

APPLICATION NO.	P17/S1599/RM
APPLICATION TYPE	RESERVED MATTERS
REGISTERED	4.5.2017
PARISH	EWELME
WARD MEMBER(S)	Richard Pullen Felix Bloomfield
APPLICANT	Mr P S & Miss J S Dixon
SITE	Land within Eyres Close off Eyres Lane Ewelme, OX10 6LA
PROPOSAL	Reserved Matters application following Outline Approval (P15/S3649/O)
	Consent sought for:- access for off street parking, appearance (i.e. building design), landscaping, layout (i.e. siting within application site) and scale (one pair two storey semi detached dwellings)
	(As amended by plan received 22 May 2017 increasing parking space dimensions and vision splays).
OFFICER	Katherine Canavan

1.0 INTRODUCTION

1.1 The application was deferred from the Planning Committee on 5 July 2017 to provide members with an opportunity to visit the site and assess the details of the proposal having particular regard to site levels. It is also noted that new members of the committee did not take part in the previous site visit which was carried out in October 2016.

NB. Sections 1.1 and 6.8 have been added since the previous report was published to clarify the deferral reason and matters relating to conditions.

1.2 The application has been referred to the Planning Committee because the previous Chairman of the Planning Committee is a neighbour to the site, and has only recently stepped down from the role. He continues to live adjacent to the site and is a ward councillor for the area which includes Ewelme.

1.3 The site sits to the north side of Eyres Close within the Chilterns Area of Outstanding Natural Beauty, and comprises an area of 0.13 ha. It is cleared of all vegetation and has recently been cleared of topsoil, setting the ground level in line with street level. Residential properties within Eyres Close are located to the south of the site; 'The Views' is located to the north; Eyres Lane runs along the western boundary of the site, beyond which is open countryside.

1.4 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 PROPOSAL

2.1 This application is a resubmission of the reserved matters application connected with the outline application ref. P15/S3649/O. The previous application ref. P16/S2114/RM was refused at planning committee on 5th October 2016, and subsequently dismissed at appeal on the following grounds:

- Colour washed render and plain clay tile would appear incongruous in a street

comprising properties constructed of brick and synthetic slate. Subject to the use of more appropriate materials, which could be secured via planning condition, the appeal inspector considers that the design would be compatible with its immediate context.

- The retention of the hedge is required to safeguard the amenity of neighbouring occupants. In order to do so, banking up of the roots will be required, which have been exposed through lowering the ground level. The banking up of earth, combined with the position of the parking spaces, would reduce useable garden space. By locating the two units on the narrowest part of the site, the layout results in a cramped development, when there is sufficient space to design a layout that responds appropriately with the character of the area.

2.2 The reserved matters being considered within this application are:

- Details of the access
- Appearance
- Landscaping, including landscaping levels
- Layout
- Scale of the development, including floor levels
- Additional matters

In addition to these matters, the applicant seeks to discharge the condition requiring landscaping levels, floor levels and drainage details.

2.3 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. The Appeal Inspector’s report on the previous reserved matters application ref. P16/S2114/RM is **attached** at Appendix 3.

Full copies of the plans and consultation responses are available for inspection on the Council’s website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1	Ewelme Parish Council	The proposed position of the driveways would result in severe restriction to the use of the turning area – the PC recommends relocation of the driveways. Substantial planting (in the form of the orchard) is supported – the PC recommends a condition to secure the planting.
	Drainage Engineer (South Oxfordshire - MONSON)	Foul drainage – confirmation of connection required Surface water – submitted details are acceptable.
	Forestry Officer (South Oxfordshire District Council)	No strong views, subject to conditions securing replacement topsoil to deliver orchard planting and landscaping
	Highways Liaison Officer (Oxfordshire County Council)	Holding objection – additional information required on visibility splays and parking space dimensions Following receipt of additional information, the previous concerns have been overcome. No strong views, subject to conditions.
	Environmental Health - Contaminated Land	The Phase 2 Intrusive Site Investigation Report has been reviewed - no significant sources of contaminated land were identified; no risk to human health exists; the laboratory results and gas/vapour monitoring visits revealed no elevated concentrations of potential contaminants with regards to residential development; no sources of land contamination or presence of any elevated landfill gases were identified. No objection.

<p>Objections – responses received from 9 households</p> <ul style="list-style-type: none"> • Poor layout resulting in ‘crammed-in’ houses, small gardens and little amenity space • The layout is unnecessarily cramped, presumably allowing for further development of the site • The lowering of the ground level, and siting of parking spaces, results in the development undercutting nearby hedges and planting • Design of scheme does not mitigate parking congestion or address issues identified in the Appeal Inspector’s report • The appearance, finish and materials are incongruent with the surrounding properties, in particular the steep roofs • The site has already been stripped of landscaping – not sympathetic to the AONB. Full details of landscaping and planting should be provided before permission is granted • It would be useful to have specific dimensions marked on plans
<p>Additional comments relating to associated applications</p> <ul style="list-style-type: none"> • History of the site • Review of appeal decision • Review of definition of infill • Risk to highway safety from increased vehicle movements and additional households • Dangerous access and parking arrangements, opening out onto the turning head • Out of character with the AONB • The development does not contribute to Oxfordshire’s need for affordable housing • Recommend no further development of the site • Residents have requested a meeting with the developer to discuss proposals without success • The series of applications on the site muddies the waters in terms of the applicant’s aims for the site

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P17/S1539/LDP](#) – Currently under consideration – no decision issued yet.
Use of land for open storage (Class B8), incidental or ancillary activity, and positioning a fully mobile Portacabin, caravan, or similar site unit for use as a welfare/rest room

[P16/S3587/FUL](#) - Refused (20/12/2016) – Appeal ongoing
Change of use of land for siting of up to five residential caravans (as amplified by preliminary contaminated land risk assessment received 8 December 2016)

[P16/S2114/RM](#) - Refused (05/10/2016) - Appeal dismissed (20/04/2017)
Reserved Matters application following Outline (P15/S3649/O) for two semi-detached dwellings (as amended by drainage information received 22 June 2016, 1 July 2016 and 11 July 2016).

[P16/S0984/LDE](#) – Certificate issued (06/06/2016)
Open storage of topsoil not exceeding 4000 tonnes

[P15/S3649/O](#) - Refused (20/01/2016) - Appeal allowed (23/05/2016)
Outline application for removal of a stored topsoil mound to facilitate the re-contouring the site to a land form that will approximate with the original ground levels, erection of

two starter homes, restoration of north boundary brick and flint wall and implementation of a scheme of landscaping and landscape repair. (Additional statement submitted by applicant 21 December 2015 to address third party comments).

[SE15/252](#) - (21/07/2015) No breach – case closed.

The allegation is engineering operations without planning permission.

[P15/S0128/O](#) - Withdrawn (08/04/2015)

Outline application for removal of existing topsoil mound. Restoration of north boundary brick and flint wall and erection of 2x2 bedroom starter homes.(As clarified by contaminated Land Questionnaire received on 19 February 2015).

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CSEN1 - Landscape protection (AONB)

CSQ3 - Design

5.2 South Oxfordshire Local Plan 2011 policies

C4 - Landscape setting of settlements

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

G2 - Protect district from adverse development

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

5.3 Neighbourhood Plan policies – Ewelme Neighbourhood Development Plan

Plan area designated and plan being prepared – the plan is in its early stages and currently carries very limited weight.

5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The reserved matters being considered within this application are:

- Details of the access
- Appearance
- Landscaping, including landscaping levels
- Layout
- Scale of the development, including floor levels
- Additional matters

In addition to these matters, the applicant seeks to discharge the condition requiring landscaping levels, floor levels, contamination risk and drainage details (section 6.7).

6.2 **Details of the access**

- 6.2i The access arrangements are shown on DWG 236017 to connect to Eyres Close (opposite no's 2 and 4) and adjoining the turning head. Subject to the access points being SuDs compliant (as amplified by the Permeable Surfaces Method Statement) and implemented in accordance with Oxfordshire County Council Highways Standards, these details have been approved by the Highway Officer.
- 6.2ii The South Oxfordshire Design Guide requires two on-site parking spaces to be provided for 2-bedroom properties with dimensions of at least 2.7m x 5m (where the sides of the space are restricted). Plan DWG 236017 demonstrates that this can be achieved for both dwellings. The Highways Officer has had regard to their positioning within the site and in relation to the turning head, and is satisfied that they would not compromise highway safety. This is subject to the parking provision being in place prior to occupation, and designed to be permeable to avoid drainage onto the highway.
- 6.2iii In the recent reserved matters appeal, the inspector commented on this approach as follows:
*[paras. 15 and 16] The appeal scheme would serve to discourage casual parking within the turning head, but this would improve the chances of vehicles being able to turn and exit onto Eyres Lane in forward gear. In my judgement, the resultant benefit to highway safety would offset the inconvenience arising from the loss of on-street parking.
I therefore find that the proposal would comply with the requirement of Policy D2 of the SOLP that development should incorporate adequate parking. It would also conform to Policy T1 by providing safe and convenient access to the highway network without creating traffic hazards.*
- 6.2iv Although the consultation comments regarding relocating the access points have been noted, there is insufficient justification to require a redesign of these elements when they do not present a risk to highway safety or conflict with policy requirements.

6.3 **Appearance**

- 6.3i In the recent reserved matters appeal, the inspector advised:
[para. 8] The proposed dwellings would contrast with existing housing in the cul-de-sac by reason of their steeper pitched roofs and materials. Although drawn from the local palette, colour washed render and plain clay tile would appear incongruous in a street comprising properties constructed of brick and synthetic slate. That said, I am not convinced that the height of the dwellings would be inherently harmful and the simplicity of form and fenestration would sit comfortably with neighbouring housing. Subject to the use of more appropriate materials, which could be secured via planning condition, I consider that the design would be compatible with its immediate context.
- 6.3ii The proposed materials – bricks which match those used in Eyres Close; upvc windows and doors matching those within the close – are considered to reflect the character of the immediate area in a more sensitive manner, and address the issues raised in the previous refusal reason and reinforced by the appeals inspector. In order to secure the specification of the details and finish, a condition is recommendation requiring a schedule of materials.
- 6.4 **Landscaping**
- 6.4i The landscaping scheme set out in DWG 236017 has been assessed by the Tree Officer. Due to the past soil removal from the site, the area shown to be planted up as an orchard will need to have some replacement topsoil put back and the heavily compacted subsoil broken up. This is to provide suitable growing conditions for the proposed trees. The Tree Officer has approved the proposed landscaping, subject to a

condition securing replacement topsoil (to enable delivery of orchard planting and landscaping), and indicating species of planting, dimensions of trees and soil volume to support their long-term retention.

- 6.4ii With regard to the revised layout, in response to the matters raised at the recent appeal, the Tree Officer has advised that the latest site layout would not cause any foreseeable root damage to the adjacent overgrown beech hedge / tree line. While the hedging does not present arboricultural merit or significantly contribute to the AONB, the Appeal Inspector clarified that its preservation is necessary to protect the privacy and outlook of the occupiers of The Views. A raised root protection is proposed, along with a low retaining wall to safeguard the hedging along the rear boundary, and a condition is recommended requiring the tree and hedge height on rear boundary to be no less than 4m.

6.5 **Layout**

- 6.5i In the recent appeal decision, the inspector raised the following concerns regarding the layout:

[para 10] I have no reason to doubt that retention of the hedge is feasible, but differences in ground levels inevitably mean that the land at the edge of the appeal site would need to be banked upwards to protect the tree roots. This would take up a proportion of the rear garden depth and thereby restrict the amount of usable garden, particularly for the easternmost unit. To my mind, the proximity of the houses to the boundary at the narrowest part of the site would give the development an uncharacteristically cramped appearance which would be noticeably at odds with the altogether more spacious pattern of development in the cul-de-sac as a whole.

- 6.5ii The South Oxfordshire Design Guide requires 2-bedroom to have at least 50sqm of private amenity space available to occupants. The scheme includes a 2-bedroom dwelling and a 2-bedroom (plus box room). The layout of the site allows for 60sqm and 120sqm of private amenity space respectively, which meets the requirements.

The amended layout incorporates a raised area to bank up the root area of the hedging, while providing 120sqm of useable amenity space. The revisions result in the buildings being located 4m further west, and a more spacious relationship with surrounding buildings and the hedging, and more appropriate in terms of reflecting the character of the close. The revised layout provides parking spaces, garden space, access to the orchard and protection of the hedging, overcoming the previous concerns regarding a cramped appearance.

6.6 **Scale of the development**

- 6.6i The units have increased in footprint from the outline application, but as the principle of residential development on the site has been found to be acceptable at appeal (relating to the outline application), there is no planning policy requirement to restrict their size. In assessing the impact of the increase in their size officers have had due regard for impact on amenity, street scene character and relationship within the plot. The proposal would have no adverse impact on amenity or character and would not result in overdevelopment of the plot.

- 6.6ii In the recent reserved matters appeal, the inspector agreed with this approach and made the following comments:

[Para. 4] The homes would be larger than indicated on the illustrative plan accompanying the outline application but not significantly so, and they would still be suitable for first time buyers. The Council chose to accept the reserved matters application as being compatible with the outline approval and I have no reason to take a different approach.

6.7 **Conditions relating to outline application ref. P15/S3649/O**
6.7i **Landscaping and floor levels – condition 4**

The key levels relating to the development are indicated in the Planning statement and additional information (email: 22 June 2017), and on the Block Plan, summarised as follows:

- The car parking area for the east dwelling will have a finished level of 79.25 AOD.
- The ground level along the hedge line varies between 80.00 AOD and 80.50 AOD. It is therefore proposed that the top of the dwarf retaining wall will be set at 80.25 AOD.
- The landscaping levels associated with the orchard are to be clarified by a detailed landscaping condition, providing details of replacement topsoil and soil volume.
- As indicated in the previous reserved matters proposal, 'The proposed first floor level will be 80.85 AOD. This represents the ground floor level of 78.25 plus 2.40 for standard ground floor room height and 200 mm for first floor construction. ...The first floor levels in [no's 2, 4, 6 and 8] are not dissimilar to the proposed houses.'

Even taking into account the repositioning of the dwellings 4m further west, the ground floor levels of each dwelling will be identical at 78.25 AOD, with first floor levels of 80.85 AOD.

Landscaping levels have been provided on the landscaping plan, in the context of site levels shown on the Block Plan. Appropriate information has been provided to demonstrate the details of the development meet the requirement of the condition.

6.7ii **Drainage details – condition 5**

Drainage details have been submitted in this application and have been considered by the council's drainage engineer. Confirmation has been provided by the applicant that the foul drain will connect to the existing drainage system within No 8 Eyres Close and a legal right of drainage exists. From No 8 the system leads to the public sewer in the High Street. In addition, details of the permeable driveway and parking areas have been submitted in the Permeable Surfaces Method Statement.

Sufficient information has been provided to meet the requirements of the condition. The details have been signed off by the council's drainage engineer, subject to the following condition: No surface water to drain to highway.

6.7iii **Contamination risk – condition 6**

The Phase 2 Intrusive Site Investigation Report has been reviewed by the Contamination Officer. The report concluded that no significant sources of contaminated land were identified; no risk to human health exists; the laboratory results and gas/vapour monitoring visits revealed no elevated concentrations of potential contaminants with regards to residential development; and no sources of land contamination or presence of any elevated landfill gases were identified. With respect to contaminated land the contamination Officer considers the site to be suitable for the intended residential development and has no objection to the contaminated land condition being discharged.

6.8 **Conditions relating to current reserved matters application ref. P17/S1599/RM**

6.8i Further to the request for a committee site visit, the following queries have been raised regarding conditions to be attached the decision notice, in the event that permission is granted.

6.8ii **Clarification of site levels**

Landscaping and floor levels were required by condition for the outline application. Sufficient information has been provided as part of this application to discharge the conditions.

In relation to the parking levels and the practical implementation of the parking areas, a section plan is recommended to demonstrate the site levels and parking areas in relation to the surrounding ground levels. This can be incorporated into the current application and committee presentation. However, this clarification is considered to be supplementary information to demonstrate practical implementation, rather than there being a planning justification and condition for the site levels to be implemented at a specific height.

Conditions 2 (in accordance with plans), 3 (parking provisions and SuDs compliant) and 4 (no surface water to drain to highway) secure the provision of the parking spaces and dimensions, while the retaining the required buffer to safeguard the boundary screening.

6.8iii **Height of screening**

Condition 9 requires 'Tree and hedge height on rear boundary to be no less than 4m' in order to safeguard the amenity of The Views to the rear. This would be measured from the base of the tree. The full wording of this condition is as follows:

The existing hedge along the whole of the northern boundary of the land, as indicated at point 12 on dwg 236017 shall be retained and properly maintained at a height of not less than 4 metres and any plant which may die or be seriously damaged or destroyed within 5 years of the completion of the development shall be replaced and the replacement shall be properly maintained.

Reason: To safeguard the natural screening along the boundary and the amenity of neighbouring occupants in accordance with Policies G2 and D4 of the South Oxfordshire Local Plan 2011.

6.8iv **Restoration of wall**

It is noted that the landscaping plan associated with the previous reserved matters application was annotated to show 'Existing brick and flint wall retaining wall to be made good'. While there are no heritage designations to safeguard the wall, it serves as necessary boundary treatment between the proposed rear gardens and The Views. On this basis a condition is recommended is require the existing brick and flint wall to be made good prior to the first occupation of the dwellings.

6.9 **Community Infrastructure Levy**

The CIL charge applied to new build residential development is £150 per square metre (adjusted to £156 as per indexing figure January 2017) in Ewelme. 15% of the CIL payment will go directly to Ewelme Parish Council (in the absence of an adopted Neighbourhood Plan) for spending towards local projects.

In this case the development would result in the provision of 190sqm of new residential floorspace. The relevant forms have been submitted to allow the Council to collect the CIL payment. However, the applicant will be required to submit notice of commencement before begins, along with any request for exemption.

7.0 CONCLUSION

- 7.1 Your officers recommend that planning permission is granted for the reserved matters on the basis that the details of the access, appearance, landscaping, layout and scale have been provided in full and accord with the requirements of the relevant Development Plans policies. Sufficient detail has been submitted in respect of drainage, landscaping levels and floor levels and contamination risk to approve conditions 4, 5 and 6 of the outline application, subject to the work being carried out with the details hereby approved.
- 7.3 Subject to the recommended conditions, the proposal accords with the National Planning Policy Framework (2012) and National Planning Practice Guidance (2014), South Oxfordshire Core Strategy (2012), South Oxfordshire Local Plan (Saved policies, 2011) and the South Oxfordshire Design Guide (2016).

8.0 RECOMMENDATION

- 8.1 **That reserved matters approval be granted subject to the following conditions:**

1. **Work to commence within two years.**
2. **In accordance with approved plans and supporting documents.**
3. **Parking provision prior to occupation, and SuDs compliant.**
4. **No surface water to drain to highway.**
5. **In accordance with vision splays shown on plans.**
6. **Schedule of materials.**
7. **Permitted development rights removed – extensions, outbuildings.**
8. **Landscaping plan – indicating species, dimensions and soil volume.**
9. **Tree and hedge height on rear boundary to be no less than 4m.**
10. **Prior to occupation, existing brick and flint wall retaining wall to be made good.**
11. **Construction - hours of working.**

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