

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, and plan received 28 June 2017 correcting scale on plan, and as amplified by section plan across parking area, topographical survey and clarifying information received 10 July 2017, and as amplified by email clarifying tree buffer zone and hedging received 27 July 2017).

OFFICER Katherine Canavan

1.0 INTRODUCTION

- 1.1i The application has been referred to the Planning Committee because the previous Chairman of the Planning Committee is a neighbour to the site. The change in role only occurred relatively recently and he continues to live adjacent to the site and is a ward councillor for the area which includes Ewelme.
- 1.1ii The application was originally 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 was also noted that newer members of the committee did not take part in the previous site visit which was carried out in October 2016.
- 1.1iii The application was deferred again at the meeting on 19 July 2017. Following the site visit, some works were carried out on the site on 17 July 2017, including the raising of levels and creation of two parking spaces, construction of timber retaining wall adjacent to tree screening, and removal of further 4m section of tree screening. It was therefore necessary to defer consideration of the case to allow the impact of these matters to be assessed in the context of this application. Officers have considered the impact of these works within this report.
- 1.2 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 was cleared of all vegetation and topsoil in august 2016, 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.

The site is located within the Chilterns Area of Outstanding Natural Beauty – land immediately to the west of Eyres Lane is outside the AONB.

The Highway Liaison Officer (OCC) has confirmed that Eyres Close is adopted highway.

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 planning application ref. P15/S3649/O. The previous application reference P16/S2114/RM was refused by the planning committee on 5 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.
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Drainage Engineer (MONSON)	Foul drainage – confirmation of connection required Surface water – submitted details are acceptable.
Forestry Officer	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.

Objections – responses received from 9 households

- 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

Additional comments relating to associated applications

- History of the site
- Review of appeal decision required
- Review 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).

[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
The Ewelme Neighbourhood Plan area was designated in May 2017 and plan is in the early stages of being drawn up. The plan is still being prepared and has not yet reached 'pre-submission consultation'. As such, it currently carries very limited weight.

5.4 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 Block Plan DWG 236017 to connect to Eyres Close (opposite no's 2 and 4) and adjoining the turning head. 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). Block Plan DWG 236017 and Section Plan dwg 237117 demonstrate that this can be achieved for both dwellings, and measurements were checked and confirmed on the site visit. While the early implementation of the parking spaces is not condoned, the spaces do accord with details shown on plans and meet the parking standards.

6.2ii 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 approach is reinforced in the recent reserved matters appeal, in which the inspector commented:

[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.

6.2iii 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.

This is subject to the parking provision being accessible via dropped kerb, and permeable to avoid drainage onto the highway. 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.

6.3 **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 In February 2015, tree screening / hedging ran along the full length of the northern boundary. Works to the trees and hedging were carried out by the applicant in November 2016, removing a large part of the screening and opening up the section running along The View's driveway. The site is not in a conservation area, and the trees are not protected by a TPO, and therefore the work to remove the screening could be carried out without conflicting with any planning restriction.

- 6.4ii In terms of justifying natural screening along the boundary, the inspector sets out in Paragraph 9 of the recent appeal report:
'The hedge does not make a significant contribution to the scenic qualities of the AONB or the appearance of the locality, but its preservation is necessary to protect the privacy and outlook of the occupiers of The Views.'

When the appeal inspector considered the tree screening / hedging in February 2017, only the remaining section in front of The Views was in place but had been reduced in height to 4m. The appeal inspector specifically refers to safeguarding the outlook and privacy of the occupants of The Views, which relates to this section only, not the full length along the boundary. The previous screening ran alongside the driveway, which would be less vulnerable to overlooking or loss of privacy, and the front of The Views.

- 6.4iii Block Plan dwg 236017, submitted with the application, indicates the existing beech hedge (along the full length of the northern boundary) is to be retained. While the existing hedge has largely been removed already, a hedge along the length of the boundary is shown on Block Plan dwg 236017, and details are included in the email received 25 July 2017. These elements should be secured by condition.

- 6.4iv Since the site visit on 17 July 2017, a further 4m section of screening has been removed in front of The Views. As this contributed to amenity / screening for The Views, and was referred to in the inspector's decision, a condition is recommended, which differentiates between a) the hedging to serve as screening with The Views and b) hedging to safeguard the amenity of the future occupants. The recommended wording for this conditions is:

'Notwithstanding the annotations on Block Plan dwg 236017, hedging shall be planted to provide continuous screening along the northern boundary of the site.'

The hedging scheme shall be implemented prior to the first occupation of either dwelling or within 12 months of the commencement of the approved development. In addition a 13m section along the boundary and adjacent to the buffer area marked as 'point 11' on Block Plan dwg 236017 shall be implemented within the same timeframe and properly maintained at a height of not less than 4 metres. All other hedging along

the northern boundary shall be maintained at a height of not less than 2.5 metres.

In the event of any of the trees or shrubs, so planted, dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.'

- 6.4v The landscaping scheme set out in DWG 236017 has been assessed by the Tree Officer. With regard to the revised layout, 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. He has advised that the species of hedge set out in the agent's email received 25 July 2017 [Quickthorn, Buckthorn, Dog Rose Hazel and Sweet Briar Rose, but avoiding Alder] are appropriate to the garden areas, and compatible with the proximity to the wall, and can be maintained at a height of 2.5m. These details can be secured through the landscaping condition (condition 9).
- 6.4vi 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.
- 6.5 **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 amended layout incorporates a retaining wall around the root area of the hedging, protected by timber fencing, and at a higher level than the parking area. The dimensions of the parking space and tree buffer are shown on Block Plan dwg 236017 and Section Plan dwg 237117, and are amplified by the agent's email received 25 July 2017.
- It is noted that the 3m separation distance between the trees and the parking bays (across the buffer zone) is shown on the section plan, and represents a particular section through the site. The Block Plan (and as amplified by the email received 25 July 2017) show that the buffer will measure 1.8m at the eastern end and 3.75m at the western end. Advice from the Tree Officer has been sought on the method to safeguard the screening. He has advised that, as shown on plans, the timber retaining wall would sufficiently protect the root area and safeguard the screening.
- 6.5iii 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. This measure for protecting the hedge has been implemented, while allowing sufficient space to accommodate 120sqm of useable amenity space.

The applicant conducted some work on the site at his own risk. This work has however demonstrated that the site levels, parking bays and root protection buffer can all be accommodated on the site, without compromising parking provision, private amenity space or the more significant natural screening.

6.5iv 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.

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 (received by email dated 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 consultant. 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 **Additional matters**

6.8i **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 front driveway of The Views. On this basis a condition is recommended requiring the existing brick and flint wall to be made good prior to the first occupation of the dwellings.

6.8ii **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.

7.2 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. **Access and dropped kerb in accordance with local highway authority standards.**
5. **No surface water to drain to highway.**
6. **In accordance with vision splays shown on plans.**
7. **Schedule of materials.**
8. **Permitted development rights removed – extensions, outbuildings.**
9. **Landscaping plan – indicating species, dimensions and soil volume.**
10. **Screening hedge to be no less than 4m; other hedge on northern boundary replaced and no less than 2.5m.**
11. **Prior to occupation, existing brick and flint wall retaining wall to be made good.**
12. **Construction - hours of working.**

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