

APPLICATION NO.	P17/S3713/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	15.11.2017
PARISH	STADHAMPTON
WARD MEMBER(S)	Caroline Newton
APPLICANT	Rel Group Ltd
SITE	The Crown, Thame Road, Stadhampton, OX44 7TX
PROPOSAL	Development of a surplus secondary carpark area to the side of The Crown pub to provide a single detached four-bedroom dwelling
	(As amended by drawings accompanying e-mail from agent received 28 November 2017 altering layout and provision of visibility splays and amplified by parking information accompanying e-mail from agent received 20 December 2017.)
OFFICER	Paul Bowers

1.0 **INTRODUCTION**

- 1.1 The application is referred to the Planning Committee because the views of the Stadhampton Parish Council differ from the officer's recommendation.
- 1.2 The application site comprises one of two car parks associated with The Crown Public House located on the Thame Road running through the village of Stadhampton. The car park is positioned to the north east of the public house. There are dwellings to the side extending to the north east and to rear to the north west and on the opposite side of the road.
- 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 for the erection of a single, detached, two storey, 4 bedroom dwelling. The dwelling includes a first floor element to the side with an open ground floor area to provide access and parking.

The plans have been amended to show the visibility splay and alter the design of the building to address parking arrangements which created the open ground floor design.
- 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 **Stadhampton Parish Council** – Recommend Refusal of Planning Permission for the following reasons;
 - The car park is in constant use and not surplus to requirements.
 - Displacement of parking on to nearby roads.
 - Loss of the Aunt Sally area used by customers.
 - Loss of light and overshadowing to 1 Crown Terrace.
 - Overlooking of properties on Cratlands Close and overlooking of properties on the opposite side of the road.

- The development is too cramped.
- Smell and odours from the pub in to the new dwelling.

Neighbour Responses –

30 x letters of objection relating to the original and amended plans covering the following issues;

- The car park is in constant use and not surplus to requirements.
- Loss of the Aunt Sally area used by customers.
- Overlooking of properties to the rear.
- The development will make the pub less viable and concern that the proposal undermines the pub and this will lead to the pub to be lost.
- Concern about increasing in parking on nearby roads.
- Size of the dwelling not in keeping with the area.
- Impact on highway safety with vehicles crossing the narrow footpath.
- Concern that the parking survey was not undertaken at the appropriate times.

1 x letter of - No Strong Views

County Archaeological Services - No objection.

Highways Liaison Officer - No objection subject to conditions.

4.0 **RELEVANT PLANNING HISTORY**

4.1 None.

5.0 **POLICY & GUIDANCE**

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

National Planning Policy Framework Planning Practice Guidance (NPPG)

South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSQ3 - Design

CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

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

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

South Oxfordshire Design Guide 2016 (SODG 2016)

6.0 **PLANNING CONSIDERATIONS**

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

- **The principle of development.**
- **Whether the proposal accords with the criteria of Policy H4.**
- **Plot coverage and garden size.**
- **Impact on the amenities of the occupants of nearby properties.**
- **Impact on highway safety.**

- **Community Infrastructure Levy.**
- **Other issues.**

6.2 **The principle of development.**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

6.3 In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Core Strategy 2027 (SOCS) which was adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP).

6.4 Policy CSR1 of the SOCS permits infill development within settlements. Infill is defined as the filling of a small gap on an otherwise built up frontage and on sites that are closely surrounded by buildings.

6.5 The site is located within the village. It is an existing gap in an otherwise built up frontage and is surrounded on all sides by built development.

In my opinion it accords with the definition of infill development.

This development represents a sustainable form of development due to its position within one of the smaller villages in the district and has good access to existing services.

The current lack of 5 year housing land supply in the district means that the presumption in favour of permitting sustainable development is engaged. This is unless there is significant or demonstrable harm caused by the development or whether there are policies within the NPPF that would relate to this site and development that would normally restrict it.

6.6 **Whether the proposal accords with the criteria of Policy H4 of SOLP.**

If a proposed development is acceptable in principle then the detail of the proposal must be assessed against the criteria of Policy H4 which deals with new housing.

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

The site is part of the existing public house and forms one of two car parks serving the establishment.

The site is a private property and therefore the space does not result in the loss of an important public open space. The site has no ecological value and the development will not spoil or harm any important views beyond the site.

- 6.8 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 site sits adjacent to buildings which all differ in design and appearance. The pub itself is distinctly different from the nearby residential properties. To the north east is Crown Terrace which are modest in size and to the north east are more modern pairs of 20th century semi-detached properties.

The new building will be seen in the context of Crown Terrace due to its proximity. The design of the building is in two distinct elements with the lower ridge height and dormer windows sitting next to Crown Terrace reflecting some of their characteristics and proportions. The higher first floor element is cantilevered so that the ground floor is open. This will be distinctive in the street scene. However, given the mixture of design and appearance of properties along this extent of Thame Road, I conclude that on the basis that the site is not in a designated area and the adjoining buildings are not listed that the level of harm would be minimal.

- 6.9 *Provision iv) of Policy H4 states **that there should be no overriding amenity or environmental or highway objections.***

In terms of amenity this refers to both the amenity space being provided for the occupants of the existing and new property and also the amenity of occupants of nearby properties. These issues are also covered by other policies within SOLP such as Policy D3 and T1 and they are considered separately as they are fundamental issues to this proposal.

- 6.10 **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.

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

- 6.12 The proposed building will provide for 4 bedrooms. The private amenity space shown on the plans allows for 105 square metres in line with the council’s advice. It also provides for a dedicated parking area. In my view these provisions and the overall size of the building relative to the plot means that in addition to the conditions which seek to withdraw permitted development rights for extensions and outbuildings, the proposal does not amount to an overdevelopment and accords with the Policy D3.

- 6.13 **Neighbour impact.**

Impact on residential amenity is normally assessed in terms of whether a development would result in material harm by way of overlooking, loss of sunlight or by being so large or close that it is considered oppressive and overbearing.

There are several properties that will be affected by the development and I will take each in turn;

6.14 *1 Crown Terrace –*

The proposed building will sit alongside 1 Crown Terrace. This relationship is typical in a street scene. 1 Crown Terrace does include a side facing first floor bedroom window which will be confronted by a blank brick wall. In terms of the hierarchy of windows and rooms the greatest weight and protection is given to main living room windows.

Bedrooms by the nature are not main living rooms. When used for the main purpose it is normal for windows to be covered by blinds or curtains. In my view whilst there will be an impact to number 1 Crown Terrace, I conclude that this level of harm in the context of presumption of sustainable development does not amount to significant harm that would tip the planning balance from permitting the development to refusing permission.

6.15 *14 and 16 Cratlands Close –*

The distance between these two properties and the new dwelling is such that I am of the view that the development will not be oppressive or overbearing. Equally the distance and position mean that in terms of overshadowing and loss of direct sunlight the overall impact will be limited.

The main impact will come from the first floor windows in the new dwelling. These were the subject of the amended plans which involved the dwelling being moved forward to increase the distance between the properties. The council advises in the South Oxfordshire Design Guide that a minimum distance back to back distance should be in excess of 25 meters to reduce the impact of overlooking to an acceptable level. The plans are annotated demonstrating that the distance between the first floor windows meets or slightly exceeds the council's minimum standard. I conclude that the overall harm to the occupants of 14 and 16 Cratlands Road is acceptable.

Conditions have been proposed which remove permitted development rights for extensions and outbuildings. This will ensure that the council can control the neighbour impact of any proposal which seeks to extend the building and which may give rise to closing the gap between the properties.

6.16 *The Crown Public House –*

The new building will sit alongside the public house. The spacing is greater between the buildings than the relationship of the development with 1 Crown Terrace. In my view the overall impact to the amenities of the pub itself in neighbourly terms is not significant.

6.17 *Properties opposite –*

The relationship with properties across the road to the south east is a wholly acceptable arrangement which is found in most roads and streets. The council does however have a minimum distance that should be incorporated in to a development for the distance between two properties across a road at 10 metres. This is far exceeded in this case and therefore any impact to properties on the other side of the road will not be material.

6.18 **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.

- 6.19 As originally submitted there was concern with regard to the orientation of the original garage and the substandard visibility splays. In addition the Highway Authority wanted to see a parking survey to determine whether the proposal is likely to cause indiscriminate obstructive parking due to the loss of the car park and whether there was sufficient parking for the public house.
- 6.20 The changes to the scheme have ensured that the development allows for sufficient parking on the site for the size of dwelling. The visibility splays demonstrated have also been considered and met with the Highway Officers approval.

The parking survey has looked at the levels of parking for this area of the site. Whilst it is acknowledged that local objection has questioned the findings it has been demonstrated to the satisfaction of the Highway Authority that the loss of this extent of parking on the site will not cause such displacement on to nearby roads that it would cause severe harm to highway safety.

In this event officers conclude that in highway terms the development is acceptable.

6.21 **Community Infrastructure Levy.**

The council's CIL charging schedule has been adopted. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development.

In this case CIL is liable as the proposal involves the creation of a new dwelling.

6.22 **Other issues.**

There has been local concern that the loss of this car park will undermine the viability of the public house and a consequence of this development will mean that the pub may close and the village lose an important amenity.

The pub will still retain a car park and there is no evidence that can be weighed in the planning balance that would directly prove that the pub would become unavailable through the loss of this piece of land. It is not therefore reasonable for the council to refuse planning permission on what may happen in the future particularly when the site will still retain parking provision to the satisfaction of the Highway Authority.

7.0 **CONCLUSION**

- 7.1 The proposal will create a new dwelling in a sustainable location and accords with paragraph 14 of the NPPF which sets out the presumption favour of sustainable development.

There will be a limited impact to the overall character of the area and limited harm to neighbouring property's amenity to the extent that it does not amount to significant and demonstrable harm. The site affords for adequate levels of parking and amenity space and the future development of the site is controlled through conditions.

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

8.0 RECOMMENDATION

8.1 To grant planning permission subject to the following conditions:

- 1. Commencement three years - full planning permission.**
- 2. Approved plans.**
- 3. Schedule of materials to be submitted and approved.**
- 4. Withdrawal of permitted development (Part 1 Class A) – no extensions.**
- 5. Withdrawal of permitted development (Part 1 Class E) – no buildings etc.**
- 6. Existing vehicular access to be improved to Oxfordshire County Council standard.**
- 7. Pedestrian vision splay dimensions.**
- 8. Parking and manoeuvring areas retained.**

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