

<b>APPLICATION NO.</b>	<a href="#">P18/S0353/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	5.2.2018
<b>PARISH</b>	BERRICK SALOME
<b>WARD MEMBER(S)</b>	David Turner
<b>APPLICANT</b>	Mr & Mrs R King
<b>SITE</b>	Stonehaven, Berrick Salome, OX10 6JQ
<b>PROPOSAL</b>	Erection of three detached dwellings with access, parking and gardens (As amended and amplified by drawings J639/202 Rev A and J639/203 accompanying e-mail from agent showing visibility splays and removal of gates received 23 February 2018 ).
<b>OFFICER</b>	Paul Bowers

**1.0 INTRODUCTION**

1.1 The application is referred to the Planning Committee because the views of the Berrick Salome Parish Council differ from the officer's recommendation.

1.2 The application site comprises a portion of the rear garden of Stonehaven – a detached dwelling on large plot within the village of Berrick Salome. The building is not listed and the site is not in a designated area. The plot has two vehicular access points, one to the north serving the house and one to the south serving the extensive garden area.

1.3 Outline planning permission was granted in 2017 under application reference P17/S2044/O for a detached dwelling within the garden of the existing property at the southern end of the plot. All matters except the access were reserved for later consideration. No reserved matters applications have been made and the outline permission remains extant.

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

**2.0 PROPOSAL**

2.1 This application seeks full planning permission for the erection of 3 x 4 bedroom detached dwellings with parking and gardens within the garden of the existing property.

The plans have been amended removing previously proposed gates and the demonstration of visibility splays.

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](http://www.southoxon.gov.uk) under the planning application reference number.

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Berrick Salome Parish Council** – Recommend that the application is refused for the following reasons;

- This application to build three rather than the single approved dwelling would consolidate development in this open gap on the western side of the road.
- The development would create additional hazards along the road which is used for the parking of vehicles associated with properties on Weller Close.

**Neighbour Responses** – x objections from properties to the original and amended plans including the following issues;

- The proposal is not infill and constitutes development creep.
- New access on to the road will cause hazards.
- Previous refusals of planning permission on residential properties locally relating to buildings heights should mean the application is refused.
- Not in keeping with the character of the village.
- The development would interfere with cars that park on the highway from Wellers Close.
- Concerns about drainage and sewerage.
- The development should be for affordable starter homes.
- Berrick Salome is an unsustainable location.
- The development conflicts with the emerging local plan.
- No need for housing of this size.
- The site was used as a fruit and vegetable market garden and could be again.
- Concern that by allowing this development 4 dwellings could be built rather than the proposed 3.

**County Archaeological Services** – No objection.

**Forestry Officer** – No objection subject to conditions.

**Highways Liaison Officer** - No objection subject to conditions.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P17/S2044/O](#) - Approved (25/07/2017)

Erection of detached dwelling with parking and garden.

[P00/N0570](#) - Refused (24/10/2000) - Appeal dismissed (16/05/2001)

Demolition of existing workshop/garage. Erection of two residential houses.

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

CSEN 1 – Landscape protection

CSR1 - Housing in villages

CSS1 - The Overall Strategy

CSH4 – Meeting housing needs

**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

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

C9 - Loss of landscape features

**South Oxfordshire Design Guide 2016 (SODG 2016)**

- 5.2 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.

### **Emerging South Oxfordshire Local Plan 2032**

The council carried out a consultation on the Preferred Options of the Local Plan 2032 in the summer of 2016, a second phase of consultations commences in March 2017. This proposes to allocate housing in rural communities through the neighbourhood plan process.

The classification of Berrick Salome has been downgraded from 'Smaller Village' to 'Other Village'. This is still an emerging policy and is given very limited weight. However the change in classification would still mean that housing with Berrick Salome would be acceptable in principle on sites of up to 0.1 hectares equivalent to 2-3 houses.

### **Emerging Berrick Salome Neighbourhood Plan**

Berrick Salome Parish Council are working towards the adoption of a neighbourhood plan and are at the plan preparation stage. At this stage the plan carries no weight in the determination of the application.

## **6.0 PLANNING CONSIDERATIONS**

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

- **The principle of development including;**
  - The development plan
  - The neighbourhood plan
  - Housing supply
  - The NPPF
  - Sustainability
- **Design and layout**
- **Neighbour impact.**
- **Highway impact.**
- **Housing mix**
- **Provision of garden areas**
- **Trees.**
- **Community Infrastructure Levy (CIL).**
- **Other issues.**
- **The planning balance.**

- 6.2 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

Paragraph 215 of the National Planning Policy Framework (NPPF) provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Other material planning considerations include national planning guidance within the NPPF and National Planning Policy Framework (NPPG)

6.3 The Development Plan –

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).

Berrick Salome is defined at Appendix 5 of SOCS as a ‘smaller village’. Policy CSR1 is the most relevant housing policy within the Core Strategy. It permits infill development within villages. Infill development is defined as the filling of an existing gap on an otherwise built up frontage or on other sites within the settlements where the site is closely surrounded by buildings.

This site lies on the edge of the village and is not in my view infill development and is therefore in conflict with Policy CSR1.

6.4 The Neighbourhood Plan –

The Berrick Salome parish council have submitted Neighbourhood Plan Area designation to the council in April 2017. The Neighbourhood Plan is currently at the plan preparation stage of development and at this stage the weight that can be afforded to it in the determination of this planning application is limited.

6.5 Housing supply -

To significantly boost the supply of housing, the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements. This supply should include an additional buffer of 5% to ensure choice and competition in the market for land. Alternatively, where there has been persistent under delivery of housing, the buffer should increase to 20% to provide a realistic prospect of achieving the planned supply.

The most recent evidence base that informs the council’s housing requirements is the 2014 Strategic Housing Market Assessment (SHMA). The housing land supply calculation should be calculated on the most-up-to-date objectively assessed need (OAN). The housing requirement is 775 dwellings per annum over the plan period (2011-2032) as indicated by each Inspector at appeals at Chinnor, Wallingford and Stadhampton which were issued between March – June 2016. This is a sizable uplift from the requirement for 547 homes per annum set out in the SOCS.

If a local planning authority cannot demonstrate a five-year housing land supply of deliverable sites, the NPPF paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date. The LPA has published an up to date five year housing land supply statement on 30 May 2017 and an addendum. This housing land supply statement includes the 2016/17 monitoring data. Our latest assessment demonstrates 4.1 years of housing land supply. The LPA cannot demonstrate a five year supply of deliverable housing land and the NPPF para 14 ‘presumption in favour of sustainable development’ should be applied. Policy CSR1 clearly relates to housing supply and is not up to date on this basis.

The Core Strategy housing supply policies are out of date and are given less weight in our decision making. In addition, the council’s High Court challenge of appeal decisions in Chinnor upheld the Inspector’s decision that the housing policies in relation to housing in larger villages are silent due to the lack of the Site Allocations DPD. Therefore, paragraphs 49 and 14 of the NPPF are also applied.

6.6 The NPPF -

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 this Framework indicate development should be restricted.**

6.7 Sustainability -

The question is therefore is whether the proposed development constitutes sustainable development.

At paragraph 7, the NPPF identifies three dimensions to sustainable development which include **economic, social and environmental** considerations. It states that these roles should not be undertaken in isolation as they are mutually dependent. If a proposal fails in one part then the development is not sustainable and the council will strongly resist applications which do not represent sustainable development.

In considering this issue, I am mindful of the recent grant of outline planning permission for a single dwelling on the site. In the determination of that application it was concluded that what was being proposed was a sustainable form of development. It is therefore necessary to consider whether a proposal for 3 units rather than 1 is any less sustainable than what has already been accepted.

6.8 *Environmental dimension -*

The main impact in this respect is the impact on the rural character and landscape setting of the village. In this case the site is well screened on all sides by established tall trees and vegetation. A larger extent of the site is proposed to be built upon over and above the scheme for a single dwelling. However, I remain of the of the view that given the overall level of screening it will not be unduly prominent in the context of either the landscape or the character of the area and does not harm the environment.

6.9 *Economic Dimension –*

The proposal will provide three additional houses rather than the previous scheme for one. There is an identified requirement to increase housing targets and boost housing supply. The development provides for three units and will only make a small contribution to the overall supply of housing.

The associated construction jobs and local investment during its build out as well as longer term expenditure in the local economy will be of economic benefit to the local area and will be 3 x greater than the economic benefits that would be derived from a single dwelling should this application fail and the applicants progress the scheme the subject of the outline permission.

The proposal will also help meet the requirements under Policy CSS1 for smaller villages by facilitating growth which supports the provision and retention of local services. The proposal therefore has economic benefits. I afford this the economic dimension limited weight.

6.10 *Social Dimension –*

The 'network of settlements' under policy CSS1 remains a good basis for determining what are the 'sustainable locations' for development. The settlement assessment background paper looked carefully at what services and links different settlements had. Berrick Salome is a "smaller" village clearly at that time performed poorly in terms of services for day to day living and therefore does not justify extra development (other than infill) which would undermine the distribution strategy to ensure new dwellings can access services.

In this case the site is within the settlement as it's within the boundaries of an existing property but it is on the edge of the village. It is possible to walk to village services in the same way as the existing property does and those on the opposite side of the road to the east.

The development will provide housing and increase housing choice and availability where there is an identified requirement to increase housing targets and boost housing supply but pedestrian links of poor. The provision of three new dwellings in a village of this size carries moderate weight in this respect

**Conclusion in respect of the principle of development –**

It is clear that the development limitation that applies in Berrick Salome through the criteria in policy CSR1 is designed to achieve sustainable levels of development appropriate to its position within the settlement hierarchy. Given the position of the site relative to existing properties on the opposite side of the road and the distance to village services in addition to the economic and social benefits (albeit relatively limited), I conclude that what is proposed is a sustainable form of development for which there is a presumption in favour of permitting unless there are significant and demonstrable harm that outweighs the benefits.

6.11 **Whether the proposal has a harmful impact on the visual amenity and character of the area.**

If a proposed housing development is acceptable in principle, then the detail of the proposal must be assessed against the criteria of Policy H4 of the South Oxfordshire Local Plan 2011 (SOLP). Whilst Policy H4 does not strictly apply to development on the edge of settlements the criteria set out in the policy are a relevant way of assessing the development in terms of how it would impact on the visual amenity and character of the area.

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

The site is not part of an important public open space of any specific interest

6.12 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 proposed dwellings whilst not identical share a common appearance in terms of design and materials. The use of half hipped roofs and areas of timber cladding means that the dwellings reflect aspects of local distinctiveness but in a more contemporary appearance. Given the mixture of styles and size of properties in this part of Berrick Salome I conclude that the character of the area will not be adversely affected by the development.

- 6.13 *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.

Highway issues are dealt with in paragraphs 6.18 – 6.19.

- 6.14 *Provision v) relates to back land development and seeks to ensure that it would not create problems of privacy and access and would not extend the built up limits of the settlement.*

Paragraph 6.5 of this report deals with any neighbour impact issues that arises from the development including its position relative to other properties. This site does not extend the built limits of the settlement.

Overall the development complies with the criteria of Policy H4.

- 6.15 **Plot coverage and garden size.**

Policy D3 of SOLP 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 proposed site provides for in excess of 100 square metres in respect of private amenity space for the three new dwellings and the existing dwelling exceeding the council's standards. The size of the plots do not appear out of keeping with the size of the plots of surrounding properties.

- 6.16 **Trees.**

Policy C9 of SOLP states that any development that would cause the loss of landscape features will not be permitted where those features make an important contribution to the local scene, and/or provide all or part of an important wildlife habitat and/or have important historical value. Where features are retained within the development site, conditions will be used to ensure that they are protected during development and have sufficient space to ensure their survival after development.

The trees within this site range in quality and landscape value. The loss of the trees shown for removal will alter the sylvan character of the area to some degree, but the retained trees will still form a dominant landscape feature and soften the impact of the development.

The trees shown to be retained in between the new access points on Westerly Road will play a key role in softening views into the site from the surrounding dwellings and the highway. New hedging will be needed to bolster the existing or fill in gaps created by the construction process.

The proposed site layout does allow space for new planting to secure the next generation of tree cover as well. Although two of the access points will require construction of a driveway within the root protection areas of the adjacent trees, due to the existing site conditions the proposed use of a No Dig construction method will be acceptable.

Therefore, a condition is recommended to ensure that the applicant complies with all tree protection measures detailed in the submitted arboricultural method statement. In addition, a landscaping condition is also attached to secure new planting to improve the highway screening and help to mitigate the required tree removal.

In conjunction with the conditions the proposal will accord with the aims and objectives of Policy C9.

**6.17 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.

- 6.18 As originally submitted the application did not include drawings which showed the extent of the visibility splays which would be required at every access point. In addition the plans did show gates but these would need to be set back from the carriageway edge by 5 metres.

Plans were provided showing visibility splays at each access of 2.4 metres back and 43 metres in both directions. The plans also omitted the previously proposed gates.

These changes were sufficient to remove the Highway Authorities holding objection and address their concerns to the point that they no longer object. In conjunction with the suggested conditions which form part of this recommendation covering the details of the new accesses, protection of visibility splays and retaining the parking and manoeuvring areas the resulting impact on highway safety is not severe and therefore found to be acceptable.

**6.19 Housing mix.**

Policy CSH4 of the Adopted Core Strategy aims to provide a satisfactory mix of units to meet the requirements of the district's Housing Needs Survey.

This is to ensure that there is a satisfactory provision of smaller units across the district. The three proposed dwellings are 4 bedroom units.

Whilst this does not strictly accord with the aims of Policy CSH4 the number of bedrooms being provided does not in my view amount to a significant or demonstrable harm that



would outweigh the benefits the development would bring about and therefore not a reason for the council to refuse planning permission.

**6.20 Impact on the amenities of the occupants of nearby properties.**

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 and close that it is considered oppressive and overbearing.

The most affected property by the development is the existing Stonehaven which is to the north of the position of the three new dwellings. The position of that dwelling relative to the nearest building on plot 1 is sufficient to offset any adverse impact from the mass and height of the dwelling.

Windows are proposed in the side of Plot 1 which have the potential to overlook the garden of Stonehaven. These windows serve an ensuite and a bathroom. I consider it both reasonable and necessary to ensure that these windows are obscure glazed and a condition is proposed that secures this. In addition to this the ensuite window in the first floor of the northern elevation of Plot 2 also has the potential to overlook Plot 1 and therefore the condition also applies to Plot 2.

The impact to properties on the opposite side of the road at Triad on Weller Close and Cases Court would potentially come from overlooking. However the fronts of properties facing the road and towards these properties are in excess of 20 metres and in my view this level of overlooking from such a distance is not significantly harmful.

Overall, I conclude that the development is not unneighbourly.

**6.21 Community Infrastructure Levy (CIL)**

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.

The application involves the creation of a new dwellings and is CIL liable.

**6.22 Other issues.**

Concern has been raised by a local resident that through a combination of the previous planning permission and this scheme 4 dwellings could be achieved on site. The outline planning permission allowed for a single dwelling. When the approved outline scheme is overlaid on top of the proposed layout plan the approved dwelling would occupy much of the same physical space as Plot 2. In addition, there has been no reserved matters application submitted or approved for that single dwelling and it could not be erected without subsequent approval of those reserved matters.

Whilst it is always possible that a future application could be submitted that sought permission for more than the three dwellings I cannot foresee how such an end result could be achieved without an application for planning permission being submitted in that respect first.

**6.23 The planning balance.**

The development is in conflict with Policy CSR1 of the South Oxfordshire Core Strategy on the basis that the proposal does not constitute infill development. However, having regard to the absence of significant and demonstrable harm caused by the

development the presumption in favour of allowing sustainable development is engaged. As set out in this report the proposal does not give rise to such an impact and the benefits of the development outweigh what limited harm the proposal will give rise to.

**7.0 CONCLUSION**

7.1 The proposal comprises a sustainable form of development and does not give rise to significant or demonstrable harm that would outweigh the benefits of providing three new units. The dwellings are acceptable in appearance, neighbour impact and amenity and in conjunction with the attached conditions complies 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. **Development as per the approved plans.**
3. **Schedule of materials to be submitted for approval.**
4. **Construction traffic management.**
5. **Obscure glazing.**
6. **New vehicular access to Oxfordshire County Council standard.**
7. **Parking and manoeuvring areas retained.**
8. **Vision splay protection.**
9. **Landscaping (including boundary treatment) to be submitted for approval.**
10. **Tree protection (implementation as approved plans and report).**

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