

<b>APPLICATION NO.</b>	<a href="#">P17/S2649/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	2.8.2017
<b>PARISH</b>	SYDENHAM
<b>WARD MEMBERS</b>	Lynn Lloyd & Ian White
<b>APPLICANT</b>	Ms Michelle Briggs
<b>SITE</b>	1 - 8 Sydenham Grove, Sydenham, OX39 4LP
<b>PROPOSAL</b>	Demolition of eight dwellings and erection of two 2-bedroom dwellings, three 3- bedroom dwellings, one 4-bedroom dwelling and two 5-bedroom dwellings and widening of existing vehicular access (additional bat report received 20th October 2017, tree protection plan added to Arboricultural Method Statement received 22nd November 2017 and access widened and bin store provided as shown on amended site plan received 5th December 2017).
<b>OFFICER</b>	Paul Lucas

**1.0 INTRODUCTION**

- 1.1 Officers recommend that planning permission should be granted. This report explains how officers have reached this conclusion. The application is referred to Planning Committee due to Sydenham Parish Council’s objection to the revised plans.
- 1.2 The application site is as shown at **Appendix A**. The site extends to 0.39 hectares. It comprises eight pairs of unoccupied semi-detached two-storey dwellings arranged in a residential close. They were originally erected as Council houses prior to 1948. Consequently, there are no planning restrictions requiring their continued use as affordable dwellings, although there is a housing covenant. Three of the dwellings had been transferred into private ownership through ‘right to buy’. A narrow driveway provides vehicular access to the dwellings from Sydenham Road, the main road through the village. No’s 1 and 8 have their own independent driveways directly onto the road. The site is bordered by residential plots on both sides and there are also dwellings opposite. The site is directly bordered by Sydenham Conservation Area to the south, east and west. The terrace bordering the site to the west consists of four Grade II listed buildings. There are no special designations on the site.

**2.0 PROPOSAL**

- 2.1 The application seeks full planning permission for the demolition of the existing dwellings and the erection of eight replacement dwellings, as detailed on the amended plans and supporting documents submitted with the application. An amended site plan was received during the application process to increase the width of the driveway and to provide a shared bin collection area.’



Proposed frontage onto Sydenham Road:



Proposed access frontage facing east:



Proposed access frontage facing west:



Proposed frontage at end of access facing south:



2.2 Copies of the current plans are attached at **Appendix B** whilst other documentation associated with the application can be viewed on the Council's [website](#).

### 3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Sydenham Parish Council** – The application should be refused for the following reasons:

- The mix of housing in the development is not right
- The plans submitted do not appear to meet the recommendations given in the South Oxfordshire Design Guide
- It does not reflect the need of the community
- Smaller more affordable housing to enable younger people to return or join the village is required
- The density of the houses means there is a significant up weighting of larger 4 / 5 bedroom houses on relatively small plots
- Parking provision and access is inadequate

**South Oxfordshire District of CPRE** – Objection due to:

- Loss of social housing
- Inappropriate mix of market housing
- More dwellings should be proposed to trigger affordable housing requirement
- Garages should be replaced with carports and parking spaces

**SGN Plant Protection Team** - No strong views

**County Archaeological Services (SODC)** - No objection

**Urban Design Officer (South Oxon & Vale of White Horse DC)** - No strong views

**Highways Liaison Officer (Oxfordshire County Council)** - No objection to amended plan subject to conditions

**Waste Management Officer (District Council)** - No objection to amended plan

**Drainage Engineer (South Oxfordshire - MONSON)** – No objection subject to conditions

**Conservation Officer (South)** - No objection subject to samples condition

**Countryside Officer (South Oxfordshire & Vale of White Horse)** - No objection subject to condition

**Forestry Officer** (South Oxfordshire District Council) - No objection subject to conditions

**Neighbours** – 21 representations of objection and concern, summarised as follows:

- Loss of social housing and lack of small market houses
- Traffic generation from larger properties
- Overspill of parking onto the highway blocking vision splays and obstructing vehicles accessing driveways
- Parking layout criticised – reversing onto Sydenham Road from Plots 1 & 2; tandem rather than parallel parking; garages rather than carports
- Inadequate space for waste collection and emergency vehicles to turn within the site
- Overdevelopment in the form of height, footprint (464 square metres increased to 875 square metres), spacing, siting too close to road
- Design unimaginative and out of keeping with the local vernacular
- Harmful to designated heritage assets
- Overly dominant impact on The Barn and Walnut Barn
- Impact of Plot 6 and its garage on The Barn
- Overlooking of Walnut Barn from Plot 4
- Overshadowing of front and rear of Walnut Barn from Plots 1 & 4
- Loss of outlook to front of Walnut Barn from Plot 1
- Conflict with protocol 1 article 1 of the Human Rights Act
- Materially greater burden on local utilities and services
- Noise nuisance during demolition
- Charging points should be included
- Ground based substation required

The above representations can be read in full on the Council's [website](#).

#### 4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P15/S2080/D](#) - Demolition of two pairs of semi-detached dwellings and one semi-detached dwelling - Refused (08/09/2015) – premature application with no redevelopment scheme in place and lack of information about method of demolition

#### 5.0 **POLICY & GUIDANCE**

- 5.1 South Oxfordshire Core Strategy (SOCS) Policies  
CS1 - Presumption in favour of sustainable development  
CSB1 - Conservation and improvement of biodiversity  
CSEN1 - Landscape protection  
CSEN3 - Historic environment  
CSH2 - Housing density  
CSH3 - Affordable housing  
CSH4 - Meeting housing needs  
CSM1 - Transport

CSQ2 - Sustainable design and construction  
CSQ3 - Design  
CSR1 - Housing in villages  
CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

C4 - Landscape setting of settlements  
C6 - Maintain & enhance biodiversity  
C8 - Adverse affect on protected species  
C9 - Loss of landscape features  
CON5 - Setting of listed building  
CON7 - Proposals in a conservation area  
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  
EP1 - Adverse affect on people and environment  
EP4 - Impact on water resources  
EP6 - Sustainable drainage  
EP7 - Impact on ground water resources  
G2 - Protect district from adverse development  
G5 - Best use of land/buildings in built up areas  
H4 - Housing sites in towns and larger villages outside Green Belt  
T1 - Safe, convenient and adequate highway network for all users  
T2 - Unloading, turning and parking for all highway users

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7 – Plots & Buildings

5.4 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

The policies within the SOCS and the SOLP 2011 of relevance to this application are in general conformity with the provisions of the NPPF and NPPG and therefore this application can be determined against the relevant policies above.

6.0 **PLANNING CONSIDERATIONS**

6.1 The planning issues that are relevant to this application are whether the development would:

- Result in the loss of affordable housing;
- be in accordance with the Council's Housing Strategy;
- result in the loss of open space or view of public, environmental or ecological value;
- preserve or enhance the character and appearance of the Sydenham Conservation Area and the setting of nearby listed buildings;
- safeguard the residential amenity of neighbouring occupiers and would provide suitable living conditions for future occupiers;
- demonstrate safe and convenient access and adequate off-street parking provision for the development;
- provide an appropriate market housing mix; and
- give rise to any other material planning considerations.

6.2 Loss of Affordable Housing

This development will result in the loss of affordable housing on this site as the development seeks planning permission for eight houses on the open market. The development would result in no net gain of dwellings, which is below the threshold of 11 units to trigger the need for affordable housing.

6.3 SOHA applied to the Council to lift the covenant on this site 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. SOHA was required to completely replace the affordable housing elsewhere, which they have already done on a site they own 100% at Siareys Close in Chinnor. In addition to the S106 affordable housing requirement on Siareys Yard, SOHA are providing five further houses for rent as this was the number of rented homes at Sydenham Grove to be demolished (the other 3 were/are in private ownership). Chinnor is a sustainable location for the provision of family homes for rent and is just two miles from the site at Sydenham Grove. It was agreed by the Council that the proposed houses on the site at Siareys Close would be acceptable re-provision of the affordable houses in Sydenham and that the process of lifting the covenant at Sydenham Grove through a Deed of Release could be initiated.

6.4 Originally, four households needed to move to nearby new-build homes in Kingston Blount to enable their 'old' houses in Sydenham Grove to be left vacant (the fifth rented house was already empty). Officers' understanding is that three of those households wish to remain in their new homes in Kingston Blount but the fourth household, who has always indicated a wish to return to Sydenham Grove, would be offered one of the new homes. This would be a private agreement and once this tenancy has ended, SOHA would be able to sell the plot on the open market. Consequently, there would be no loss in the provision of affordable housing in the District and the application is not of a scale to trigger the provision of additional affordable units. As such, there would be no conflict with the SOCS Policy CSH3.

6.5 Principle of Development

The site is located within the built-up confines of the settlement of Sydenham. The SOCS Policy relevant to this proposal is CSR1. The SOCS classifies Sydenham as a "smaller village". Under Policy CSR1, residential development on infill sites of up to 0.2 hectares is acceptable in principle in "smaller villages". The supporting text for Policy CSR1 states, "Infill development is defined as the filling of a small gap in an otherwise built up frontage, or on other sites within settlements where the site is closely surrounded by buildings." The site area is 0.39 hectares, which would be larger than the infill limit. However, Policy CSR1 also states that "redevelopment proposals in all categories of settlement may be acceptable, but will be considered on a case by case basis through the development management process in line with other policies in the Development Plan." As such, officers are satisfied that the principle of this development is acceptable under the SOCS as a redevelopment of a site containing eight dwellings, outbuilding and hardstandings, located between established dwellings forming part of the village. Officers are therefore satisfied the principle of this development is acceptable under the SOCS. Consequently, the proposal falls to be assessed primarily against the criteria of Policy H4 of the SOLP 2011 for new dwellings which are addressed below.

6.6 Loss of Open Space

Criterion (i) of Policy H4 of the SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt.

The site presently contains eight dwellings and associated ancillary development. The Countryside Officer has recommended a condition to address any potential impact on ecological habitats. There are public views of the site from Sydenham Road where the site is seen in the context of existing residential plots on the northern side of the road and there are no views of the countryside. This criterion would therefore be satisfied.

6.7 Visual Impact on Designated Heritage Assets

Criterion (ii) of Policy H4 of the SOLP 2011 requires that the design, height, scale and materials of the proposed development are in keeping with its surroundings and criterion (iii) requires that the character of the area is not affected. Policies CSQ3 of the SOCS and D1 of the SOLP 2011 expand on this requirement in respect of ensuring good design and maintaining local distinctiveness. The SOCS Policy CSEN3 seeks to preserve or enhance the District's designated heritage assets, including conservation areas and listed buildings. The SOLP 2011 Policy CON7 sets out the Council's statutory duty to ensure that development should preserve or enhance conservation areas. The SOLP 2011 Policy CON5 sets out the Council's statutory duty to protect the setting of listed buildings. The application site is outside but immediately surrounded by the Sydenham Conservation Area and the existing building stock is post-war 1940s pre-fab semi-detached houses that do not contribute to local distinctiveness or the setting of the conservation area. The Council's Conservation Officer has no objection to the demolition of the existing buildings. The Conservation Officer considers that the proposed scheme would not harm the significance of nearby listed buildings through development in their setting. The proposed replacement dwellings would be architecturally more in keeping with the surrounding character of Sydenham and the adjoining conservation area. The scheme would result in an improvement to the public realm with Plots 1-3 fronting directly onto the road. Although this would project some way in front of Walnut Barn and the other dwellings to the east of the site, it would be behind the position of the listed terrace and other dwellings in the vicinity that are located close to the street, thereby following more consistently with the pattern of development in the village.

6.8 Where proposed dormers cut through the eaves line, this would result in a high number of downpipes required on principle elevations, but in this instance the benefit of preserving the diminished proportions of the dwellings outweighs this. Although the materials across the existing site are not of high quality, the opportunity should be taken to ensure the new development would be of a high quality so that it would make a positive contribution to the adjoining conservation area and so that it would weather naturally for its village setting. Materials would be agreed by a pre-commencement condition. It is acknowledged that there is no up-to-date conservation area appraisal for Sydenham. However, this application has been considered with regard to the significance of the conservation area and in line with Historic England's Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1 (2016). In accordance with paragraph 129 of the NPPF, the significance of the designated conservation area and other assets have been assessed and the potential impact of the application scheme on the heritage assets has been duly considered. As such, the proposed development would comply with the above criteria.

6.9 Residential Amenity Impact

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP 2011 requires that all new dwellings should be designed and laid out to secure a reasonable degree of privacy for the occupiers. It is acknowledged that there would be a noticeable increase in footprint and built form. However, the proposed layout demonstrates that the distances between the walls and first floor habitable rooms of the proposed dwellings and the closest directly facing habitable windows and gardens of the adjoining dwellings would accord with the

recommended minimum standards (25 metres window to window, 12 metres back to side and 10 metres window to garden) as set out within Section 7 of the SODG 2016. Many of the windows would face obliquely rather than directly towards the adjoining gardens. The occupiers of The Barn are specifically concerned about the relationship of the proposed garage serving Plot 6 with the rear part of their back garden. However, when compared with the existing layout, the overall distance between the closest dwellings to the boundary would be slightly increased. This means that the level of separation would be sufficient to prevent any significant additional loss of light, outlook or privacy from occurring to the adjacent occupiers because of the proposed redevelopment. A minimum rooflight cill level condition is recommended for Plots 4 and 6 to prevent overlooking into the rear gardens of Walnut Barn and The Barn, respectively. There would be no discernible impact on any other dwellings due to the distances involved.

- 6.10 Officers are satisfied that sufficient garden areas and depths would be demonstrated for the proposed dwellings to accord with the recommended minimum standards (50 square metres for 2-bedroom dwellings and 100 square metres for 3-bedroom + dwellings) as set out in Section 7 of the SODG 2016. The proposal would therefore accord with the above policies.

6.11 Access and Parking

Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Policy T1 of the SOLP 2011 seeks to ensure that all new development would provide a safe and convenient access for all users of the highway. Whilst there are numerous objections to the proposal on highway safety grounds from third parties, the Highway Liaison Officer (HLO) has raised no objections to the amended layout. Whilst it is noted the proposed dwellings are larger than the existing dwellings the extra movements associated with these larger dwellings, in my opinion do not present “severe harm” as required by Paragraph 32 of the NPPF to warrant a recommendation for refusal on that basis. In terms of parking requirement, the proposal meets maximum parking standards as set out within Oxfordshire County Council parking standards. The access drive into the development to serve plots 3 to 8 has been widened to 4.5m wide, which is considered acceptable given the level of development proposed this would allow for two car sized vehicles to pass. Should any overspill from the proposed dwellings occur, the HLO considers that it is likely that this will be located on this private access drive as residents will want to park their vehicle as close to the property and keep it within view. Whilst tandem parking arrangements are not advised, there is no justification to recommend refusal to the proposal based on the parking arrangement. In terms of access into the garage accommodation for plots 7 and 8 this is considered acceptable.

- 6.12 The Council’s Waste Team has made representation to confirm that waste collection vehicle access has been addressed with the provision of a bin collection point near the access point. However, in any event it is likely that Plots 1, 2, 3 and 8 will place their bins on the Highway fronting the site. Plots 4, 5, 6 and 7 are located a distance from the Highway, which makes the bin collection area suitable for their use, as it is stated within the document ‘Manual for Streets’ that a “waste collection vehicle should be able to get within 25m of the storage point”. From taking measurements from the current site plan this meets this requirement and is considered acceptable from the Highway Authority. On this basis, the proposal would follow the above criterion.

6.13 Housing Mix

The SOCS Policy CSH4 requires developments providing market housing to demonstrate an appropriate housing mix. The proposal would incorporate two 2-bedroom dwellings, three 3-bedroom dwellings, one 4-bedroom dwelling and two 5-

bedroom dwellings. This would not exactly mirror the housing need for South Oxfordshire identified in the Strategic Housing Market Assessment (SHMA), as set out in the table below:

	1 bed	2 bed	3 bed	4+ bed
<b>Proposed</b>	<b>0%</b>	<b>25%</b>	<b>37.5%</b>	<b>37.5%</b>
<b>SHMA</b>	<b>6%</b>	<b>27%</b>	<b>43%</b>	<b>24%</b>

- 6.14 However, the SHMA is not intended to be a prescriptive document and the proposed development would provide reasonable proportions of smaller and medium dwellings with scope for them to be extended in the future to provide larger dwellings. As such, given that this application is not within the major residential category, officers consider that the proposed mix would be in general conformity with the SHMA and therefore in compliance with Policy CSH4.
- 6.15 Other Material Planning Considerations  
Concerns have been raised that the proposal would conflict with the Human Rights Act, Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property). Whilst these rights are a material planning consideration they have to be balanced against all other material considerations and this will be a planning judgment. It has generally been found that these rights would be unlikely to outweigh the importance of having coherent control over town and country planning and that in most cases the courts were unlikely to intervene.
- 6.16 There is no evidence that the proposed development with no net gain of dwellings would result in significant additional strain on local utilities and services. SOHA has spoken directly to SSE and they have confirmed that because the electricity supply to this site currently serves eight dwellings there is no reason to believe that it cannot continue to serve eight dwellings with the same supply. The SSE also confirmed that if any alterations were to be required to the existing transformer this would be done in situ and it would not require any additional or alternative ground based equipment. The applicant has provided demolition methodology required to obtain a bat licence. Unlike the previous prior approval for demolition of five of the eight dwellings, this application is for comprehensive redevelopment and therefore it is not necessary to exert further planning controls over the demolition process.
- 6.17 The provision of charging points for electric cars is not a requirement for a development of this scale. A planning condition is deemed necessary to remove certain permitted development rights for extensions, outbuildings and hardstandings, to enable the Council to retain control over future householder development that might otherwise have an unacceptable visual impact or be harmful to neighbouring amenity or retained trees.
- 6.18 Community Infrastructure Levy  
The proposed dwelling is liable for the Community Infrastructure Levy (CIL). The CIL charge applied to new residential development in this case is £150 per square metre (index linked). 15% of the CIL payment would go Sydenham Parish Council in the absence of an adopted Neighbourhood Plan.
- 7.0 **CONCLUSION**
- 7.1 The application proposal would comply with the relevant Development Plan Policies and it is considered that, subject to the attached conditions, the proposed development would not result in the loss of affordable housing in the District, would be acceptable in principle, would not be harmful to designated heritage assets or the residential amenity of nearby residents. The development would provide acceptable living conditions for



future occupiers of the proposed dwellings, would not result in conditions prejudicial to highway safety and would provide a suitable market housing mix.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission 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. Demolish existing buildings.
4. Levels to be agreed prior to the commencement of development.
5. Sample materials to be agreed prior to the commencement of development.
6. Rooflights (specified cill level).
7. Withdrawal of permitted development for extensions/ outbuildings/ hardstandings.
8. New vehicular access to be provided prior to first occupation.
9. Existing vehicular access to be improved prior to first occupation.
10. Vision splays to be maintained.
11. Estate accesses, driveways & turning areas to be provided prior to first occupation.
12. Parking and manoeuvring areas retained to be provided in accordance with the approved plans.
13. Construction traffic management to be agreed prior to the commencement of development.
14. No garage conversion into accommodation
15. Landscaping (including hardsurfacing and boundary treatment) to be agreed prior to the commencement of development.
16. Tree protection to be implemented in accordance with the approved details.
17. Details of bat licence prior to any site works including demolition.
18. Surface water drainage works to be agreed.
19. Foul drainage works to be agreed.

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