
APPLICATION NO.	P17/S1907/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	26.5.2017
PARISH	DORCHESTER
WARD MEMBER	John Cotton
APPLICANT	Michelle Briggs
SITE	Belcher Court, Martins Lane, Dorchester-on-Thames, OX10 7RB
PROPOSAL	Demolish existing flats and erect four dwellings (As amplified by Drawing P02B, P03A, P04A, P09A showing visibility and altering parking arrangements accompanying e-mail from agent received 2 August 2017)
OFFICER	Paul Bowers

1.0 INTRODUCTION

1.1 The application is referred to planning committee because the views of the Dorchester on Thames Parish Council differ from the officer's recommendation.

1.2 The application site comprises an existing 1970's two storey block of eleven flats and bedsits located within the built up limits of Dorchester on Thames. The site is adjacent to the Dorchester on Thames Conservation Area and within the Oxford Green Belt.

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

2.0 PROPOSAL

2.1 The application seeks full planning permission to demolish the existing block of flats and erection of four dwellings – 3 x 3 bed units and 1 x 4 bed unit. Two link detached dwellings front on to Martins Lane and the other two to the north front Belcher Court.

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 **Dorchester Parish Council** – Recommend Refusal of Planning Permission for the following main reasons;

- Loss of affordable housing within the village.
- Reduction in the number of smaller units within the village.

Neighbour Responses – 5 members of the public have submitted objections to the application covering the following concerns;

- Disruption and damage to adjoining properties from noise and dust during demolition and construction works.
- The development will detract from the setting of the character and appearance of the conservation area.
- Loss of affordable housing within the village.
- Concern about inadequate levels of on site parking provision.
- Development is too large.
- Position of the electricity junction box.

Countryside Access - No strong views but seeks to ensure that no obstructions are made to the Dorchester footpath 10.

Highways Liaison Officer - No objection subject to conditions (as set out in section 8.2 of this report)

Countryside Officer- No objection

Conservation Officer – No objection subject to conditions.

Waste Management Officer - No objection.

Housing Development - No objection to the loss of affordable housing on the site.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P70/M0214](#) - Approved (05/06/1970)

TEN OLD PEOPLE'S FLATS AND WARDEN'S ACCOMMODATION. ACCESS.

5.0 **POLICY & GUIDANCE**

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

National Planning Policy Framework Planning Practice Guidance (NPPG)

South Oxfordshire Core Strategy 2027 (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSB1 - Conservation and improvement of biodiversity

CSEN2 - Green Belt protection

CSH3 - Affordable housing

CSQ3 - Design

CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

C8 - Adverse affect on protected species

CON7 - Proposals in a conservation area

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

GB4 - Openness of Green Belt maintained

H4 - Housing sites in towns and larger villages outside Green Belt

South Oxfordshire Design Guide 2016 (SODG 2016)

Emerging Dorchester on Thames Neighbourhood Plan

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.

Dorchester on Thames Parish Council are working towards the adoption of a neighbourhood plan. Given the stage of preparation the plan cannot be given any material weight in connection with the determination of planning applications.

6.0 PLANNING CONSIDERATIONS

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

- **The loss of affordable housing.**
- **The principle of development.**
- **Whether the proposal accords with the criteria of Policy H4.**
- **Plot coverage and garden size.**
- **Whether the development preserves or enhances the setting of the conservation area.**
- **Impact on the amenities of the occupants of nearby properties.**
- **Impact on highway safety.**
- **Community Infrastructure Levy.**

6.2 The loss of affordable housing.

This development will result in the loss of affordable housing on this site as the development seeks planning permission for 4 houses on the open market. 4 houses is below the threshold of 11 units to trigger the need for affordable housing.

SOHA applied to the council last year to lift the covenant on this site in order to enable redevelopment of housing that is not affordable (social) housing.

The lifting of this covenant could only be agreed if SOHA replaced the lost affordable housing within the district of South Oxfordshire.

SOHA put forward a proposal to replace the affordable housing on a site purchased in Clapcot Way, Wallingford, to be redeveloped with 'general needs' houses for affordable rent.

Wallingford is a sustainable location for the provision of family homes for rent and is just 4 miles from the site at Belcher Court. The Council's planning committee granted planning permission for 10 units earlier this year under application P16/S3709/FUL.

It was agreed by the council that the proposed houses on the site at Clapcot Way would be acceptable re-provision of the small rented sheltered scheme in Dorchester and that the process of lifting the covenant at Belcher Court could be initiated.

6.3 The principle of development in terms of housing policy.

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.

In the case of this application, the most relevant parts of the Development Plan are the Core Strategy (SOCS) which was adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP).

Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

- 6.4 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 the 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.

The council do not have a 5 year 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 the housing elements of SOCS Policy CSR1 relating to housing, are out of date and are given less weight in our decision making.

- 6.5 This means that the presumption in favour of sustainable development is engaged unless, as per foot note 9 on page 4 of the NPPF, the development causes harm and conflicts with other policies within the NPPF which seeks to restrict development such as section 9 that seeks to protect Green Belt land. For the reasons set out in section 6.7 of this report I conclude that there is no material harm to the Green Belt either by way of the development being inappropriate or by being harmful to the openness of the Green Belt.

Although out of date Policy CSR1 permits infill development in settlements. This site is within the established built confines of the settlement and surrounded on three sides by existing buildings. In my view this constitutes infill development as well as being redevelopment within a village.

- 6.6 In my opinion the proposal constitutes a sustainable form of development within a settlement where the council permits infill development regardless of the present lack of a 5 year supply of housing.

6.7 **The principle of development in terms of Green Belt Policy.**

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is set out in Section 9 of the NPPF.

The five purposes of the green belt are;

- to check the unrestricted urban sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and

other urban land.

In addition there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt.

The NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt except for the following purposes;

- Agriculture and forestry.
- Appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the green belt and don't conflict with the purposes of including land in it.
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- The replacement of a building where it is in the same use as the existing and is not materially larger.
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan or;
- **Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.**

- 6.8 Policy CSEN2 of SOCS and GB4 of SOLP seek to protect the Green Belt and makes it clear that planning permission will not be granted for development within the Green Belt that is contrary to the guidance in the NPPF.

The first step in assessing the impact on the Green Belt is to consider whether the proposal constitutes inappropriate development or not. If it is established that the development is not inappropriate then the second step is to consider whether the development harms the openness of Green Belt.

The NPPF says that where villages are included within the green belt, it has to be because they too contribute to its openness.

As highlighted above, the last bullet point states that limited infilling is on the list of development that is not considered to be inappropriate in the Green Belt.

Policy CSR1 considers that if it is an infill site, then it will be part of a built up area/ frontage and there would be harm to the openness but that it would be limited. However in some cases the site may be an important open space within the village and filling the gap would cause serious harm which would not be acceptable. The acceptability of this scheme revolves around the impact on the openness of the green belt

- 6.9 As set out in Section 6.5 of this report I consider this to be infill development. In addition the proposal also amounts to a redevelopment of a previously developed site. I therefore conclude that what is proposed is not inappropriate development in the Green Belt.

The second element of the assessment in respect of the Green Belt is to determine whether or not the development harms the openness of the Green Belt.

The proposal is a replacement of an existing building. Whilst the NPPF allows for the replacement of existing buildings providing that they are not materially larger than the one that is being replaced this is also an infill site for which there is no prescribed limit on the size or volume of buildings.

Taken overall, however, the new development breaks the volume of the original building across the wider site and I conclude that in terms of openness the proposed development does not cause a materially greater impact on the openness of the Green Belt than the existing building. In addition the gaps and massing of the buildings improves the wider openness when compared to the solid mass of the existing building.

It is my view that the overall impact on openness is not material. The development therefore accords with the NPPF and policies CSEN2 and GB4 of the development plan.

6.10 **Whether the proposal accords with the criteria of Policy H4.**

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 an existing developed site which does not allow for wider views beyond the site and does not spoil established important public views. The council Ecologist has confirmed that in terms of protected species there is no objection to the development.

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 is not adversely affected.’***

The character of the area is mixed with a two storey red brick pair of semi-detached houses to the west sitting alongside the existing red brick block of flats, two storey terraced properties to the east running north to south on Herringcote and bungalows on the opposite of the road to the south.

The existing block of flats are prominent in the street scene given its position in relation to the bend in the road. The new dwellings will differ from the surrounding development. However they will be traditional in their form with pitched tiled roofs and brick walls. Their scale is not in stark contrast to either the dwellings to the west or the more modern development to the east. In my view they will sit comfortably alongside the other buildings adding to the existing mixed character of the area rather than detract from it.

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 the SOLP such as Policies 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 The South Oxfordshire Design Guide sets out the minimum amount of private amenity space for 3 bedroom units and above at 100 square metres. The inability to provide these minimum standards would be an indicator that a proposal amounts to an overdevelopment.

Each of the dwellings provides for 100 square metres or in excess of this. The plot size of properties in the area varies and therefore the garden size and shape will not be at odds with the established character. In addition I conclude that what is shown is not an over development of the site.

6.16 **Whether the development preserves or enhances the setting of the conservation area.**

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides:

*In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of **preserving or enhancing the character or appearance of that area.***

- 6.17 Section 72(1) must also be considered alongside relevant policies contained in the NPPF.

Paragraph 129 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 deals within the impact of a proposed development on the "significance" of a heritage asset and requires great weight to be given to the conservation of such assets. The more important the assets the greater the weight. It goes on to say that "Significance can be harmed or lost by alteration or destruction of the heritage assets or development within its setting"

Paragraph 134 of the NPPF goes on to say "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

- 6.18 This site along with the development of more modern style properties on Heringcote to the east has been excluded from the conservation area which extends around the site to the south, the west and to the north.

- 6.19 The setting can contribute towards the significance of the conservation area, which would be a material consideration under planning policy.

The existing building makes a negligible contribution towards the significance of the conservation area; it does not possess historic or architectural interest and its contribution is neutral; the removal of the building is unobjectionable in heritage terms.

The existing building acts as a material consideration when considering the replacement buildings. Having considered siting, massing, design and other relevant information I conclude that the scheme would pose no greater impact upon the significance of the Dorchester-on-Thames Conservation Area than the current building.

Positively, the proposal offers the opportunity to enhance the site by improving building materials and detailing to obtain a scheme that better references the established character of the conservation area. It would be necessary to require the implementation of landscaping schemes for the frontages and to require details of all boundary treatments, particularly those on the conservation area boundary and which provide a frontage to St Martins Street and these form part of the recommended conditions.

I conclude that the development accords with Policies CSEN3 and CON7 in that the development enhances the setting of the conservation area rather than detracting from it.

6.20 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.

- 6.21 The new dwelling will sit alongside number 13 Martins Lane to the west. It will have a typical side by side relationship with that property and in the context of the existing built form which extends along that property's eastern boundary the development will be an overall improvement in reducing the mass and bulk in such close proximity.
- 6.22 The built form will come close to properties on Heringcote. Plot number 3 is some 17 metres from the rear of 3 and 5 Heringcote. This is below the minimum advised distance of 25 metres set out in the South Oxfordshire Design Guide. The first floor window in the elevation serves an en-suite bathroom and the other is a roof light serving a bathroom. Conditions are proposed as part of this recommendation that ensure the en-suite window is obscure glazed, and the bathroom roof light is 1.7 metres above floor level to avoid views out. A condition that removes the permitted development right to add further windows in the future in the front elevation of the dwelling on this plot is also recommended. Therefore in overlooking terms the development is acceptable. The dwelling on Plot 4 is further north and looks on the garage blocks to the east and does not harm the amenities of nearby properties.

The dwellings will be closer than the existing building and 1.2 metres higher. However the dwellings are broken up with gaps between them and on either side making the overall mass less than the existing block of flats. In my view the closer position is mitigated by the reduction in spread and mass across the site to the extent that the development is not significantly oppressive or overbearing or causes an unacceptable loss of sunlight.

I conclude that overall the development is not unneighbourly.

6.23 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.

- 6.24 The scheme has been amended to address the original concerns of the Highway Officer about the parking arrangements and visibility for plots 1 and 2. This has led to the parking for both properties being next to each other rather than at opposite ends of the plots which increases the visibility. In addition conditions are included in this recommendation which relate to the removal of the permitted development right to convert the garages and to ensure that the vision splays are protected in the future and that the areas for parking are retained. The development will not give rise to severe harm to highway safety.

6.25 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 new dwellings.

7.0 CONCLUSION

- 7.1 The proposed development involves the loss of affordable housing, however, planning permission has been granted for alternative provision some 4 miles away in Wallingford.

The development is located within the settlement and surrounded by buildings on three sides and is redevelopment of a previously developed site. In terms of housing policy and Green Belt policy the proposal is acceptable. The proposal involves the reduction in mass and bulk of built form across the site to the extent that the development does not harm the openness of the Green Belt.

The site is excluded from the conservation area which bounds the site on three sides and the proposal involves the creation of new buildings which are a visual improvement on the existing block of flats which preserves the character and appearance of the conservation area and adds to the mixture of buildings in the locality.

In conjunction with the attached conditions the proposal accords with development plan policies.

8.0 RECOMMENDATION

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

- 1 : Commencement of development within three years.**
- 2 : Development to be carried out in accordance with the approved plans.**
- 3 : Schedule of materials to be submitted and approved prior to the commencement of the development.**

- 4 : New vehicular access to be provided in accordance with the Highway Authority's specifications.**
- 5 : Close existing access on to Belcher Court.**
- 6 : Vision splay protection from any obstruction.**
- 7 : Parking and manoeuvring areas retained in accordance with the approved Plans.**
- 8 : Construction traffic management plan to be agreed prior to the commencement of development.**
- 9 : No garage conversion into accommodation.**
- 10 : Obscure glazing to en-suite bathroom in plot 3.**
- 11 : Prevention of overlooking from roof light in plot 3.**
- 12 : No additional windows, doors or other openings in front elevation of plot 3.**
- 13: Landscaping (including boundary treatment) to be agreed prior to the commencement of development.**

Standard informative - This permission does not authorise any obstruction or diversion of a public right of way.

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