to the west and to the south and in my view the erection of a dwelling here would fall within the definition of infill in terms of being closely surrounded by buildings. In addition this is a proposal which involves the redevelopment of an existing building within a settlement.
- 6.13 Overall weighing the above factors into the planning balance I conclude that the principle of a dwelling here is acceptable.

Impact on the Green Belt.

- 6.14 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is set out in Section 9 of the advice from Central Government in the National Planning Policy Framework.

The five purposes of the green belt are;

- to check the unrestricted urban sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.15 The NPPF advises that a local planning authority should regard the construction of new

buildings as inappropriate development in the Green Belt except for the following purposes;

- Agriculture and forestry.
- Appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the green belt and don't conflict with the purposes of including land in it.
- The extension alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- The replacement of a building where it is in the same use as the existing and is not materially larger.
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan or;
- **Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.**

- 6.16 The last bullet point of the list of exceptions to new building in the Green Belt applies to this development. As discussed above I considered this development to fall within the definition of infill. In addition the proposal also involves the redevelopment of a previously developed site. The key issue is also whether the new building has a greater impact on openness than the existing building.

The existing building has a significant foot print. The proposed replacement building is significantly smaller in terms of footprint. It is however taller in that it is two storeys in height as opposed to the existing single storey building. However I conclude that the harm that would be caused by erecting a taller building is outweighed by the benefit of removing such a large area of built form across the wider site.

- 6.17 I do however consider it necessary to remove permitted development rights for the erection of outbuildings in the future which could lead to up to 50% of the newly created garden area being covered by incidental outbuildings thereby undoing the benefit this application brings.
- 6.18 Overall I conclude that, with this condition and when considering the benefits of losing such a large building, the wider impact on openness of the Green Belt is not harmed.

Whether the proposal accords with the criteria of Policy H4.

- 6.19 If a proposed housing development is acceptable in principle then the detail of the proposal must be assessed against the criteria of Policy H4 which deals with new housing.

Provision (i) of Policy H4 *states 'an important open space of public, environmental or ecological value is not lost, nor an important view spoilt.'* Provision (ii) *states 'the design, height, scale and materials of the proposed development are in keeping with its surroundings.'* whilst Provision (iii) *states that the 'character of the area is not adversely affected.'*

- 6.20 The existing site comprises a building which has a low pitched, corrugated roof with timber clad walls. It does not comprise an important public open space and its demolition and replacement with a two storey house will not result in the loss of any important views. In terms of any ecological impact associated with the demolition of the

building this is dealt with separately at paragraph 6.29 of this report.

6.21 The new building will be seen in isolation with the buildings to the north east being distinctly different in character and size due to their use as farm buildings. In isolation however the dwelling reflects local building styles and traditions with traditional brick and rendered walls and a clay tile roof. In my view this building will be a significant improvement on the existing building and although more visible it will add to the existing mix of dwelling types and styles around The Green and make a positive contribution to the character and appearance of the area.

6.22 *Provision iv) of Policy H4 states **that there should be no overriding amenity or environmental or highway objections.***

6.23 In terms of amenity this refers to both the amenity space being provided for the occupants of the existing and new property and also the amenity of occupants of nearby properties. These issues are also covered by other policies within SOLP such as Policy D3 and T1 and they are considered separately as they are fundamental issues to this proposal.

6.24 In respect of the element of provision iv) that relates to the environment there are no environmental issues that would justify resisting the proposal

6.25 **Plot coverage and garden size.**

Policy D3 of SOCS seeks to ensure that new dwellings should provide adequate private outdoor space. The amount of land to be used for garden or amenity space will be determined by the size of the dwelling and the character of surrounding development. The South Oxfordshire Design Guide sets out the minimum amount of private amenity for 3 bedroom units and above at 100 square metres.

The layout and size of the plot ensures that the development far exceeds this minimum standard.

The inability to provide these minimum standards would be an indicator that a proposal amounts to an overdevelopment. However this is not the case here.

6.26 **Impact on the amenities of the occupants of nearby properties.**

Impact on residential amenity is normally considered in terms of whether a development results in material harm by way of overlooking, loss of sunlight or being so large and close that it is considered oppressive and overbearing.

The nearest residential dwelling is to the south west. In my view the distance between the buildings is sufficient to mitigate any issues surrounding the increase in height of the building above that of the existing building. There will be no issues in respect of overlooking or loss of sunlight. Overall I conclude the neighbour impact from the development is acceptable.

6.27 **Impact on highway safety.**

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

6.28 The Highway Authority have considered the development in terms of the difference in vehicle movements associated with the existing use and that of the new single dwelling and the amount of parking provision and concluded that the highway impact is acceptable. A condition is however proposed that seeks to ensure that the parking shown on the proposed plans is retained.

6.29 Impact on setting of the conservation area.

The north western part of the site, which does not include the building, is located within the conservation area and the line of the conservation area follows the western boundary of the remaining site.

Views of the building are possible through the existing trees and hedges and the southern end of the building is clearly visible in views looking north coming from The Green. The building itself does little or nothing for the setting of the conservation area. In my view its replacement with a single, traditional, two storey dwelling will enhance the setting of the conservation area and represents a significant improvement over the existing situation.

6.30 Impact on ecology.

The application has been accompanied by an ecological assessment. The council's Ecologist has considered the information contained within the assessment and is happy with the information and the way in which the evidence was collected. The recommended mitigation and enhancement set out in the report is sufficient in this instance to ensure that this application is in accordance with Policy CSB1 of the South Oxfordshire Core Strategy and Policies C6 and C8 of the South Oxfordshire Local Plan. As such there is no objection to this application subject to a condition that requires the development to be carried out in accordance with the details set out in the assessment.

6.31 Contamination.

The planning application site has formerly been used as agricultural land. Potentially there are a range of contaminants that could be present on former agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings such as barns and workshops, and which could have been put to a number of uses including vehicle maintenance, chemical storage, metal working and fuel storage. Aside from the presence of made ground there are a number of chemicals that could have been used and possibly leaked or been spilled particularly in farmyard areas. Chemicals typically stored and used include agricultural pesticides, herbicides, fungicides and fuel. Disposal of waste on or in the land may also have occurred through fly tipping or unlicensed disposal of waste. Asbestos containing materials may be present on or in farmyard buildings such as barns that can have cement asbestos roofing.

6.32 The proposed residential development is regarded as a particularly sensitive use to any land contamination. For these reasons, the developer needs to conduct adequate contaminated land investigations to ensure that the land is safe and suitable for the intended use.

To ensure that any risks from land contamination are addressed The Contaminated Land Officer has recommend that any planning permission is subject to conditions and an informative.

In the first instance this condition will require a contaminated land preliminary risk assessment. The risks associated with agricultural land 'farmyards' can sometimes be difficult to quantify after this initial assessment and until there has been sampling and

chemical analysis of the soils contained within the development area. This will help to determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks. Investigations are typically restricted to areas that will form garden grounds unless a specific source of potential contamination is identified in the preliminary risk assessment that could pose a risk to the development or the environment.

Chemical analysis of soils at the development site may be required following completion of the initial report and it may expedite compliance with any imposed contaminated land condition should the applicant decide to undertake this testing at the same time as the preliminary risk assessment.

6.33 Community Infrastructure Levy.

The council's CIL charging schedule has been adopted. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development.

In this case CIL is liable as the proposal involves the creation of a new dwelling. However the floor space of the existing building can be offset against that of the new building and therefore given that the existing building has a greater floor space than the what is proposed the amount payable for CIL is zero.

6.34 Other issues.

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

The Baldons Parish Council is moving forward with a neighbourhood plan. However they are the plan preparation stage and working on the Strategic Environmental Assessment. At this stage in the process I cannot afford any significant weight to the emerging plan and although the objection from the parish council is based on the application coming before the neighbourhood plan has the potential opportunity to identify the site for alternative development to that proposed it is my view that this does not constitute a reason for the district council to refuse planning permission.

7.0 CONCLUSION

Your officers recommend that planning permission is granted because the proposal will create a new dwelling in a sustainable location and accords with paragraph 14 of the NPPF which sets out the presumption favour of sustainable development.

The new building does not have a greater impact on the openness of the Green Belt than the existing building and enhances the wider visual amenity of the area. It will not have an adverse impact on the setting of the conservation area.

Overall the proposal accords with development plan polices

8.0 **RECOMMENDATION**

8.1 To grant planning permission is granted subject to the following conditions:

1. Commencement three years – full planning permission.
2. Approved plans.
3. Materials as on plan.
4. Parking and manoeuvring areas retained.
5. Wildlife protection (mitigation as approved).
6. Withdrawal of permitted development rights (Part 1 Class E) - no outbuildings.
7. Contaminated land risk assessment to be carried out.
8. Contaminated land remediation strategy to be carried out.

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