

APPLICATION NO.	P18/S0681/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	27.2.2018
PARISH	STADHAMPTON
WARD MEMBER(S)	Caroline Newton
APPLICANT	REL Group Ltd
SITE	The Crown, Thame Road, Stadhampton, OX44 7TX
PROPOSAL	An amended scheme on a surplus second carpark to provide a single detached four-bedroom dwelling. (As amplified by additional supporting information in the form of a CGI render of the dwelling and amended by drawings accompanying e-mail from agent received 22 March 2018 amending parking and turning areas).
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 the rear to the north west and on the opposite side of the road.
- 1.3 An application was submitted in 2017 under application reference P17/S3713/FUL and was refused planning permission for the following reason;
- That having regard to its size, scale and siting in close proximity to the boundary and the location of a bedroom window in the side elevation of 1 Crown Terrace the proposal would have an intrusive and overbearing impact on that adjoining property and result in a loss of light. As such it would cause significant and demonstrable harm to the amenities of that property contrary to Policies D4 and H4 of the South Oxfordshire Local Plan 2011.**
- 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 a revised scheme for a detached 4 bedroom dwelling with associated amenity and parking areas.
- The application has been amended to address issues of visibility, parking and turning areas for vehicles within the site.
- 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 that the application is refused permission for the following reasons;

- They disagree that the car park is 'surplus'.
- Concern about the loss of the Aunt Sally facility.
- Concern about the manoeuvring areas within the site.
- Loss of light and overshadowing to 1 Crown Terrace.
- Concern about safety with the house fronting on to the road.
- Smell and odours from the pub affecting the occupants.
- The housing needs for the village have been met through previous planning consents.

Neighbour Responses –

26 x objections to the scheme as originally submitted and amended covering the following concerns;

- 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.
- The scheme doesn't address the previous reason for refusal of planning permission.

County Archaeological Services - No objection.

Highways Liaison Officer – No objection subject to conditions.

Env. Protection Team – Request conditions relating to the noise from the road.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P17/S3713/FUL](#) - Refused (09/02/2018)

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.)

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

CSR1 – Housing in villages

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

EP2 – Noise and vibrations

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.

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 **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.

- 6.10 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.

- 6.11 The proposed building will provide for 4 bedrooms. The private amenity space shown on the plans allows for 95 square metres broadly in line with the council's advice. It also provides for a dedicated parking area.

In my view these provisions, sort walk to the village amenities 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.

- 6.12 **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. In addition, the impact on the occupants of the new dwelling in terms of noise and disturbance are also considered.

6.13 *1 Crown Terrace –*

The previous application was refused on the basis that the building was so close and larger to the side of that property from the side facing window in 1 Crown Terrace and the impact would be overbearing and oppressive and cause a loss of light to the bedroom.

The revised application increases the gap between the side of the new building and 1 Crown Terrace from the previous 1 metre to 6.7 metres. This gap in conjunction with the lack of first floor windows in the side of the new building reduces the impact to the extent that in your officer's view this overcomes and addresses the reason for the refusal of the previous application. The harm that would be caused is not significant and does not therefore outweigh the benefits of the development.

6.14 *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 rear elevation of the new dwelling. The council advises in the South Oxfordshire Design Guide that a minimum back to back distance should be in excess of 25 metres to reduce the impact of overlooking to an acceptable level. The plans are annotated demonstrating a distance of 24.7 metres distance between the first floor windows. Although not the full 25 metres the council would normally seek, it is my view that a deficiency of 27 centimetres (slightly less than the length of a ruler) amounts to significant harm. I conclude that the overall impact 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.

6.15 *The Crown Public House –*

The new building will sit alongside the public house closer than the previous scheme. There are windows in the first floor of the public house that will look on to the side wall of the new dwelling. Whilst this relationship will be similar to that which the council found to be unacceptable in relation to 1 Crown Terrace it must be noted that this is a commercial premise with ancillary residential accommodation above as opposed to a fully independent separate dwelling. In addition, this development is being put forward by the owners of the land.

There are three windows on the side of the public house. The Crown has a front elevation hard on to the back edge of pavement. The dwelling is set back 1.5 metres from the road. The habitable room window in the public house on the side elevation is one of two windows serving a first-floor room. The other is on the front elevation. The window is set a metre in from the NE corner and in front of the front wall of the new dwelling. It will therefore continue to receive direct light coming to the window sufficient not to cause any harm to the living conditions to that room.

The bedroom to the rear at first floor is served by the other two windows. The window closest to the rear corner is set beyond the rear wall of the proposed dwelling and due to the distance between buildings will not be adversely affected by the new building. The second window, will suffer a degree of light loss, but the room overall will not be adversely affected in an unacceptable way. There will be no adverse overlooking of the new property from either of these windows.

Overall, I conclude that the impact to the public house will not be significant.

The position of the new dwelling will have an impact on the new occupants. However, although it is closer than the adjoining buildings these are all relatively close to the pub and that impact is long standing. Any new occupants of the new dwelling will be buying in full knowledge of the relationship between the two buildings and the new dwelling can be insulated to the extent that noise levels can be reduced.

6.16 *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.

- 6.16 The council's Environmental Health Officer has requested information on noise levels and from the road. Conditions relating to hours of operation and control of dust and noise. I have considered all three of these requests however I have concluded that such conditions do not meet the test that must be applied to conditions before they are included on a formal decision.

In terms of the noise assessment in relation to the road, the relationship between the new property is the same as those along this extent through the village. I do not believe that this relationship is materially different to what already exists to the extent that it is not reasonable to attach such a condition or necessary.

The control of dust and hours of operation also fall within the category of not necessary or reasonable for a development of this scale. They also replicate the protection that is afforded under environmental health laws.

- 6.17 Overall officers conclude that the development addresses and overcomes the previous reason for refusal and the impact to nearby properties is not materially harmful.

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 The changes to the scheme have ensured that the development allows for sufficient parking on the site for the size of dwelling and space to manoeuvre within the site so that vehicles can exit in forward gear. The visibility splays demonstrated have also been considered and met with the Highway Officers approval.

The parking survey submitted with the previous application 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 previously 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. The Highway Authority did not object to the previous application and do not object to this application.

6.20 Community Infrastructure Levy.

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.

6.21 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 affect upon the provision of the game of Aunt Sally at the public house is not in my view a material planning consideration that the council can weigh in the balance.

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 unviable 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. 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.**
4. **Withdrawal of permitted development (Part 1 Class A) - no extensions etc.**
5. **Withdrawal of permitted development (Part 1 Class E) - no buildings etc.**
6. **Vision splay dimensions.**
7. **Parking and manoeuvring areas retained.**
8. **No surface water drainage to highway.**

Author: Paul Bowers
E-mail : paul.bowers@southandvale.gov.uk
Contact No: 01235 422600

This page is intentionally left blank