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| APPLICATION NO. | P16/S3399/O |
| APPLICATION TYPE | Outline |
| REGISTERED | 13.10.2016 |
| PARISH | Eye and Dunsden |
| WARD MEMBERS | Will Hall and Paul Harrison |
| APPLICANT | Trustees of Phillimore Grandchildren Settlement |
| SITE | Land to the south of Foxhill Close, Playhatch |
| PROPOSAL | Outline application with all matters except for access reserved for the erection of up to four dwellings (amended access position as shown on amended plans received 11th January 2017). |
| AMENDMENTS | As above |
| OFFICER | Paul Lucas |

1.0 **INTRODUCTION**

- 1.1 Officers recommend that planning permission should be granted. This report explains how officers have reached this conclusion. The application is referred to Planning Committee due to the Parish Council's continued objection to the revised plans.
- 1.2 The application site is shown at **Appendix 1**. It is located within the built up confines of Playhatch and forms part of an undeveloped parcel of land occupied by long grass with some semi-mature trees and shrubs along some of the site boundaries. There are established dwellings surrounding the site on three sides and the undeveloped land continues to the north-east of the site. The buildings to the south-west of the site are separated from the site by Playhatch Road. Three of these buildings are Grade II listed buildings, namely 1 & 2 Playhatch Cottages and Post Cottage. One of the other buildings is The Shoulder of Mutton Public House with its car park entrance to the south of the site. The site directly adjoins the side boundary of 2 Vine Cottages. The site is separated from the dwellings to the north-west by Foxhill Close, which provides vehicular access to those dwellings. The eastern part of the site lies within Flood Zone 2. The majority of the site lies within an area of archaeological restraint. There are no other special designations on this site.

2.0 **PROPOSAL**

- 2.1 The application seeks outline planning permission for the residential development of the site with up to four dwellings with details of access to be considered at this stage and all other matters reserved. Although a site plan was submitted with the application and subsequently amended, the layout of the dwellings shown is only indicative. An additional plan showing a revised access position with visibility splay details and a supporting technical note were provided during the course of the application.
- 2.2 Copies of the current plans are provided at **Appendix 2** whilst other documentation associated with the application can be viewed on the Council's website:
<http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P16/S3399/O>

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Eye and Dunsden Parish Council** – Objection to both original and amended proposal.

The application should be refused for the following reasons:

Concern about the access in terms of visibility and position opposite the Shoulder of Mutton public house. It is also inappropriate in terms of unnecessary duplication of road access to the site. There is an existing lane.

Highways Liaison Officer (Oxfordshire County Council) – Initial objection overcome by revised plan - no objection subject to conditions

County Archaeological Services (SODC) - No objection subject to condition

Environment Agency (Lesley Tims & Cathy Harrison) - No objection

Thames Water Development Control - No objection subject to informatives

Drainage Engineer (South Oxfordshire - MONSON) - No objection subject to conditions

Conservation Officer (South) – Concern about indicative layout, but there is scope for this to be addressed at the reserved matters stage

Waste Management Officer (District Council) - No strong views

Neighbours – nine representations of objection and concern, raising the following issues:

- Flooding
- Drainage
- Sewerage
- Highway safety
- Impact on light and privacy of 2 Foxhill Close and 1Vine Cottages
- Wildlife
- Design and layout
- Should provide open communal space
- Frontage should be landscaped
- Ground stability
- Cumulative impact
- Precedent
- In conflict with The Human Rights Act

The consultation responses can be read in full on the Council's website:

<http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P16/S3399/O>

4.0 **RELEVANT PLANNING HISTORY**

4.1 None directly relevant to this application.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSB1 - Conservation and improvement of biodiversity

CSEN1 - Landscape protection

CSH4 - Meeting housing needs

CSM1 - Transport

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 policies;

C4 - Landscape setting of settlements

C6 - Maintain & enhance biodiversity

C9 - Loss of landscape features

- D1 - Principles of good design
- D10 - Waste Management
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- EP1 - Adverse affect on people and environment
- EP2 - Adverse affect by noise or vibration
- EP4 - Impact on water resources
- EP6 - Sustainable drainage
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- 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 – Section 7 Plots and Buildings

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

The policies within the SOCS and the SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and NPPG and therefore this application can be determined against the relevant policies above.

6.0 **PLANNING CONSIDERATIONS**

6.1 The planning issues that are relevant to this application are whether the development would:

- be in accordance with the Council’s strategy for housing development in rural areas;
- result in the loss of an open space or view of public, environmental or ecological value;
- be in keeping with the character and appearance of the surroundings and maintain the setting of the nearby listed buildings;
- safeguard the living conditions of neighbouring residential occupiers and would provide adequate living conditions for future occupiers of the development;
- demonstrate safe and convenient access and adequate off-street parking provision for the development;
- provide an appropriate mix of housing; and
- give rise to any other material planning considerations

6.2 Principle of Development

Within Appendix 4 of the South Oxfordshire Core Strategy (SOCS) Playhatch is listed as a ‘smaller village’. Within such settlements Policy CSR1 of the SOCS allows for infill housing development on sites of up to 0.2 ha. Infill is defined as ‘the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings’. The site has an area of approximately 0.2 ha and is located within the built up confines of the settlement, with housing located on three sides. In these circumstances the development of the site for housing would be closely surrounded by buildings and would accord with Policy CSR1.

6.3 Paragraph 100 of the National Planning Policy Framework (NPPF) makes it clear that the Sequential Test must be applied when assessing proposals for development in the flood plain. Part of the site lies within Flood Zone 2. The applicant has provided a Flood Risk Assessment, which demonstrates that Flood Zone 2 is limited to the eastern corner of the site. Layout is a reserved matter and officers are satisfied that up to four dwellings could be arranged to be wholly within the part of the site outside of Flood Zone 2. As such, there would be no conflict with the Council's Strategic Flood Risk Assessment and the Sequential Test would not apply.

6.4 Loss of Open Space

Criterion (i) of Policy H4 of the SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt. The site is presently undeveloped, but there is no public access to it. The Countryside Officer has recommended a condition to address any potential impact on ecological habitats. In any public views of the site from Playhatch Road and Foxhill Close, the site is seen in the context of existing residential plots fronting onto Playhatch Road to the south-east and west of the site fronting onto Foxhill Close to the north of the site. Views towards the countryside to the north-east are therefore limited. This criterion would therefore be satisfied.

6.5 Visual Impact

Criterion (ii) of Policy H4 of the SOLP 2011 requires that the design, height, scale and materials of the proposed development are in keeping with its surroundings and criterion (iii) requires that the character of the area is not affected. Policy CSEN1 aims to ensure that the District's landscape is protected. The SOCS Policy CSEN3 seeks to preserve or enhance the District's designated heritage assets, including conservation areas and listed buildings. The SOLP 2011 Policy CON5 sets out the Council's statutory duty to protect the setting of listed buildings. As all matters apart from access have been reserved, at this stage there is only an indicative plan as to where the proposed dwellings might be located. The Council's Conservation Officer has expressed concern about the impact of the dwelling located closest to Playhatch Road upon the setting of the Grade II listed buildings opposite. As this plan is illustrative, it would not be approved if outline planning permission is granted. The applicant agreed to amend the description to "up to" four dwellings to enable greater flexibility in securing an acceptable layout at the reserved matters stage. Officers are reasonably satisfied that the layout and scale of up to four dwellings could be set out in a manner that would address the Conservation Officer's concerns and be in keeping with the appearance of the adjoining dwellings and sympathetic to the character of the surrounding area. The Council's Forestry Officer has verbally confirmed that there are no trees of significant amenity value that would be affected by the proposal and that appropriate landscaping could be secured at the reserved matters stage. As such, the proposed development could comply with the above criteria.

6.6 Residential Amenity Impact

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP 2011 requires that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. Officers consider that a layout of up to four dwellings could be arranged at the reserved matters stage in a manner that would not result in any significant loss of light, outlook or privacy to the occupiers of the adjoining occupiers. Officers are also of the opinion that sufficient garden space could reasonably be achieved for the proposed dwellings to accord with the recommended minimum standards as set out in Section 7 of the SODG 2016. This element of the above criteria could therefore be satisfied.

6.7 Access and Parking

Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Several objections have been received from local residents, concerned about the impact of the proposed access arrangements. However, the Highway Liaison Officer is satisfied that the revised access position would be able to achieve adequate visibility splays. These splays can be secured through a planning condition. Several residents have stated a preference for vehicular access to be taken from Foxhill Close rather than Playhatch Road. However, the visibility at the junction between Foxhill Close and Playhatch Road appears to be substandard looking north and the developer does not have control over the land to the north to enable them to improve visibility. On this basis, the proposal would comply with this element of the above criterion.

6.8 Housing Mix

A planning condition can be imposed to ensure that the reserved matters for the scheme would be designed to secure an appropriate housing mix for market housing, in accordance with Policy CSH4 of the South Oxfordshire Core Strategy and having regard to the Oxfordshire Strategic Housing Market Assessment April 2014.

6.9 Other Material Planning Considerations

Matters relating to sewerage and drainage, archaeology and contamination could be dealt with through pre-commencement planning conditions and informatives. Some local residents have expressed a view that the development should provide on-site public open space. However, on-site public open space or contributions towards off-site public open space are only sought on major residential development with a net gain in excess of ten dwellings. Concerns about precedent and cumulative impact are understood. Nonetheless, it is an accepted planning principle that each application must be assessed on the basis of its individual merits. Matters relating to ground stability would be dealt with under Building Regulations. Concerns have been raised that the proposal would conflict with the Human Rights Act, Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property) and Article 8 (Right to respect for private and family life, home and correspondence). Whilst these rights are a material planning consideration they have to be balanced against all other material considerations and this will be a planning judgment. It has generally been found that these rights would be unlikely to outweigh the importance of having coherent control over town and country planning and that in most cases the courts were unlikely to intervene.

6.10 As an outline application, the proposal is not CIL liable at this stage, but in the event of a future application for reserved matters or a full application being submitted, the proposed dwellings would require a payment based on £150/square metre.

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies and Government guidance and it is considered that, subject to the attached conditions, the proposed development would not result in conditions prejudicial to highway safety. It could also be laid out in a manner that would not materially harm the character and appearance of the area including the setting of nearby listed buildings or the residential amenity of nearby residents and result in satisfactory living conditions for future occupiers of the development and provide an appropriate mix of market housing.

8.0 **RECOMMENDATION**

To grant outline planning permission subject to the following conditions:

1. Development to proceed in accordance with approved plans.
2. Commencement - outline with reserved matters.
3. Levels (details required) prior to commencement.
4. Housing mix to be agreed at reserved matters stage.
5. Schedule of materials to be agreed prior to commencement.
6. New vehicular access.
7. Vision splay protection.
8. Biodiversity mitigation and enhancement strategy to be agreed prior to commencement.
9. Archaeology (submission and implementation of WSI) prior to commencement.
10. Contamination (preliminary risk assessment) prior to commencement.
11. Surface water drainage works (details required) prior to commencement.
12. Foul drainage works (details required) prior to commencement