

APPLICATION NO.	P18/S3705/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	15.11.2018
PARISH	BECKLEY
WARD MEMBER(S)	John Walsh
APPLICANT	Care of The Beckley Court Residents
SITE	Land North of Beckley Court, Beckley, Oxfordshire
PROPOSAL	Proposed new 3 bed dwelling. (As amended by drawing nos 1805-MEB-XX-00-DR-A-3- 102A, 103C, 201B, 202A, 203A, 302A to reduce footprint of building to address parking concerns and as clarified by revised Design and Access Statement and 3D views accompanying Agent's email dated 12 February 2019).
OFFICER	Sharon Crawford

1.0 INTRODUCTION

1.2 The application has been referred to the Planning Committee because the recommendation conflicts with the views of the Beckley Parish Council who object to the application. The application was deferred from the meeting on 20 February to allow for the re-consultations on amended plans.

1.3 The site sits opposite the village hall to the southern side of Woodperry Road within the Oxford Green Belt and comprises an area of 0.3 ha. A sewage treatment plant formerly occupied the site, but this has been decommissioned. The site is now cleared and open. Ground levels are in line with the level of Woodperry Road but land levels drop significantly to the south where the Beckley Court properties were constructed within a hollow created by a quarry. The character of Woodperry Road is varied.

1.4 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 PROPOSAL

2.1 The application seeks full planning permission for a three-bedroom, flat roofed, two storey, detached dwelling. The materials proposed are brick finish on the ground floor and timber cladding to the upper floor with a green, flat roof. The existing access would be closed, and a new access point provided to the eastern edge of the site. Parking and manoeuvring space for two cars would be provided. Sections across the site have been submitted to show the relationship with existing houses in Beckley Court.

2.2 Amended plans have been submitted to address the concerns of the OCC Highway Officer. The amendments include the following changes;

- the porch and external walls of the house reduced by 1m to increase the parking area.
- the internal layout on the ground floor and first floor have been modified with minor amendments.
- the turning circles and vehicle movements are shown.
- The design and access statement has been updated accordingly.

2.3 Reduced copies of the amended plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Full responses can be found on the Council's website

- 3.1 Beckley Parish Council Objection;
- Overlooking to no 3 Beckley Court
 - Design – flat roof – against the policies of the Neighbourhood Plan
 - Overdevelopment of the site
 - Not in keeping with the surroundings and the street scene
 - A chalet bungalow would fit in with other properties on the Woodperry Road.
- OCC (Highways) **Original plans.** Holding objection subject to revisions to vision splay and clarification on parking required.
Comments on amended plans to be reported verbally at committee.
- Amended plans.** No objection subject to conditions.
- Contaminated Land Officer No objection. Based on the information provided in the Site Investigation Report there does not appear to be any potential for land contamination to impact the development.
- Neighbours object (2) The site is within an open gap of some 100m on Woodperry Road, a new dwelling on this site will diminish this gap. The site is in the Green Belt and only limited infilling should be allowed. This is not a small gap in a built-up frontage and the site is not closely surrounded by buildings so the principle of development is not acceptable. A new dwelling will impact on openness.
- The surrounding sites are large and spacious – the proposed site is smaller and will be incongruous and out of character.
- There will be unacceptable overlooking to 3 Beckley Court particularly to the garden which is set at a considerably lower level. The impact will not be mitigated by a fence.
- There is a risk of contamination due to the previous use and there is no evidence that soil tests have been carried out. Historically there have been problems with the septic tank where wastewater has overflowed.
- Unacceptable overlooking from east and south windows to the north west bedroom window at 2 Beckley Court.
- Additional traffic at this narrow point in the road where there is limited visibility will cause a danger to other vehicles and pedestrians.
- The plot is too small and would not provide sufficient garden area – this would be out of keeping with the character of the surrounding large plots.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P18/S2457/PEM](#) – Pre-application response (04/09/2018)

Proposed new dwelling.

[P87/N0326](#) - Approved (01/07/1987)

Sewage disposal scheme.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSEN2 - Green Belt protection

CSH1 - Amount and distribution of housing

CSI1 - Infrastructure provision

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

C4 - Landscape setting of settlements

D1 - Principles of good design

D10 - Waste Management

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

D7 - Access for all

EP1 - Adverse affect on people and environment

EP6 - Sustainable drainage

EP7 - Impact on ground water resources

EP8 - Contaminated land

G2 - Protect district from adverse development

GB4 - Openness of Green Belt maintained

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

T2 - Unloading, turning and parking for all highway users

5.3 Neighbourhood Plan policies;

Neighbourhood Plan policies – Beckley Neighbourhood Development Plan (BNP)

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 with the NPPF.

The Beckley Neighbourhood Plan area was designated in June 2016 and the statutory pre-submission consultation exercise concluded on 24 February 2018. The qualifying body is reviewing the comments received. Once the qualifying body is satisfied that they have addressed the issues raised during the consultation they may conduct another round of consultation or they may formally submit the plan to district council. The plan has not yet reached a sufficiently advanced stage where it can be given significant weight.

5.4 **Emerging South Oxfordshire Local Plan 2032.** Policy H16 and Appendix 7

The Local Plan and supporting documents is being prepared for submission to the Secretary of State after which, a Planning Inspector will then be appointed to carry out an Independent Examination of the Local Plan. The Local Plan does not allocate sites

for development in villages and instead devolves delivery of new houses in these locations to the Neighbourhood Plan process. In the emerging Local Plan, Beckley continues to be a smaller village; in the absence of a made Neighbourhood Plan a 5 - 10% increase in dwelling numbers will be achieved through suitable development sites and infill development. The emerging Local Plan has limited weight at this stage.

5.5 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.6 National Planning Policy Framework (NPPF)

Paragraph 11	Presumption in favour of sustainable development
Section 4	Decision making
Paragraphs 54 - 57	Planning conditions
Section 5 Paragraphs 59 to 66	Delivering a sufficient supply of homes
Section 11	Making efficient use of land
Section 12	Achieving well designed places
Section 13 paragraph	Protecting Green Belt Land

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to consider in this case are;

- The principle of the development.
 - Greenbelt
 - Housing in villages
- H4 criteria.
- Provision of gardens.
- Contamination
- Pre-commencement conditions
- Community Infrastructure Levy.

6.2 **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.

Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

6.3 **Green Belt issues.** The National Planning Policy Framework (NPPF) attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open – the most important attribute of Green Belts is their openness and their permanence.

The Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is important to note that whilst the Green Belt contains areas of attractive landscape, the quality of the landscape is not relevant to the inclusion of land in the Green Belt or its continued protection. It is the openness of land that is important.

6.4 To protect openness there is a general presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings in the Green Belt are inappropriate unless for the following purposes (my highlighting of relevant section):

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;**
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Limited infilling within villages is not inappropriate development in the Green Belt and the proposal would constitute limited infilling in my view.

6.5 **Housing in villages.** Policy CSR1 of the South Oxfordshire Core Strategy (SOCS) allows for the provision of housing in the smaller and other villages in the district. Beckley is identified as an “smaller” village where infill development on sites of up to 0.2 hectares may be allowed subject to the criteria of policy H4 of SOLP. Infill development 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. CSR1 also allows for redevelopment proposals in all categories of settlement but these will be considered on a case by case basis through the development management process in line with other policies in the Development Plan. CSR1 and CSEN2 (SOCS) also make reference to respecting Green Belt designations.

The NPPF says that where villages are included within the Green Belt, it has to be because they too contribute to the openness (para 140). A reasonable interpretation is that there are features in the character of the village (open spaces) that make that contribution in particular.

CSR1 considers that if a site is an infill site (or redevelopment site), then it will be part of a built-up area/ frontage and there would be some harm to the openness but it would be limited; unless it was an important open space within the village, then that is serious harm and will not be allowed. These are the *balanced* judgements CSEN2 is seeking.

Neighbours have questioned whether the site is an infill site. It is my view the site is within the built-up limits of Beckley. Whilst the Beckley Court properties back onto Waterperry Road and do not provide a “frontage” as such, this site is a small gap in a continuous line of houses and is closely surrounded by The Elms and 2 and 3 Beckley Court. In addition, the emerging Neighbourhood Plan seeks to define a settlement boundary, where any sites within the boundary have development potential. This site falls well within the settlement boundary defined in the BNP. It is also worth noting that the site is previously developed as a sewage treatment works; although most of the development is below ground. Two of the aims of the emerging Neighbourhood Plan are –

1. Encouraging development of brown field land, and
2. Encouraging infilling within the ‘Defined Village’

This site achieves both of those aims in my view. In the circumstances, I believe that the principle of development is acceptable.

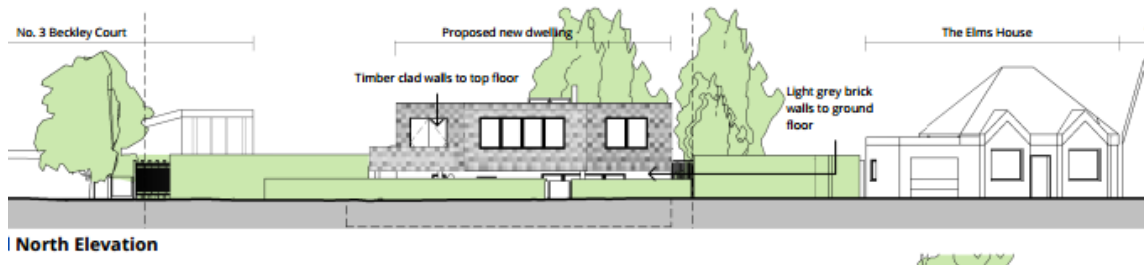
6.6 **H4 criteria.** Having established that the principle of residential development is acceptable on the site, policy H4 of the SOLP requires development within built-up areas to integrate well and be responsive to the character of the area. The proposal must also meet the following criteria to demonstrate that the proposal will not result in a harmful impact on the surrounding residential area:

6.7 **i) an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt;**

The site is currently open because any remaining infrastructure associated with the sewage treatment plant is below ground. However, the site has no special designation (other than Green Belt) and I do not consider the site to be an important open space of public, environmental or ecological value.

6.8 **ii) the design, height, scale and materials of the proposed development are in keeping with the surroundings;**

There is a considerable range of design and style of dwellings along Woodperry Road both contemporary and traditional, detached, semi-detached and bungalows, chalet bungalows and two storey buildings. The application proposes a contemporary, two storey flat roofed structure. The ground level of the dwelling would be 1m below normal ground level in order to maintain an acceptable height in relation to neighbouring properties.



In terms of design the proposal adds to the existing variety. In terms of scale the proposed building is not significantly larger than other buildings on Woodperry Road. The materials are contemporary, but this is not at odds with other new development

along Woodperry Road. Given the existing variety, I do not believe that the proposed dwelling would be harmful to the character of the area.

6.9 **iii) the character of the area is not adversely affected;**

See above.

6.10 **iv) there are no overriding amenity, environmental or highway objections;**

Highways. Access and parking. With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Para 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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.

Neighbours have expressed some concern about increased traffic at this narrow point on Woodperry Road. However, the highway engineer has no objection to the increase in traffic at this point. He considers that the scheme is unlikely to have a significant adverse impact on the highway network. Amended plans have addressed the concerns of the highway officer in relation to turning on the site and there is no objection to the scheme subject to conditions.

6.11 **Neighbour impact**

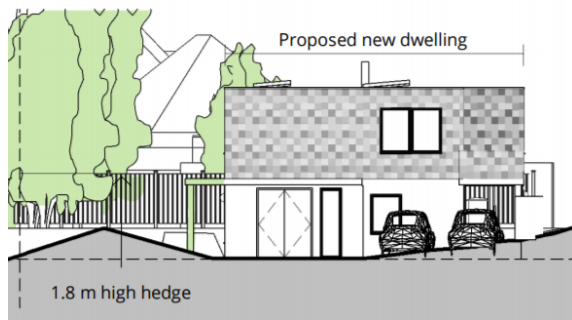
Policy D4 of SOCS seeks to ensure that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for occupiers and to ensure that the amenities of the occupants of neighbouring properties is not harmed.

There are three neighbouring properties that have the potential be affected by this proposal **The Elms**, Woodperry Road and **2 and 3 Beckley Court**. The Elms appears to be on a similar ground level as the existing site but the properties in Beckley Court are built within an old quarry and are set at a lower level.

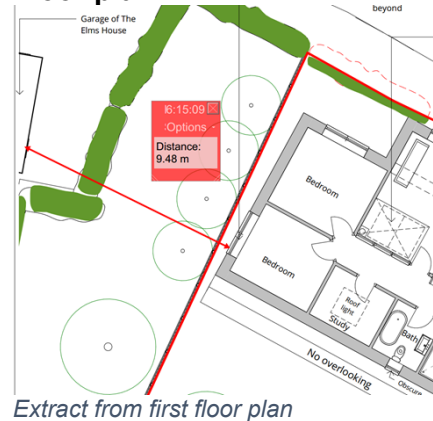
6.12 **Impact on The Elms.** The Elms and the proposed new dwelling would have a standard side to side relationship with a distance of some 9m between the side wall of the new dwelling and the existing garage of The Elms. It is noted that in trying to remove any overlooking potential to 3 Beckley Court, at the rear, that a first floor bedroom window is included in the side elevation that look directly towards The Elms. The bedroom window has the potential to overlook depending on the outlook. In this case, I do not consider the bedroom window to be unneighbourly as it looks onto an evergreen hedge and the garage.

In terms of scale and massing, I believe that the impact on the Elms will be acceptable and will be a normal side to side relationship – see over.

Elevation to the Elms



Floor plan



6.13 Impact on 3 Beckley Court.

The proposed dwelling is to the north west of number 3 and will not have any impact on sunlight. However, due to land levels and the relationship with the garden to number 3 the new dwelling has the potential to be oppressive and to overlook.

6.14 The new dwelling would maintain a distance of some 22 metres from no 3 and the buildings are at an oblique angle to each other so that there is no direct line of overlooking between buildings. Given the distance and orientation involved, I do not believe that the new building would have an oppressive impact.

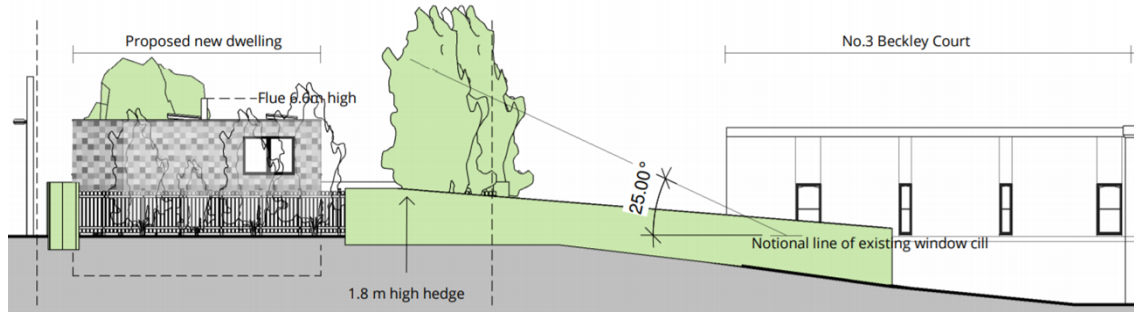


6.15 The BRE trust “Site Layout Planning for Daylight and Sunlight” (2011) is a guide to good practice and gives advice on site layout planning to achieve good sunlighting and daylighting both within buildings, in the open spaces between them and within existing buildings nearby.

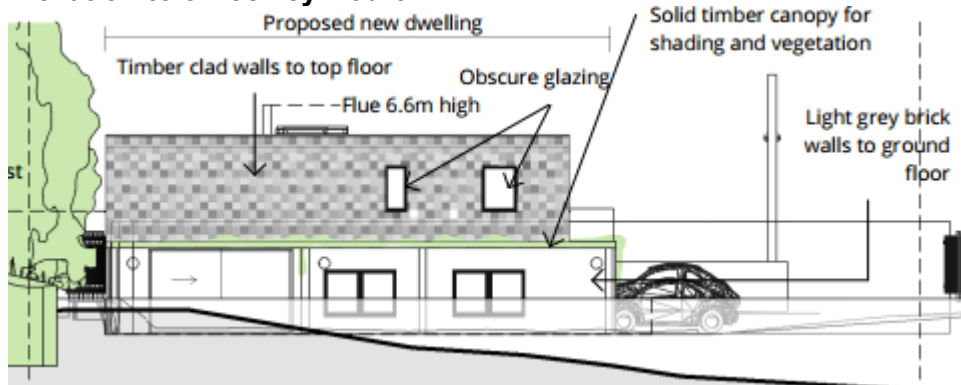
6.16 To assess impact on daylight on any existing window the BRE document establishes a test. A measurement is taken of the angle to the horizontal subtended by the new development at the centre of the lowest window. If the angle is less than 25 degrees then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the

existing building. The sections below illustrate that the angle from the midpoint of the lowest window is less than 25 degrees and as such this impact is likely to be acceptable in terms of impact on daylight for all windows.

6.17 **Section to 3 Beckley Court**



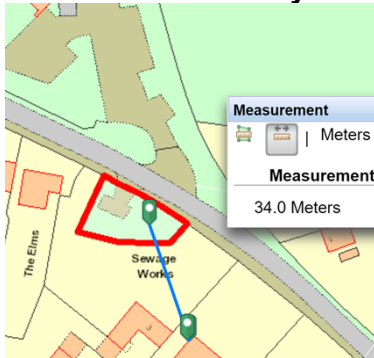
6.18 **Elevation to 3 Beckley Court**



6.19 **Potential to overlook.** Potential overlooking to no 3 has been designed out. The ground floor is sunk into the ground and any overlooking will be screened by the enclosure on the boundary. At first floor there are two windows that serve an ensuite and family bathroom; both would be obscure glazed. A condition has been recommended to ensure that the windows are retained as obscure glazed and only top opening fanlights are allowed. In addition, a condition is recommended to remove permitted development rights to add additional windows. With these conditions the neighbour impact on no 3 Beckley Court is acceptable in my view.

6.20 **Impact on 2 Beckley Court.** The distance between the proposed new dwelling and 2 Beckley Court is some 35m. Neighbours have objected to potential overlooking between the bedroom window in the first floor master bedroom window in the east elevation and a bedroom window in the western elevation of 2. Given the distance and the change of level involved the overlooking is within acceptable levels in my view. The proposed dwelling would be visible from the garden of no 2, across the garden of no 3, but I do not believe that the impact would be unduly oppressive or overbearing – see plan over.

6.21 **Distance to 2 Beckley Court**



Elevation to 2 Beckley Court



6.22 **v) if the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement.**

This not applicable as the site has a frontage to a road.

6.23 **Provision of gardens.** Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in saved Policy D3 of the Local Plan. In this case 100 square metres of garden area would be required for this three bedroom dwelling. The rear garden for the property is slightly below this standard at 90 sq metres. However, the site is immediately opposite the village hall and the recreation ground and this slight under provision is not sufficient to warrant a refusal of planning permission. It should be noted that two recent appeal decisions have been allowed where the under provision of gardens has not been supported by inspectors.

6.24 **Contamination and previous use of the site.** Policy EP1 of SOLP requires that adequate mitigation measures for potential pollutants are carried out where necessary. Neighbours have raised concerns in relation to the previous use of the site for sewage treatment and have made reference to historic problems with overflowing from the now decommissioned septic tank. They consider that the ground may be contaminated, and that soil testing is required but has not been carried out. The application includes a phase 1 site investigation which considers the possibility of contamination as follows;

“Sewage sludge can contain a number of contaminants namely, metals, organic pollutants and pathogens. Also depending on the processes used to treat the sewage, certain chemicals may be used in the treatment process and stored on although at a small facility such as this chemical usage is likely to be minimal with biological and physical processes being used. Even at larger facilities, a relatively small number of chemicals are used and may include iron, aluminium and chloride compounds as well as those used to alter pH. During the working life of a sewage works these contaminants should be removed with the sludge and when a sewage works is decommissioned any residual sludge and contaminants it contains should also be removed. However, contamination may arise through leakages and/or spillages from pipework’s or tanks leading to localised higher concentrations of contaminants.

In addition, an incomplete or poorly executed decommissioning process may result in contaminants found in the sludge, chemicals stored on site, and/or contaminants originating in the structures such as asbestos to be introduced into the environment. However, we would consider the latter unlikely due to lack of such features being present on the historical mapping.

It is considered unlikely that any on-going contaminant source is available at the site. The details provided to us on the sewage treatment works indicate that contamination site soils by sewage disposal or leakage are an unlikely scenario.”

The neighbour concerns have been raised with the contaminated land officer who has no objection to the proposed dwelling or use of land. The CLO considers that the information submitted confirms that there does not appear to be any potential for land contamination to impact the development. He has confirmed that he is not concerned about the decommissioned tank and is satisfied that no further investigation or mitigation is required.

6.25 **Pre-commencement conditions.** The applicant has agreed to all the pre-commencement conditions requested as required by under The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Section 100ZA (6) of the Town and Country Planning Act 1990(a).

6.26 **Community Infrastructure Levy.** The CIL charge applied to new build residential development and is liable for the proposed development.

7.0 **CONCLUSION**

7.1 It is my view that the proposed development is acceptable because the site lies within the built up limits of the village and is not inappropriate development within the Oxford Green Belt. The site is not an important open space and the impact on openness will be generally limited.

The proposed dwelling would continue linear development on Woodperry Road which is in keeping with the prevailing character of the area. The site is large enough to accommodate one detached house and the associated parking and garden areas. Whilst the design and materials are contemporary, this does not detract from the wider character of the area, which is very varied. The site affords for sufficient amenity space and parking and does not result in a materially harmful unneighbourly impact to adjacent properties. Conditions are proposed relating to highway matters, materials and permitted development rights.

The proposal is therefore in accordance with the relevant Development Plan policies and national planning policy and planning permission should be granted subject to the following conditions.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission subject to the attached conditions:**

- 1 : **Commencement three years - full planning permission.**
- 2 : **Approved plans.**
- 3 : **Schedule of materials required (all).**
- 4 : **Landscaping (including hardsurfacing and boundary treatment).**
- 5 : **Hours of operation - construction/demolition sites.**
- 6 : **Drainage works (details required).**
- 7 : **New vehicular access.**
- 8 : **Close existing access.**
- 9 : **Vision splay protection.**
- 10 : **Parking and manoeuvring areas retained.**
- 11 : **No surface water drainage to highway.**
- 12 : **Obscure glaze first floor windows in southern elevation.**
- 13 : **Remove permitted development rights to extend or alter.**

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