

APPLICATION NO.	P16/S4177/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	21.12.2016
PARISH	CHOLSEY
WARD MEMBER(S)	Jane Murphy Pat Dawe
APPLICANT	Mr Matt Fenton
SITE	Bloom Buildings West End Cholsey, OX10 9LR
PROPOSAL	Demolition of a range of existing B8 storage buildings and the erection of five dwellings with associated covered and open parking and amenity space provision (As amplified by Archaeological Desk-based assessment dated November 2016, Asbestos Survey and Tree Survey Report dated November 2016 accompanying email from agent received 15 December 2016 and amended by Drawings 200B,250A and 251A showing replacement and new planting and revised Bat Emergence/Re-entry Report accompanying email from agent received 18 January 2017 and Stage 1 Desktop Study and Walkover Survey Report (Revision 1) accompanying email from agent 24 January 2017)
AMENDMENTS	Drawings 200B, 250A and 251A showing replacement and new planting
GRID REFERENCE	458080/185924
OFFICER	Paul Bowers

1.0 INTRODUCTION

- 1.1 The application is referred to planning committee because the views of the Cholsey Parish Council differ from the officer’s recommendation.

- 1.2 The application site is located some 330 metres to the south-west of the railway line which defines the extent of the built limits of Cholsey village to the south. Vehicular and pedestrian access to the site is possible from the north under the railway line from Westfield Road along a bridleway and from the east.

The site is screened by boundary trees and planting and contains a number of timber clad and metal clad buildings that were likely constructed originally for agricultural purposes but which benefit from lawful B8 use for storage and distribution purposes. The site lies in the North Wessex Downs Area of Outstanding Natural Beauty.

- 1.3 A plan identifying the site can be found at **Appendix 1** to this report.

- 1.4 Members of the planning committee visited the site on the 15 May following the deferral of the application at the planning committee meeting on the 13 March.

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission to demolish the existing buildings and erect five new dwellings with associated parking and amenity space. The mix of properties comprises one x 3 bed, two x 2 bed units, one x 4 bed and 1 x 5 bed dwelling.
- 2.2 The proposal has been amplified during the course of the application with contamination reports, tree surveys, ecological reports and archaeological evaluations.
- 2.3 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 **Cholsey Parish Council** – Recommend refusal of planning permission for the following reasons;

- Poor access to the site.
- Not an allocated site and would set precedent.
- The distance from the village would increase car movements.
- Close to the Benedictine Abbey.
- Concern about lack of mains gas and water supply.

Neighbour Representations – 6 x objections covering the following main concerns;

- Development is too dense.
- Concern about the lack of mains water.
- Harmful impact to the Area of Outstanding Natural Beauty (AONB).
- Change of the rural character of the area particularly for walkers along the bridle path.
- Highway safety concerns.
- Overlooking of Blooms Cottage.
- Drawing attention to a previously dismissed appeal for housing.

OCC Archaeological Services – Awaiting comments on additional information. To be updated at committee.

North Wessex Downs AONB – Some concern about the heights of the garages and light spill.

Contaminated Land Officer - No objection following contamination reports having been provided but recommend conditions.

Countryside Officer – No objection following updated ecological reports having been provided but recommend condition.

OCC Highways Liaison Officer - No objection subject to conditions.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P02/S0178/LD](#) - Certificate of Lawful Use or Development (8/08/2002)
Change of use to B8 Storage or Distribution on the buildings and open storage on land outside the buildings on the site shown edged blue.
- [P97/W0084](#) - Refused (21/03/1997) - Refused on appeal (24/10/1997)
Change of use of redundant farm building to residential (single dwelling).
- [P95/W0157](#) - Refused (12/07/1995) - Approved on appeal (01/07/1996)
Change of use of redundant farm buildings to B1(A) (office use) and demolition of

existing modern barn. (As amended by drawings accompanying agent's letter dated 10 April 1995 and clarified by letter from agent dated 19 May 1995).

[P94/W0553](#) - Approved (21/12/1994)

Change of use of redundant farm buildings to B1(A) office use and demolition of existing modern barn.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF) National Planning Policy Framework Planning Practice Guidance**

South Oxfordshire Core Strategy 2027 policies;

CS1 - Presumption in favour of sustainable development

CSB1 - Conservation and improvement of biodiversity

CSEN1 - Landscape protection

CSQ3 – Design

CSR1 - Housing in villages

South Oxfordshire Local Plan 2011 policies;

G2 - Protect district from adverse development

C6 - Maintain & enhance biodiversity

C8 - Adverse effect on protected species

CON11 - Protection of archaeological remains

CON13 - Archaeological investigation recording & publication

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

EP3 - Adverse affect by external lighting

EP4 – Protection of water resources

EP8 - Contaminated land

H4 - Housing sites in towns/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

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to consider in relation to this proposal are as follows;

- **The principle of development including;**
 - The development plan
 - The neighbourhood plan
 - Housing supply
 - The NPPF
 - Impact on the AONB
 - Sustainability
- **Whether the details of the development is acceptable in relation to Policy H4.**
- **Housing mix.**
- **Plot coverage and amenity space.**
- **Highway impact.**
- **Impact on protected species.**
- **Contamination.**

- **Impact on archaeology.**
- **Neighbour impact.**
- **Community Infrastructure Levy (CIL).**
- **Other issues.**

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

Paragraph 215 of the National Planning Policy Framework (NPPF) provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Other material planning considerations include national planning guidance within the NPPF and National Planning Policy Framework (NPPG)

- 6.2i The change of use will not result in the loss of an employment site. The use of the site as B8 storage does not in itself generate employment. Rather existing businesses will use the site for the storage of goods but the site itself will not be their main base of operation. Therefore the change of use of the site will not directly result in the loss of a site providing employment.

6.3 The Development Plan –

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). Cholesey is defined at Appendix 5 of SOCS as a 'larger village'. Policy CSR1 is the most relevant housing policy within the Core Strategy. It permits infill development within villages. Infill development is defined as the filling of an existing gap on an otherwise built up frontage or on other sites within the settlements where the site is closely surrounded by buildings.

This site is located outside of the confines of the village where development plan policies would not permit new dwellings. The development is therefore in conflict with Policy CSR1.

6.4 The Neighbourhood Plan –

The Cholesey Neighbourhood Plan Area was designated in June 2016. The Neighbourhood Plan is currently at the plan preparation stage of development. At this stage the weight that can be afforded to it in the determination of this planning application is limited.

6.5 Housing supply -

To significantly boost the supply of housing, the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. This supply should include an additional buffer of 5% to ensure choice and competition in the market for land. Alternatively, where there has been persistent under delivery of housing, the buffer should increase to 20% to provide a realistic prospect of achieving

the planned supply.

- 6.6 The most recent evidence base that informs the council's housing requirements is the 2014 Strategic Housing Market Assessment (SHMA). To meet the identified housing need for the district, the SHMA committed economic growth housing forecast is 750 homes per annum. This is a sizable uplift from the requirement for 547 homes per annum set out in the SOCS.
- 6.7 Based on the evidence in the SHMA and past delivery, the council has a housing land supply in the region of 3.8 years (including the 20% buffer for under delivery). Therefore the council cannot currently demonstrate a 5 year housing land supply.

In these circumstances, Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing land and the 'presumption in favour of sustainable development' should be applied. Policy CSR1 clearly relates to housing supply and is not up to date. Therefore the fact that the development conflicts with Policy CSR1 is not in isolation a simple reason to refuse planning permission.

6.8 The NPPF -

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.**

Policy CS1 of the SOCS echoes the provisions of Paragraph 14 of the NPPF. Policy CSS1 of the SOCS sets out the overall development strategy for the District and advises that proposals should be consistent with the overall strategy of focusing major new development in Didcot; supporting the roles of Henley, Thame and Wallingford by regenerating town centres and providing new housing, services and infrastructure; supporting the 12 larger villages of the District as local service centres; supporting the smaller and other villages by allowing for limited amounts of housing; and outside of the above areas, any changes will need to relate to very specific needs.

- 6.8i Paragraph 17 of the NPPF which sets out the core planning principles encourages the effective use of land by reusing land that has been previously developed.
- 6.9 Footnote 4 (formerly Footnote 9) of Page 4 of the NPPF introduces the specific policies in the NPPF that indicate development should be restricted. Amongst these are policies relating to Areas of Outstanding Natural Beauty which are considered under paragraphs 115 and 116 of the NPPF.

Para. 115 states that great weight should be given to conserving landscape and scenic beauty in AONB's as they have the highest status of protection.

Para 116 states that planning permission should be refused for major developments in these designated area except in exceptional circumstances.

6.10 Impact on the AONB -

In assessing whether Paragraph 116 is engaged it needs to be established whether the development constitutes major development in the AONB. In this context, the NPPF definition of “major” development is not the same as the “ten houses or more” definition used for classifying application types in the Development Management Procedure Order.

The use of the word “major” in the NPPF is a more relative term and it is through case law that the quantum of what constitutes major development in the AONB has been determined. Case law to date indicates that factors such as the size of the development relative to the existing settlement and the severity of the development’s impact on the landscape are all factors in the assessment of what represents “major” development in the AONB. In this case the indicative proposal is for 5 detached dwellings. In officers’ view this quantum of development would not be major development for the purposes of para 116 of the NPPF.

This leaves us therefore with para. 115 and the impact the development would have on the AONB.

6.11 In assessing this impact I have considered the South Oxfordshire Landscape Assessment which identifies this site as being located within Character Area of Wessex Downs and Western Vale Fringes and is defined as Flat Open Farm Land on the border with Amenity Landscapes. The key characteristics of which are that the area is distinctively flat with a rural and remote character.

6.12 In considering the impact to the AONB I have had regard to the scale, design and appearance of the existing buildings and their authorised B8 use which is low key at the moment but could intensify should the site be sold on.

I am also mindful of the overall size and bulk of the buildings. In addition the site is extremely well screened and only in small section on the eastern boundary are views possible in to the site.

The proposed dwellings are to be sited in the same general position as the existing buildings and in terms of height will be comparable to the existing structures. The design of the buildings also reflects the general agricultural appearance of the existing buildings.

The North Wessex Down AONB have commented about potential light spillage. The existing use could potentially create some degree of light spillage for which the council would have not control. However given the sensitivity of the site a condition is proposed that will seek a scheme to be submitted showing external lighting.

Weighing this all on the planning balance I conclude that the harm to the wider landscape of this area of the AONB will be limited. As such paragraph 115 does not outweigh the presumption in favour of sustainable development, in terms of paragraph 14, and it is therefore engaged.

6.13 The question is therefore is whether the proposed development constitutes sustainable development.

At paragraph 7, the NPPF identifies three dimensions to sustainable development which include **economic, social and environmental** considerations. It states that

these roles should not be undertaken in isolation as they are mutually dependent.

6.14 *Economic Dimension –*

The proposal will provide additional housing where there is an identified requirement to increase housing targets and boost housing supply. Even though the development provides for 5 units it will make a small contribution to the overall supply of housing and this cannot be dismissed out of hand. The associated construction jobs and local investment during its build out as well as longer term expenditure in the local economy will be of economic benefit to the local area.

The proposal will also help meet the requirements under Policy CSS1 for smaller villages by facilitating growth which supports the provision and retention of local services. The proposal therefore has economic benefits and no significant and demonstrable adverse impacts.

6.15 *Social Dimension –*

Cholsey is a sustainable location and includes a trains station, church, Tesco Express and several other shops restaurants and public houses.

Although the site is outside of the settlement, which is well defined to the south of the village by the railway line, it is still a relatively sustainable location. It is 577 metres by foot to the railway station, 800 metres to the recreation ground and 1000 metres/0.6 miles from the village centre. This is far closer than some dwellings along Wallingford Road to the north of village which are considered within the settlement and properties along Papist Way and in the new Cholsey Meadows Development.

Furthermore, the site is located where there are realistic transport alternatives to the car with pedestrian links from the site to bus services to Wallingford and Oxford and access to the rail network via the Cholsey station.

The development will provide housing and increase housing choice and availability in a sustainable location where there is an identified requirement to increase housing targets and boost housing supply.

6.16 *Conclusion in respect of the principle of development –*

In your officers view the site comprises previously developed land and the location of the site, the proximity to existing services within the village and availability and access to public transport to the wider county and region in conjunction with the social, environmental and economic benefits I conclude that this proposal does constitute a sustainable form of development. Therefore unless there are significant and demonstrable adverse impacts from the development the presumption is in favour of granting permission for the development and the principle of housing on this site is acceptable.

The remaining sections of this report consider the proposal in detail in terms of whether there are adverse impacts generated from the development that would outweigh the benefits that it would bring.

6.17 **Whether the details of the development is acceptable in relation to Policy H4.**

If a proposed housing development is acceptable in principle then the detail of the proposal is normally assessed against the criteria of Policy H4 which deals with new housing in settlements. However this site is not in the settlement and therefore it does not strictly apply to this case. The policy does provide a good framework for assessing the detail of a development and therefore I have used the criteria of H4 below to

determine the impact of the development.

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

This is a previously developed site and does not comprise an important public open space.

In terms of the environmental and ecological impacts these are dealt with separately in detail at paragraphs 6. and 6.

Whilst the tops of the existing buildings are partially visible in long views from the east and south east and through the boundary treatments from the adjacent bridle path the site is well screened. The development will not therefore spoil an important public view.

- 6.19 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.’***

The NPPF states that good design is a key aspect of sustainable development and is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (paras 56 and 57).

The existing buildings reflect their current authorised use, and former agricultural use, in terms of their scale, appearance and materials. In this respect they are fairly typical of buildings found in isolated rural locations throughout the countryside. The appearance of the new dwellings have been designed in such a way that they reflect the appearance and likeness of agricultural buildings.

Although the appearance of the site will alter, the wider impact of this change will not be significant in my view. This is due to the level of screening that exists around the site boundaries and the way in which the buildings have been sited and designed relative to the existing buildings. I conclude that the limited harm the development would cause would not outweigh the benefits the development would bring.

- 6.20 ***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.

- 6.21 **Housing Mix.**

Policy CSH4 of the SOCS seeks an appropriate mix of dwelling types and sizes. This is to ensure that there is a satisfactory provision of smaller units across the district.

The development provides for one x 3 bed, two x 2 bed units, one x 4 bed and 1 x 5 bed dwelling. This is a good range of dwelling types with a larger proportion of smaller 2 bed units. In my view this provides for an adequate mix in line with the objectives of Policy CSH4.

6.22 Plot coverage and amenity space.

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.

6.23 The South Oxfordshire Design Guide sets out the minimum amount of private amenity for 3 bedroom units and above at 100 square metres and for 2 bedroom units is 50 square metres.

The layout of the development ensures that all of the units exceed this minimum amount.

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. All five properties demonstrate that they are able to provide the required garden and parking provision and in my view this does not amount to an over development of the site.

6.24 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 closest dwelling to the development is Bloom Cottage to the south west of the site. The position of the nearest building labelled E of the site plan is located to the north. As such it will not give rise to overshadowing and loss of sunlight.

The new dwelling does include windows in the south west facing elevation. These would have oblique views toward Bloom Cottage at a distance of some 30 metres through the tree lined boundary. In my view this does not result in harmful degree of overlooking to the point that the proposal would amount to unneighbourly development.

The dwelling house at The Paddocks to the north is so far away that the new buildings will not result in a materially harmful impact.

Overall I conclude that the development is acceptable in neighbour impact terms.

6.25 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.

6.26 The proposal seeks the demolition of a range of B8 storage buildings and the construction of five residential units. Although the level of use of the building is low at present this could increase at any point and generate a number of vehicle movements a day with of sizable vehicles.

The site is accessible from the north and the south east. Given the characteristics of the carriageway, vehicular traffic and speeds are likely to be low. The proposal is unlikely to result in any significant intensification of transport activity at the property. No change is

proposed to the existing access arrangements. The proposal is unlikely to have a significant adverse impact on the highway network.

The vehicle movements associated with the proposal in terms of the previous/existing usage of the site does not present “severe harm” as required in the recent Government guidelines in the Nation Planning Policy Framework to warrant a recommendation for refusal.

6.27 Impact on protected species.

The habitats present on site are not considered to be a constraint to this application, being comprised mainly of ruderal growth, hardstanding, buildings and hedgerows which are not classified as important under the Hedgerow Regulations 1997. Certain features on site, such as the buildings, are associated with protected species.

Two species of bats have been found to be roosting in Barn/Building 3. Additional ecological information (Bat Emergence/Re-Entry Survey Report, Enzygo Ltd, 18/01/2016). The Councils Ecologist is satisfied that the bat activity surveys were conducted in accordance with best practice and I agree with the conclusions of the report. I consider that the implementation of the proposed mitigation and enhancement, subject to the grant of a European protected species licence from Natural England, would be sufficient to bring this application in accordance with Policy CSB1 of the SOCS, and Policies C6 and C8 of the SOLP.

6.28 Contamination.

Policy EP8 of SOLP seeks to ensure that development on contaminated land is not permitted unless the contamination is effectively treated to prevent any harm to human health and the wider environment.

6.29 As originally submitted the application was accompanied by a Stage 1 Desktop Study and Walkover Survey Report. This report was written in the absence of knowledge on the intended development and made recommendation for further contaminated land investigations after identifying several potential contaminated land sources.

6.30 A further revised report was submitted during the application. This report identifies potential sources of land contamination that could impact the development making recommendations for intrusive investigations. To ensure that any land contamination that could impact the development is addressed, the Council’s Contaminated Land Officer recommends that any planning permission is subject to conditions that require a phased risk assessment be carried out and each phase shall be submitted to the council for approval. The second phase requires a comprehensive intrusive investigation of the site in order to characterise the contamination present and the third phase a remediation strategy to be submitted and approved. The second proposed condition seeks to ensure that the dwellings are not occupied until the remediation has been carried out in full.

6.31 Impact on archaeology.

The site is located in an area of archaeological potential located within the suggested site of a Benedictine Abbey believed to have been founded in c.986 and destroyed by the Danes c.1006 (PRN 2708). The Victoria County History of Berkshire (VCH Berkshire Vol. 3 (1923) p.297) mentions that Henry I granted the manor to Reading Abbey and an important grange and Abbott's residence was established. There are no structural remains in the area but there are two moats, with one side common to both.

The Oxfordshire County Council Archaeologist recommended that an archaeological field evaluation is undertaken prior to the determination of the application. This has taken place and the findings reported back to the County Council.

6.32 At the time of writing this report I have not received the County Councils archaeologist's comments on the findings. This will be verbally updated at planning committee along with any suggested additional conditions the archaeologists recommends.

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 dwellings and incurs an amount of £59,436.

6.34 **Other issues.**

A concern expressed by a number of the objectors relates to the water supply for properties in the vicinity. The site and adjoining properties are served by a private water supply. Although concerns have been expressed about the capacity the supply has in terms of the new dwellings I have no evidence to suggest that there is a capacity issue. The existing buildings are served by the existing supply and if used to their optimum capacity in terms of their B8 use the demands on water supply would potentially increase and the council would have no control over this situation. It is not therefore considered to be a sufficient justification to refuse planning permission.

However, a condition is proposed as part of this recommendation that requires the applicant to undertake a detailed assessment of the capacity, suitability and adequacy of the water supply serving the development for approval prior to the commencement of development.

7.0 **CONCLUSION**

7.1 The site is located outside of the settlement. The council's current housing land supply position means that the presumption in favour of sustainable development set out in para 14 of the NPPF is engaged unless other policies within the NPPF restrict development. The site is located in the AONB and the NPPF affords great weight to should be given to conserving landscape and scenic beauty in AONB's. However in this case the site is previously developed land with large buildings currently in B8 use. In addition there is significant screening and therefore the overall harm to the AONB is limited. The presumption favour of sustainable development is engaged and this site, although outside of the village is in walking distance of the village facilities and the train station. It is a sustainable location. Any harm to highway safety, archaeology and ecology and human health from potential contamination is controlled through conditions. What limited harm there is does not outweigh the benefit of providing 5 new houses in a sustainable location.

8.0 **RECOMMENDATION**

8.1 That planning permission is granted subject to the following conditions:

1. Commencement three years.
2. The development must be carried out in accordance with the approved plans.
3. Schedule of materials to be submitted for approval.
4. Existing vehicular access shall be improved to Oxfordshire County Council specifications.
5. Parking and manoeuvring areas retained.
6. Construction traffic management.
7. No garage conversion into accommodation.
8. Wildlife protection (mitigation as approved).
9. Contaminated land (preliminary risk assessment).
10. Contaminated land - remediation strategy.
11. Scheme for external lighting.
12. Water supply assessment to be submitted.

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