

<b>APPLICATION NO.</b>	<a href="#">P18/S3904/O</a>
<b>APPLICATION TYPE</b>	OUTLINE
<b>REGISTERED</b>	27.11.2018
<b>PARISH</b>	TIDDINGTON
<b>WARD MEMBER(S)</b>	John Walsh
<b>APPLICANT</b>	Mr & Mrs Fowler
<b>SITE</b>	Ardhaven House Old London Road Milton Common, OX9 2JR
<b>PROPOSAL</b>	Proposed New Dwelling on land adjacent to Ardhaven House. (As amended by drawings 100 Rev A and 101 Rev A showing vision splays and indicative parking accompanying response from applicants agent dated 2 January 2019)
<b>OFFICER</b>	Paul Bowers

1.0 **INTRODUCTION**

- 1.1 The application is referred to planning committee because the views of the Tiddington with Albury Parish Council differ from the officer’s recommendation to approve outline planning permission.
- 1.2 The application site comprises the side garden of the property known as Ardhaven House, which is a detached one and a half storey dwelling. The site sits between that building and number 56 Old London Road which faces south west, whereas Ardhaven Houses faces on to the Old London Road to the north. Levels change making the application site higher than the level of the road.
- 1.3 A plan identifying the site is **attached** as Appendix 1 to this report.

2.0 **PROPOSAL**

- 2.1 The application seeks outline planning permission for a new dwelling on land next to Ardhaven House. All matters are reserved for later consideration in subsequent reserved matters application(s). The plans accompanying the application are indicative and show a layout and siting for illustration purposes only.
- 2.2 Reduced copies of the plans accompanying the application is **attached** as 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 **Tiddington with Albury Parish Council** – Object for the following reasons;
- Overdevelopment of the site.
  - Is in the Green Belt and within a hamlet.
  - Vehicle parking would congest a narrow road.

**Neighbour Representations –**

- Loss of privacy from overlooking.
- The proposal would increase the density of properties within a rural area.
- The character of the property would not be in keeping.
- No details submitted with the application.
- The site sits higher than the road.
- The site is not large enough to accommodate a dwelling.

- The proposal amounts to an overdevelopment.
- Restricted space on the site for parking.
- Will result in difficult access to properties along Old London Road during construction.
- Loss of views of the countryside.

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

4.0 **RELEVANT PLANNING HISTORY**

4.1 None.

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Core Strategy (SOCS) Policies**

CS1 - Presumption in favour of sustainable development

CSS1 - The Overall Strategy

CSEN2 – Green Belt

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

G2 - Protect district from adverse development

GB4 – Green Belt

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)**

**National Planning Policy Framework (NPPF)**

**National Planning Policy Framework Planning Practice Guidance (NPPG)**

**Emerging Tiddington with Albury Neighbourhood Plan**

Paragraph 48 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 within the NPPF.

As the Neighbourhood Plan is at the plan preparation stage it has limited weight in the determination of the application at this stage.

6.0 **PLANNING CONSIDERATIONS**

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

- **The principle of development in terms of housing policy.**
- **The principle of development in terms of the Green Belt and impact on openness.**
- **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.**

**The principle of development.**

- 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.
- 6.3 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.
- 6.4 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).
- 6.5 Milton Common is classified in Appendix 4 of SOCS as an 'other village'. Policy CSR1 of SOCS permits infill development within 'other villages' on sites of up to 0.1 hectares or equivalent to 2-3 dwellings.
- 6.6 Infill 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.
- 6.7 The site is part of the existing garden of Ardhaven House and is a gap between that building and 56 London Road. It will have a frontage on to Old London Road. In my view what is proposed falls within the definition of infill development. The erection of a dwelling on this site is therefore acceptable in principle.

**The principle of development in terms of the Green Belt and impact on openness.**

- 6.8 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is set out in Section 13 of the advice from Central Government in the National Planning Policy Framework (NPPF).
- 6.9 The advice contained within the NPPF is filtered down on a more local level within a district's development plan specifically SOCS policy CSEN2 and SOLP policy GB4. policies within the South Oxfordshire Local Plan 2011.
- 6.10 Paragraph 134 of the NPPF sets out the five purposes of the green belt;
- to check the unrestricted urban sprawl of large built up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.11 In addition, there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt.
- 6.12 Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.13 Paragraph 144 states that when local authorities are considering planning applications substantial weight should be given to any harm to the Green Belt. It goes on to say that 'very special circumstances' will not exist unless the potential harm to the

Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 6.14 Paragraph 145 advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt **except** for the following purposes;
- Agriculture and forestry.
  - Appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the green belt and don't conflict with the purposes of including land in it.
  - The extension alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
  - The replacement of a building where it is in the same use as the existing and is not materially larger.
  - **Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan** or;
  - Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.15 The assessment of the impact to the Green Belt is therefore a stepped process in that a proposal needs to be considered in terms of whether the development is inappropriate and then whether it harms the openness of the Green Belt.

6.16 If a development conflicts with either then consideration has to be given as to whether there are any 'very special circumstances' that would outweigh this harm.

6.17 *Is the development inappropriate?*

The exception to building in the Green Belt that relates to this development is highlighted above in that this proposal constitutes infill development (see para 6.4). Therefore, erecting a dwelling in this location is not an inappropriate form of development that would be harmful to the Green Belt by definition.

6.18 *Does the development harm openness?*

Erecting a dwelling on an open piece of land will always have an impact on openness. However, the fact that the NPPF does not consider infill development as an inappropriate form of development means that there is an acceptance that some limited impact, as a result of having new buildings, is acceptable.

In terms of the impact to openness regard must be had to the position of the site in respect of the existing built form. Given the location within the village and the overall size of a building that could reasonably be accommodated on this site, I conclude that the impact to the openness of the Green Belt is not harmful.

#### **Whether the proposal accords with the criteria of Policy H4.**

6.19 If a proposed housing development is acceptable in principle and accords with Policy CSR1 of SOCS then the detail of the proposal must be assessed against the criteria of saved Policy H4 of the South Oxfordshire Local Plan 2011 (SOLP).

- 6.20 Provision (i) of Policy H4 states ***‘an important open space of public, environmental or ecological value is not lost, nor an important view spoilt.’***
- 6.21 The site is part of a residential garden. It does not comprise an important public open space.
- 6.22 The site has no ecological value and the development will not spoil or harm any important views beyond the site.
- 6.23 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 in not adversely affected.’***
- 6.24 The second provision relates to the overall appearance of the building and how it will impact on the character of the area. At this outline stage the detail and appearance of the building is not fixed and will be considered at the reserved matters stage.
- 6.25 Provision (iii) ***states that the ‘character of the area in not adversely affected.’***
- 6.26 Beyond the fact that the development will result in the creation of a dwelling on this piece of land it is not possible to comment in detail as to whether it will have an adverse impact on the character of the area. This would be assessed in a reserved matters application.
- 6.27 ***Provision iv) of Policy H4 states that there should be no overriding amenity or environmental or highway objections.***
- 6.28 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.
- 6.29 In respect of the element of provision iv) that relates to the environment there are no environmental issues that would justify resisting the proposal.

**Plot coverage and garden size.**

- 6.30 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.
- 6.31 The South Oxfordshire Design Guide sets out the minimum amount of private amenity for 1 bedroom units at 35 square metres, 2 bedroom units at 50 square metres and 100 square metres for three bedroom properties and above.
- 6.32 The inability to provide these minimum standards would be an indicator that a proposal amounts to an overdevelopment.
- 6.33 The plans that have been submitted are indicative and suggest a way in which the site could be developed. The siting of the suggested footprint of the building is such that the building would provide for a private amenity area of some 95 square metres and the retained garden area for the existing dwelling is well in excess of 100 square metres. I am satisfied that the small amount of under provision of amenity space has no material

impact and that the plans show a possible layout that would ensure a dwelling on this site would not amount to an overdevelopment.

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

- 6.34 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.
- 6.35 In the case of this outline application, given that the layout or appearance is not fixed, it is not possible to conclude that the eventual development would necessarily be unneighbourly.
- 6.36 A dwelling across two floors in this location could be designed in such a way that it would not be unneighbourly. That can only be fully assessed when the final design is presented in a reserved matters application when the mass, height, design and windows openings can be shown and a view taken as to whether there would be an unneighbourly impact. At this stage however, it cannot be known and the council could not resist the development on the ground of neighbour impact when the final design is yet to be formally put to the council to consider.

**Impact on highway safety.**

- 6.37 With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:
- 6.38 *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.*
- 6.39 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.
- 6.40 The Highway Authority originally provided a holding objection as they wanted to see parking arrangements and visibility splays. Whilst the layout and access are not fixed as part of this application the applicant's agent has demonstrated that adequate parking, visibility and access could be achieved on this site for a development of a single dwelling without causing severe harm to the safety of the users of the public highway in conjunction with the conditions proposed in section 8.2 of this report.

**Community Infrastructure Levy.**

- 6.41 This development is CIL liable as it will result in the creation of a new dwelling. CIL is payable on commencement and a CIL liability notice would be sent out to the applicant at the point that the reserved matters applications were approved.

**7.0 CONCLUSION**

- 7.1 The site is located within the built-up limits of one of the smaller villages in the district where infill development is acceptable. Although all matters have been reserved for subsequent approval the principle of a dwelling is considered acceptable as it has been successfully demonstrated in the indicative plans that the development could provide adequate levels of parking and amenity space. In conjunction with the attached conditions the proposal accords with the relevant development plan policies.

8.0 **RECOMMENDATION**

8.1 That outline planning permission is granted subject to the following conditions:

- 8.2
1. Commencement - outline planning permission.
  2. Submission of reserved matters – general.
  3. Approved plans.
  4. New vehicular access shall be constructed to highways specifications.
  5. Vision splay protection.
  6. Parking and manoeuvring areas retained.
  7. No surface water drainage to highway.

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