

APPLICATION NO.	P16/S3709/FUL
APPLICATION TYPE	Full application
REGISTERED	29.11.2016
PARISH	Wallingford
WARD MEMBER(S)	Elaine Hornsby Imran Lokhon
APPLICANT	Soha Housing Ltd
SITE	Shakespeare House, Clapcot Way, Wallingford, OX10 8HS
PROPOSAL	Demolition of existing building, erection of ten dwellings, new access, parking and landscaping.
AMENDMENTS	None
OFFICER	Paul Bowers

1.0 INTRODUCTION

- 1.1 The application is referred to planning committee because the views of Wallingford Town Council differ from the officer's recommendation.
- 1.2 The site lies in a predominantly residential area in the centre of Wallingford. It houses the former youth centre, a single storey building, which has not been used for a number of years and is in a poor state of repair. A Multi Use Games Area (MUGA) lies to the rear of the buildings but the surface is uneven and it is not capable of safe use. A footpath runs along the rear of the site.
- 1.3 Outline planning permission was granted in 2015 under application reference P14/S0309/O for the demolition of the existing buildings and structures on site and the provision of a housing development of at least 7 units. The only element of the development that was fixed and for consideration was the access which was considered acceptable. No reserved matters applications have been submitted and the outline permission runs until the 21 April 2018.
- 1.4 A plan identifying the site can be found at **Appendix 1** to this report.

2.0 PROPOSAL

- 2.1 This applications seeks full planning permission for the demolition of the existing buildings and erection of ten dwellings with associated amenity space and parking.

The housing will take the form of a terrace of three and a semi- detached pair of two storey dwellings running along the frontage with the road. The remaining five units comprise a further terrace of three and a semi-detached pair running north to south at a 90 degree angle to the street frontage properties. Access is in the same location as the 2014 outline planning permission.

- 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 **Wallingford Town Council** – Recommend that planning permission is refused for the following reasons;

- Overlooking of Westgate House.
- Loss of privacy of daylight for neighbouring properties.
- Loss of on street parking.
- Concerns about the site access.

Neighbour Representations - 10 x letters of objection covering the following issues;

- The number of houses exceed 7 as per the previous outline permission.
- Highway safety concerns about extra traffic on the street.
- Inadequate visitor parking.
- Prefer mix of affordable and private housing.
- Over development of the site.
- Proximity of the access to the junction.
- Want to see the houses on the oppsite side of the site and access moved in line with number 31 Clapcot Way.
- Overlooking of 31 Clapcot Way.
- Concern about the number, position and height of the buildings along the boundary 31 Clapcot Way.
- Position of parking and bins store next 31 Clapcot Way.

Oxfordshire County Council Single Response - No objection on highway safety grounds and recommend a series of conditions relating to the access, visibility splays and parking arrangements.

Countryside Officer - No objection.

Drainage Engineer - No objection subject to conditions relating to details of the surface water and foul drainage to be submitted to the council for approval.

Housing Development - No objection

Leisure – Object to the loss of the MUGA but this can be offset with a legal agreement seeking contributions as per the previous outline permission.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/S2618/O](#) - Approved (21/04/2015)

Outline application (access not reserved) for demolition of the existing buildings and structures on site and the provision of a housing development of at least 7 units (including an affordable component) together with access to the site and associated landscaping, parking and boundary treatment.

[P09/W0822/CC](#) - Approved (16/06/2010)

Replacement building to provide youth centre, children's centre and ancillary youth services office accommodation.

[P08/W0912/CC](#) – Withdrawn (03/02/2009)

Demolition of existing single storey youth centre building and erection of new two storey building.

[P08/W0753/O](#) – Withdrawn (05/09/2008)

Erection of four dwellings with access.

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

CS11 - Infrastructure provision

CSQ3 - Design

CSS1 - The Overall Strategy

CSWAL1 - The Strategy for Wallingford

South Oxfordshire Local Plan 2011 policies;

CF1 - Protection of recreational or essential community facilities

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

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

- 5.2 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.

Wallingford Town Council are working towards the adoption of a neighbourhood plan. The neighbourhood plan has limited weight at this stage.

6.0 **PLANNING CONSIDERATIONS**

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

- **The principle of development.**
- **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.**
- **Affordable housing.**
- **Loss of the MUGA**
- **Community Infrastructure Levy.**

- 6.2 **The principle of development.**

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 Policy CSWAL1 of the South Oxfordshire Core Strategy 2027 (SOCS) permits infill development within the settlement and does not prescribe a limit to the size of the site.

Infill development is defined in the Appendix 1 of SOCS 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'*.

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 CSWAL1, are out of date and are given less weight in our decision making.

6.7 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."

6.8 In this case the site is contained within the town, it has a street frontage and is bounded on all four sides by buildings. In my view this is both compliant with Policy CSWAL1 and represents a sustainable form of development for which there is a presumption in favour of permitting.

6.8i Policy CF1 of the Local Plan seeks to protect existing community facilities unless there is a suitable alternative provision made for the facility on a site elsewhere in the locality. The youth centre has been replaced by the new family centre off Wilding Road which is within easy walking distance of Clapcot Way. In addition planning permission has previously been granted that would have resulted in the loss of the facility and therefore the development is not objected to on the basis of the loss of the youth centre.

6.9 **Whether the proposal accords with the criteria of Policy H4 of SOLP.**

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.

6.10 Provision (i) of Policy H4 *states 'an important open space of public, environmental or ecological value is not lost, nor an important view spoilt.'*

The site is a brownfield site, the former youth centre is a single storey building across much of the width of the site and is in a state of disrepair; it is not an important open space and has no particular ecological value.

6.11 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 in not adversely affected.’

Clapcot Way is made up of a mixture of terraced and semi-detached properties. To the east are the properties which front on to St. Nicholas Road which back on to the site and are two storey flats and to the rear beyond the footpath is a two storey residential care home.

There is a clear mixture of type, design and size of buildings in the immediate locality. On the street frontage are a terrace and a pair of semis which in form are in keeping with the established patten of development along Clapcot Way. Whilst the design may differ from the other properties there is sufficient mixture in appearance that the new dwellings will add to the character of the area rather than detract from it.

Where the proposal differs from the surrounding development is that it is in depth extending back in to the plot forming a cul-de-sac. However when looked at in the wider context there are flats to the east, a care home to the south and residential properties on either side of Clapcot Way. In addition the character of the area also includes the existing single storey youth centre buildings and land. In my view the addition of a cul-de-sac in this location will not cause any significant material harm to the character of the area given the wider mix of buildings and development.

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

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.

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

- 6.14 **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.

- 6.15 Condition 5 of the outline planning permission stated that the total number of dwellings shall not exceed 7. The condition was not imposed, as some of the objections suggest, because of either highway safety issues or that the site could not physically take additional units but rather because the description of the development on the application said it was seeking permission for ‘...**at least 7 units**’ but did not provide fixed proposals about how this would be achieved in that the layout shown as part of that application was illustrative.

The council imposed the condition to avoid any ambiguity and to ensure that any subsequent reserved matters application tied up with the outline permission. It was also to ensure that there could be no implication that more dwellings could be accepted at a later date on the site because of the use of the term ‘**at least**’ in the development description. This was specifically to protect local amenities.

- 6.16 This application is in full and includes all the details of siting, design scale and layout to enable the council to determine whether the proposed development of 10 units is acceptable.

- 6.17 To assist in making that assessment the South Oxfordshire Design Guide sets out the minimum amount of private amenity space for dwellings. For 3 bedroom properties and above they should be providing for at least 100 square metres, for 2 bedroom there should be 50 square metres and for 1 bedroom properties 35 square metres.
- 6.18 The dwellings all provide for meaningful and useable garden space. With the exception of Plot 1 which exceeds 100 square metres the remaining properties all slightly under provide in terms of garden space. However the amount that each are under providing is not significant in my view and, as can be seen on the layout plan, the garden areas do not appear cramped or overly small.

In addition this issue needs to be looked at in the round and overall I conclude that in terms of the planning balance the slightly substandard garden areas does not outweigh the presumption in favour of sustainable development and the benefit that would be brought by permitting 10 affordable units in Wallingford.

6.19 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.

- 6.20 The most affected property by the development is number 31 Clapcot Way to the east. That property will have Plot 1 sitting alongside it extending westward on the road frontage and Plots 6-10 abutting the western side boundary of the rear garden.
- 6.21 There will undoubtedly be an impact to number 31 from the development. The position of Plot 1 alongside has the least impact in my view. Whilst it is understandable that the occupants of number 31 are concerned about the position of the building, the parking and the bin store in such close proximity to 31 this is a side by side relationship which in entirely common in a street relationship. A condition is proposed which seeks to ensure that first floor side window does not directly overlooking the most private amenity area of the rear garden of number 31 by having it be obscure glazed.
- 6.22 Plots 6-10 extend southward and the rear gardens of these properties bound the side of number 31. The rear walls of the properties exceed 10 metres from the shared boundary. There will be an impact from the height, mass and extent of buildings so close to the boundaries. In addition the first floor windows will overlook the rear half of the garden. This relationship however is the same as any property which sits at the junction of a road with properties on an adjacent road being positioned at a 90 degree angle. The overlooking will only be direct over the rear most portion of the garden. There is an existing outbuilding within the garden of 31 which will assist in mitigating some degree of overlooking back toward the house which is the private most area of a garden. Views toward the house will be oblique rather than direct. Although in this case I accept that is not how the current occupants use their garden the rear half of a garden carries less weight in the planning balance than the normal siting out area next to the house itself.
- 6.23 The occupants of 31 Clapcot Way and the Town Council have requested that the development be 'handed' in that the layout would change so that the access runs along the boundary with number 31 and the rears of Plot 6-10 then face the western boundary toward the flats on St Nicholas Road. This has been considered but the window to window distance from the flats to Plot 6-10 would be below the minimum standard of 25 metres and result in direct overlooking in to first floor windows in the

flats. This would be more harmful than the impact caused by overlooking of the rear half of the garden of number 31 in my opinion.

- 6.24 There is also concern about noise and disturbance from the gardens of Plot 6-10 to the occupants of number 31. In this respect I have to consider the development in the context of the lawful use of the existing site which as youth centre with a MUGA would have created a degree of noise and disturbance which in my opinion is comparable if not greater than would be created by the proposed gardens.
- 6.25 Objection has also been received from the care home on the basis of overlooking. However the only window at first floor level serves a stair well and a condition is proposed to ensure that this is obscure glazed.
- 6.26 There is clearly a neighbour impact particularly to number 31 Clapcot Way. In my view when this harm is weighed in the planning balance against the presumption in favour of sustainable development and considering this is a development for 100% affordable housing I conclude that the degree of harm does not significantly and demonstrably outweigh the benefits the development will bring.

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 2015 outline planning permission included only one fixed element to the proposal; the access. This was considered acceptable in relation to a scheme for 7 units. This proposed development includes the access in the same position to that which was approved in 2015 but for three additional properties.
- 6.29 There are concerns locally about the position of the access relative to the junction of Clapcot Way with St. Nicholas Road and the vision splays that are possible at the new access.
- 6.30 The Highway Authority consider that in terms of the location of the access relative to the junction, the likely speeds of vehicles coming from the west toward the junction and vehicles coming from the junction, that the vision splays are adequate. In addition the difference in vehicle movements from 3 additional dwellings over and above what has been approved does not amount to severe harm.

6.31 Affordable Housing.

The threshold of the number of units for triggering the provision of affordable housing is 11 units. This development seeks permission for 10 and as such it would not normally require the provision of affordable housing. However in this case the applicant is SOHA, a registered social land lord and partner to the district council and they are proposing the development be 100% affordable housing.

The threshold for securing this through a section 106 agreement is also 11 units and therefore there is no mechanism that will allow the council to control this. However, this

development stands on its own and in my view would be acceptable without the affordable housing being added to the planning balance.

Loss of the MUGA.

At the rear of the site is an existing MUGA. It is not in use at the moment and has not been used for a considerable amount of time. The outline permission in 2015 was subject to a section 106 agreement that sought a financial contribution from the developer toward the maintenance of a MUGA in the locality to offset the loss.

Since 2015 the council has adopted the Community Infrastructure Levy (CIL). When a charging authority (the council) introduces the levy, section 106 requirements should be scaled back to those matters that are directly related to a specific site, and are not set out in a Regulation 123 list.

A Regulation 123 list sets out those things which are to be funded through CIL. and Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by CIL. The council's 123 list sets out that infrastructure for recreation, sports and leisure facilities other than those for site specific requirements (i.e. sites that would generate a need for such infrastructure) can only be secured through CIL and not Section 106 agreements as was the case in 2015. This application is not therefore subject to a section 106 agreement in the same way as the previous outline permission was as this is no longer possible following the adoption of CIL.

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 dwellings and incurs an amount of **£134,784.00**. As the development provides affordable housing the applicants are able to apply for a social housing exemption. This has not been applied for so far and can be applied for following the grant of planning permission but prior to the commencement of development.

7.0 CONCLUSION

7.1 The proposal will create 10 new dwellings in a sustainable location and accords with paragraph 14 of the NPPF which sets out the presumption favour of sustainable development.

Whilst it is accepted that there will be an impact to the amenities of adjoining properties – particularly number 31 Clapcot Way and to the overall character of the area, the resulting harm is not significant and does not outweigh the benefit of providing 10 new homes whether they are affordable or not. The site affords for adequate levels of parking and garden space.

Overall the proposal accords with development plan policies.

8.0 RECOMMENDATION

8.1 **To grant planning permission subject to the following conditions:**

1. Commencement three years - full planning permission.
2. Approved plans.
3. Schedule of materials.
4. Withdrawal of permitted development (Part 1 Class A) - no extensions etc.
5. Withdrawal of permitted development (Part 1 Class E) - no buildings etc.
6. New vehicular access.
7. Close existing access (a).
8. Vision splay dimensions.
9. Roads and footpaths prior to occupation.
10. Plan of car parking provision (specified number of spaces).
11. Construction traffic management.
12. No surface water drainage to highway.
13. Surface water drainage works (details required).
14. Foul drainage works (details required).
15. Obscure glazing.

Author: Paul Bowers
E-mail : paul.bowers@southandvale.gov.uk
Contact No: 01235 540546

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