

APPLICATION NO.	P17/S1865/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	2.6.2017
PARISH	WHEATLEY
WARD MEMBER(S)	Toby Newman
APPLICANT	Beechcroft Developments Ltd
SITE	The Railway Hotel, 24 Station Road, Wheatley, OX33 1ST
PROPOSAL	Demolition of the former Railway Inn and the creation of 16 retirement dwellings for people aged 55 and over, repositioning of vehicular and pedestrian access into the site and associated open space and landscaping. (As amplified by Addendum Briefing Note Bat Survey accompanying e-mail from agent received 14 July 2017 and amended by drawings accompanying email from agent received 13 December 2017 showing amending design reducing the height of the north east corner of the development and showing revised bin storage and zebra crossing and amplified by Daylight and Sunlight Report dated 5 January 2018)
OFFICER	Paul Bowers

1.0 INTRODUCTION

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

1.2 The application site lies on the western side of Station Road to the south of the High Street and the Wheatley Conservation Area. The site includes a two storey building with attached single storey additions and outbuildings and comprises the Railway Inn Public House. The building is no longer in use.

To the south of the site is Simons Close a cul de sac extending to the west comprising single storey, two storey and one and half storey detached and semi-detached dwellings.

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 from the council for the demolition of the existing public house and the redevelopment of the site with the erection of a building fronting on to Station Road and two other detached buildings to the rear of the site to provide 16 retirement homes with associated parking and communal garden.

The application was the subject of a committee site visit prior to the committee meeting and following deferral from the planning committee meeting on the 7 February.

There have been various pieces of additional information and amendments made to the application the most notable being the last amendment which reduced the height of the three storey element of the building.

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 **Wheatley Parish Council** – Recommend the application for refusal of planning permission for the following reasons;

- Inadequate parking provision.
- The three storey element is inappropriate and overbearing.
- Inadequate amenity space provision.

Neighbour Responses – Objections from 14 properties across the various amendments and additional information submitted with the application covering the following main issues;

- Concern about the height of the building at three storeys. This would be overbearing and oppressive and out of keeping in the street scene.
- Unneighbourly due to overlooking.
- Loss of views.
- Overdevelopment of the site.
- Insufficient parking provision.
- Loss of light.
- Concern about highway safety.
- Impact on listed buildings and conservation area.
- Loss of community facility.
- The reduction in the height of the building does not overcome concerns.

Oxfordshire County Council Single Response – No objection subject to conditions and a section 278 agreement to secure the proposed zebra crossing and related infrastructure.

Countryside Officer - No objection following the submission of the bat surveys.

Urban Design Officer – Recommended a series of amendments to the scheme which have formed part of the changes to the application.

Housing Development – Objected to the scheme as originally submitted on the basis of no affordable housing provision.

Waste Management Officer - No objection.

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

CSB1 - Conservation and improvement of biodiversity

CSEM1 - Supporting a successful economy

CSEN3 - Historic environment

CSH2 - Housing density

CSH3 - Affordable housing

CSI1 - Infrastructure provision

CSM2 - Transport Assessments and Travel Plans
CSQ3 - Design
CSR1 - Housing in villages
CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

C9 - Loss of landscape features
CF1 - Protection of recreational or essential community facilities
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
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)

Emerging Wheatley 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.

Wheatley Parish Council are working towards the adoption of a neighbourhood plan. Given the stage of preparation the plan, only limited weight can be attributed in connection with the determination of planning applications.

6.0 PLANNING CONSIDERATIONS

6.1 The main issues to consider in relation to this proposal are as follows;

- **The principle of the loss of the public house.**
- **The principle of residential development.**
- **Whether the proposal accords with the criteria of Policy H4.**
- **Whether the development preserves or enhances the setting of the conservation area.**
- **Impact on nearby properties.**
- **Impact on highway safety.**
- **Affordable housing.**
- **Impact on protected species.**
- **CIL.**

6.2 The principle of the loss of the public house.

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 which was adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan 2011.

- 6.3 Policy CF1 of SOLP seeks to safeguard existing community facilities. It states that proposals which seek to change the use of essential community facilities such as public houses will only be permitted provided that there is suitable alternative provision in the locality, it is not needed and in the case of commercial facilities it is no longer economically viable.
- 6.4 The key issue in this case is whether the Railway Inn is an essential community facility.

Where a village has more than one of such a community facility – in this case a public house – the subject site would not be an essential facility. Wheatley is well served by several existing public houses in the core of the village. In my view this alternative provision within the village is such that the existing public house is not an essential community facility. The loss of the use will not significantly impact on the village community. It is therefore my view that the council would not be able to resist the development on the basis of the loss of the public house use on the site.

6.5 **The principle of residential development.**

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 housing 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.

- 6.6 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

Although out of date, Policy CSR1 permits infill development and redevelopment within settlements. In the case of larger villages like Wheatley there is no limit in terms of the number of units that can be provided or a maximum size of an application site.

This site is within the established built confines of the settlement and is surrounded on all sides by existing buildings.

In my view this constitutes redevelopment within a village. I therefore conclude that the development is acceptable in principle.

6.7 Whether the proposal accords with the criteria of Policy H4.

Where the principle of housing development is acceptable the detail of such proposals must be assessed against 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’s Ecologist has confirmed that in terms of protected species there is no objection to the development and this covered in section 6.19 of this report.

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 development will undoubtedly result in a change to the character of the area. The key issue is whether what is proposed will adversely affect this established character to the extent that it would be significantly harmed.

The council’s Urban Design Officer has concluded that the proposed development has been informed by an understanding of the site and this has been done through the applicant’s provision of an opportunities and constraints plans and contextual analysis.

The area of local contention is the use of the three storey element of the building at the northern corner of the site. The most recent amendment has reduced this height by some 0.8 metres and lowered the height of the eaves. This has meant that the second floor is now partially contained within the roof space rather than a full height second storey. In terms of the design and how the development relates to surrounding properties it is understandable why this is of concern locally. The design has however taken advantage of the change in levels across the site which are at their lowest to the north and increase to the south. It also reflects the general height of the building to the north at 12 Station Road.

The frontage of the building then decreases in height southward and includes a traditional coach style entrance in to the court yard with additional new building at the rear and fronting along the north access road leading to the Telephone Exchange.

It is your officers view that the overall layout and design and appearance of the buildings makes best use of the site and uses the change in levels to enable this without causing significant harm to the street scene.

6.8i ***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.

In terms of amenity space this is an issue that needs clarification as it is matter of local concern expressed by the parish council. 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. The development provides for 16 two bedroom units. The South Oxfordshire Design Guide advises that for a two bedroom unit an amenity space of 50 square metres is necessary and not the figure previously stated in error in the planning committee report for the 7 February of 1600 square metres. The advised minimum area would equate to an area of 800 square metres.

Discussion has taken place between officers and the applicant's agent over what areas which can reasonably be included in this amount and to clarify the position the applicants have provided the plan at **Appendix 3** which shows the extent of the available space which includes the space provided by the balconies and garden areas but not the grassed areas fronting on the access road to the north and Station Road to the east. Together this equates to 798.7 square metres in conformity with the advice set out in the Design Guide.

The space for amenity should be taken in the context of the surrounding area. There is no comparable development in the immediate vicinity. In addition, the site is centrally located and in walking distance of all village amenities. Equally those buying these properties will be doing so fully cognisant to the space available to them. The development provides for the minimum the council would expect to see. There would, in your officer's view, be no material harm to the surrounding area on the basis of the amenity space provision.

6.9 **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.***

6.10 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”.

- 6.11 The site itself is adjacent to the conservation area which runs along the north side of the access drive leading to the telephone exchange. The existing site includes an open area of hard surfacing for the existing pub car park. Although this is an open area it does not, in your officer's view, contribute significantly to the setting of the conservation area.
- 6.12 The new building(s) will mean this open space is lost but will be replaced with built form which continues in to the core of the village. The scale of the development is not significantly different from the scale of the property at 12 Station Road. In conjunction with the conditions which seek details of the materials for approval before development commences I conclude that the harm caused by the loss of the open space created by the car park amounts to less than substantial harm and does not outweigh the benefits of the development.
- 6.13 **Impact on 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.

- 6.14 There will be a number of properties affected by the development and I have broken down the impact to the most affected below;

12 Station Road –

This property is to the north of the site and the main core of the building will side on to the new development. It includes windows in the side facing toward to the side of the three storey element of the building fronting on to Station Road and the two storey element which looks toward number 12 Station Road.

In terms of overlooking there will be an increase due to the distance between the existing public house and number 12. The distance between the two sets of windows will be in the region of 23 metres. This is two metres below the council's guidance which relates to direct back to back overlooking between properties at first floor level. This situation is slightly different in that this will be a side to side relationship with windows at number 12 also in the front and rear of the building. The new building will also be directly to the south of number 12 which has implications for loss of direct sunlight.

The harm that would be caused by this development must be significant and demonstrable to counter the weight tipped toward the presumption in favour of allowing sustainable development – which in your officers view this development represents. Considering that the relationship is a side to side relationship with a significant gap between the buildings I conclude that the level of harm that would be caused is not significant and does not outweigh the presumption in favour of permitting the development.

6.15 *12A Station Road –*

This property is single storey and once formed part of 12 Station Road. It includes a dormer window which looks on to the access drive serving the telephone exchange to the west.

The position of the two storey element of the building facing north will have an effect on this property. It has been the subject of a detailed sun light and daylight assessment submitted with the application. Its position to the north will mean that there will be some loss of light in to the affected windows which serve two rooms. There are 3 openings facing south – two roof lights (one for bathroom and the other a bedroom) and one dormer window which serves a stairwell and landing. The main outlook of the living room and kitchen windows is to the north in to their own site.

The distance between the buildings will be in the region of 11 metres with a driveway in between which in effect will become a new street scape. The council's standards for distances between properties across a road is 10 metres. This proposal would accord with that standard.

There is without question going to be an impact but in your officers, view this impact is not significant to the extent that it would justify the council in refusing planning permission.

6.16 *1-5 Simons Close –*

The properties are to the south and are a mixture of single storey and two storey properties. Their position is such that the development will not result in the loss of direct sunlight or overshadowing. The impact will come from any potential overlooking and the mass and height of the buildings.

In respect of number 1, the element of the new building nearest the northern boundary of that property is comparable to, in height and mass, to the existing public house and as such I do not believe the development is materially harmful.

The extent of the other properties will be affected by the extension of built form in to the site going westward. The change in levels whereby Simons Close is higher than the application assists to some degree in mitigating the height of the buildings.

The open space within the development spans the boundaries of numbers 1, 2 and part of 3 Simons Close. The new build which comprises plots 4-6 spans mainly number 3 and part of number 4. The proposal will be in relative proximity to the rear of these properties. However the change in levels assists in mitigating this to the extent that in your officers view a refusal of planning permission on the grounds of being overbearing or oppressive would not be supported at a subsequent appeal.

In terms of overlooking there are balconies proposed in the development. Those which have the potential to overlook have been the subject of revised plans which provide for

privacy screens which will be mitigate the impact. A condition is proposed that seeks to ensure these are provided prior to occupation and retained thereafter.

- 6.17 Overall the development will increase the impact to surrounding properties on the basis that this is relatively open site. However, for the reasons set out above the overall harm that would be caused is not to the extent that it would be significant and does not outweigh the presumption in favour of allowing this sustainable development.

6.18 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.

- 6.19 The application has been through a series of amendments which have resulted in the revised parking layout. This has also included the provision of a pedestrian crossing on Station Road, the removal of parking spaces at the access mouth and a reconfiguration of the cycle parking facilities.

These changes to the scheme and provision of the crossing through a Section 278 agreement with the County Council ensure that the development will not give rise to severe harm to highway safety and the Highway Officers have confirmed that in conjunction with the proposed conditions the development is acceptable.

6.20 Affordable Housing.

Policy CSH3 of the Core Strategy seeks to achieve 40% of affordable housing on sites where there is a net gain of 10 or more dwellings.

As originally submitted the application contested that the development could not provide any affordable housing as it would make the scheme unviable. The council instructed an independent viability specialist to consider the viability information submitted with the application. They made their own assessment and concluded that the scheme would be viable and recommended that a contribution of £182,637 for affordable housing contribution and any section 106 was required. However, the applicant has committed to making a larger contribution of £200,000 for affordable housing off site. This justifies a deviation from the council's policy and is to be secured through a Section 106 agreement.

6.21 Impact on protected species.

Policy CSB1 seeks to ensure that there is a no net loss for biodiversity as a result of new developments and seeks to achieve a net gain. The NPPF supports this stance and at Paragraph 109 calls for developments to minimise the impacts on biodiversity and provide net gains where possible contributing to the Government's commitment to halt the overall decline of biodiversity.

- 6.22 This application is supported by bat survey information. The surveys have concluded that the existing structures are unlikely to be supporting roosting bats. The council's

ecologist is satisfied with this conclusion.

The habitats on site are not considered a constraint to the proposed development.

6.23 **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.

6.24 However, the current CIL Charging schedule exempts retirement housing from paying CIL. This means that this development will not be making CIL contribution. Members should be aware that the charging schedule is currently being revisited and a draft schedule will be produced in due course for consultation.

7.0 **CONCLUSION and The Planning Balance**

7.1 The development provides for 16 units in a sustainable location within one of the larger villages in the district. The development has responded to the site and the physical constraints which have informed the design. Whilst the proposal will have some impact to adjoining properties and will alter the character of the area it will not cause significant or demonstrable harm that would outweigh the presumption favour of sustainable development. The proposal provides for economic benefits in the short term for construction jobs and in social terms provides for a contribution to off site affordable housing and mitigation measures in relation to highway issues in the form of a crossing to the wider public benefit. These measures are secured through conditions and the successful completion of a section 106 agreement.

8.0 **RECOMMENDATION**

8.1 **That authority to grant planning permission is delegated to the Head of Planning upon the completion of a Section 106 Agreement and subject to the following conditions:**

- 1 : Commencement three years - full planning permission.**
- 2 : Approved plans.**
- 3 : Schedule of materials.**
- 4 : Parking and manoeuvring areas retained.**
- 5 : Cycle parking facilities.**
- 6 : Construction traffic management.**
- 7 : Travel information pack.**
- 8 : No surface water drainage to highway**
- 9 : Privacy screens provided prior to occupation.**
- 10 : Landscaping (including areas of hardstanding).**

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