

APPLICATION NO.	P19/S0025/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	18.12.2018
PARISH	CLIFTON HAMPDEN
WARD MEMBER(S)	Sam Casey-Rerhaye
APPLICANT	Mr N Mullard and Mrs F Brann
SITE	The Tennis Court, land to the east of Burcot House Abingdon Road Burcot, OX14 3DJ
PROPOSAL	Proposed conversion of the existing B8 storage building to create 2 x four bedroom dwellings with associated parking and amenity space provision (as amended by additional Flood Risk Information received on 24-04-2019 and revised plan received on 21-06-2019). (Revised Flood Risk Assessment received 4 July 2019).
OFFICER	David Millinship

1.0 INTRODUCTION

- 1.1 The application has been referred to planning committee due to conflict between the Officer's recommendation and the views of the parish council (objections due to the inadequate access and increase in traffic in the area).
- 1.2 The application site comprises a former tennis court set within the wider grounds of a property known as Burcot House within the rural village of Burcot. The site is accessed by a private road extending to the south of the A415 that also provides shared access to a number of predominantly domestic properties. The wider area comprises a suburban housing development with buildings ranging from the late C18 to late C20 origins. There is little uniformity between the scale and design of individual buildings or plot layouts in the area. The majority of buildings and plots are large, set out in irregular layouts with some pockets of tree planting that have remained undeveloped. Of particular note is a large area of woodland located to the east of the tennis court that covers an area of approximately 1.8ha and is now under a Tree Preservation Order (TPO). The site and village are entirely washed over by the Oxford Green Belt.
- 1.3 Burcot House itself is now divided into several separate dwellings and also has a former chapel building set within its wider grounds (also subject to a proposed residential conversion under application ref: P18/S4261/FUL). The tennis court building is located marginally to the east of 2-3 Burcot House set outside of the main group of residential buildings. A neighbouring dwelling The Coach House at is located approximately 12.5 metre to the north-west of the building. The main private road running through the estate skirts the northern boundary of the tennis court providing access to an informal parking area set to the east of the building. For a number of years, the building has been used for storage purposes (mainly theatre sets). In early 2017 a certificate of lawful development was issued for the existing use of the building as a B8 (storage and distribution) use as the applicant had demonstrated in excess of ten years of storage use (not linked to the occupation of Burcot House). The building now has an established lawful B8 use.
- 1.4 The application is submitted in association with two other proposals for residential developments on land under the control of the applicant. A site to the north-west of

the tennis court building, known as 'Plot 3' is the subject of an application for the erection of a five-bedroom dwelling (application ref P19/S0058/FUL) and the former chapel building within the wider grounds of Burcot House is proposed to be converted into a two-bedroom dwelling (application ref P18/S4261/FUL).

1.5 A plan identifying the site is **attached** as Appendix 1.

2.0 PROPOSAL

2.1 The proposal is to convert the tennis court building into two four-bedroom dwellings. Internal mezzanines would be installed over part of the ground floor to create first-floor bedroom and bathroom areas with two large open plan kitchen/dining and living areas with double height internal ceilings not covered by a first-floor living area. External repairs to the building will take place and internal insulation installed to ensure the dwellings meet current building regulations. Off-road car parking and turning areas will also be created along with rear garden areas that would extend around 37 metres to the south. An area of water meadow between the proposed gardens and River Thames would be maintained.

2.2 Reduced copies of the 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

3.1 **Clifton Hampden Parish Council** – Objection;

The access is a single carriageway track and is not sufficient for the proposed usage.

OCC Archaeological Services - No objection;

The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

Countryside Officer - No objection;

The existing building supports a low number of relatively common bat species. Working methods and replacement roosting provisions are recommended in the ecological appraisal. No objection is made subject to the use of a planning condition to ensure evidence of successful receipt of a European Protected Species license is submitted prior to commencement of the conversion works.

Drainage Engineer - No objection;

No objection is made subject to the use of conditions to secure full drainage system details.

Environment Agency – Objection;

Initial objection as it appeared the proposed dwellings would be within Flood Zone 3b. A revised Flood Risk Assessment was submitted demonstrating the building is not within Flood Zone 3b. However, an objection was maintained as the majority of the application site remains in Flood Zone 3b.

Forestry Officer - No objection;

No objections subject to tree protection and landscaping conditions being attached. The tree protection condition to ensure the satisfactory protection of retained trees and the landscaping condition to ensure that some trees are planted to screen and soften the proposed development and replace the trees that have been removed.

Some tree protection information has been submitted within the tree survey report.

However, the extent of the tree protection fencing is not sufficient to protect the root

protection area (RPA) of T18 Horse Chestnut. This can be achieved and therefore the an additional condition should require that information is submitted.

OCC Highways Liaison Officer – No objection;

The vehicle movements associated with a B8 use with regards to the TRICS database generates a significantly higher level compared to two residential units. This reduced level of movements associated with the proposal is unlikely to result in a recommendation for refusal on Highway Safety grounds. Furthermore, it is noted that issues have been raised with the characteristics of the access drive, however this is on private land and improvements to it are the responsibilities of the land owner. Given the characteristics of the carriageway, vehicular traffic and speeds are considered to be relatively low. No objection subject to conditions to secure off-road parking and turning areas.

SGN Plant Protection Team - No objection;

Confirm no plant is located within application site other than a low-pressure gas main under the private road. Advice is given about safe working around these installations.

Neighbour responses:

Three letters of objection were received from neighbouring occupiers. Objections to the scheme have been summarised as follows:

- The existing private drive would not be able to support the additional traffic that would be generated by the three proposed developments;
- The transport statement submitted does not accurately reflect the very low vehicle movements currently associated with the 'storage' building;
- The applicant states that the western access to the A415 would be used but, there would be no way to stop future occupiers using the eastern access causing further damage to the lane along this stretch;
- Increased chance of obstructions and conflicts between vehicles at the A415 junctions with the private road (Horseshoe Lane);
- The site is within the Green Belt and harm to openness would occur;
- Surface water flooding should not be increased;
- Concern has been raised over the removal of mature trees in advance of the submissions;
- Trees that remain should be surveyed or protected;
- Loss of privacy to occupiers of The Coach House, the neighbouring dwelling to the east;
- Increased noise over and above the existing domestic/storage use of the building;
- Other matters are noted with regards to inaccurate land ownership boundaries.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P19/S0058/FUL](#) – Awaiting decision (see current committee agenda)

Proposed erection of a detached five-bedroom dwelling and a detached double garage.

[P18/S4261/FUL](#) – Awaiting decision (see current committee agenda)

Proposed conversion of the de-consecrated chapel to create a two bedroom dwelling house with associated parking and amenity space provision.

[P17/S1432/PEM](#) – Response (17/07/2017)

1. Proposed conversion of the former tennis court building to create 2 dwellings with associated parking and amenity space. 2. Erection of a single detached dwelling and detached garage at land to south of Creek End

[P16/S4143/LDE](#) - Approved (03/02/2017)

The existing use of the building is for B8 Storage purposes

[P99/W0717](#) – Withdrawn (31/01/2000)

Construct a tennis court with a 3m high wire netting fence on metal posts. Fencing 36.5m x 18.2m.

5.0 POLICY & GUIDANCE

5.1 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. The council's adopted development plan comprises the *South Oxfordshire Core Strategy* (SOCS) and the saved policies of the *South Oxfordshire Local Plan* (SOLP). The relevant policies and supporting guidance are listed below.

5.2 Development Plan:

South Oxfordshire Core Strategy (SOCS) policies:

- CS1 - Presumption in favour of sustainable development;
- CSS1 – The Overall Strategy;
- CSR1 – Housing in Villages;
- CSEN1 – Landscape;
- CSEN2 – Green Belt;
- CSQ3 – Design;
- CSB1 – Conservation and improvement of biodiversity.

South Oxfordshire Local Plan (SOLP) policies:

- H4 – Housing in villages;
- C6 – Biodiversity;
- C8 – Protected species;
- C9 – Landscape features;
- D1 – Good design and local distinctiveness;
- D2 – Vehicle and bicycle parking;
- D3 – Outdoor amenity space;
- D4 – Neighbouring amenities;
- E8 – Conversion of rural buildings;
- G2 – Protecting the district from adverse development;
- GB4 – Green belt (visual amenity);
- T1 – Safe access;
- T2 – Parking and turning.

5.3 Neighbourhood Plan:

- The Parish of Clifton Hampden are currently preparing a neighbourhood plan. The neighbourhood area was formally designated in September 2014. The parish council has started the process of gathering evidence and engaging with the local community. As the plan remains at an early pre-draft stage it possesses only very limited weight in the assessment of this application.

5.4 Supplementary Planning Guidance/Documents:

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

5.5 **National Planning Policy:**

- National Planning Policy Framework (NPPF);
- National Planning Policy Framework Planning Practice Guidance (NPPG).

5.6 **Emerging local 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 with the NPPF.

Emerging South Oxfordshire Local Plan 2034.

The council has submitted the Local Plan 2034 to the Planning Inspector for an independent examination following public consultation.

On 10 October 2019 the Secretary of State for Housing Communities and Local Government issued a Holding Direction on the Council in relation to the emerging Local Plan 2034. The holding direction has been made under the provisions of Section 21A of the Planning and Compulsory Purchase Act 2004. This means that the emerging plan has 'no effect whilst the direction is in force', this is set out in section 21A(2) of the Planning and Compulsory Purchase Act 2004. The emerging Local Plan has no weight at this stage.

6.0 **PLANNING CONSIDERATIONS**

6.1 The application site is located within a rural village that is washed over by the Oxford Green Belt. The site is also in proximity to neighbouring domestic properties. The proposal would mainly comprise the conversion of the building to create two new dwellings. Therefore, the main issues to consider are as follows:

- **The principle of the development having regards to the housing delivery and Green Belt policies of the development plan;**
- **Highways impacts;**
- **Impact on neighbouring properties;**
- **Biodiversity;**
- **Drainage and flood risk.**

Principle of development – new housing

6.2 Policy CSS1 of the SOCS details the spatial strategy for new development across the district during the plan period. It sets out a settlement hierarchy that seeks to direct major new development to the growth point of Didcot, with smaller developments supported in the main towns and various sizes of village across the district, specifically:

(iv) supporting other villages in the rest of the district by allowing for limited amounts of housing and employment and by the provision and retention of services; and

(v) outside the towns and villages, and other major developed sites, any change will need to relate to very specific needs such as those of the agricultural industry or enhancement of the environment...

So, the general principle of new residential development is supported if the site is within the built-up limits (BuL) of a village. The site is considered to be within the built-up limits of Burcot which is defined as a 'smaller village' within the SOCS. The woodland to the east is arguably not part of the built-up limits of the village but, the tennis court building is more closely associated with the domestic dwellings that extend to the north and west. It has been in place for a number of decades firstly, in a domestic use and more

recently in a storage use. So, the broad principle of new housing development is supported by the overall development strategy.

- 6.3 SOCS policy CSR1 states that redevelopment proposals (to provide new housing) in all categories of settlement may be acceptable but, will be considered on a case by case basis through the development management process in line with other policies in the Development Plan. SOLP policy H4 states that proposal for new housing within the built-up areas of villages will be permitted providing:

- i. an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt;*
- ii. the design, height, scale and materials of the proposed development are in keeping with its surroundings;*
- iii. the character of the area is not adversely affected;*
- iv. there are no overriding amenity, environmental or highway objections; and*
- 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.*

I do not consider the proposal would conflict with points i or v and generally I consider it would be possible for the development to comply with the other criteria (although this will be assessed in greater detail below). With specific regard to criteria ii and iii I consider generally there would be benefits to the visual appearance of the site and wider area as the existing building would be improved (without being increased in scale) through the residential conversion. Existing mature trees that form the most prominent landscape features are also proposed to be retained and subject to condition the district's Forestry Officer offers no objection to the scheme. The character and appearance of the site would therefore be preserved.

- 6.4 I also have regard to the requirements of SOLP policy E8 that relates to the conversion of rural buildings. The lawful use of the tennis court building is not agricultural nor a rural business use, and it is considered to be within the built-up limits of the village, so E8 does not strictly apply in terms of the establishing principle. However, in assessing the wider impacts of the proposal, the criteria are likely to be relevant to my wider planning judgements. The applicant has noted that permitted development rights potentially exist to permit a change of use of the B8 unit into residential use. I am unable to attribute significant weight to this as a fall-back position as an application for prior approval has not been sought or granted (it is possible it could be but, flood risk may be an issue that would prevent the permitted development right from being exercised).

- 6.5 Taking into account the above, I am satisfied that the general principle of the residential conversion in this location is supported by SOCS CSR1 and SOLP policy H4.

Principle of development – Green Belt

- 6.6 The site (and wider village) is within the Oxford Green Belt, where new development is strictly controlled. Policy CSEN2 defers to the NPPF for most types of development. NPPF Paragraphs 145 and 146 define various types of development that are considered to be not inappropriate. In this case, the proposal has potential to be included within para. 145(f) as a form of partial or complete redevelopment of previously developed land (PDL) or para. 146(d) as the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 6.7 The applicant has submitted a structural report demonstrating the building is capable of conversion. Repairs would be needed but, these could be undertaken without planning permission (as they would generally not be deemed to be development under s.55 of

The Act). Internal works would also be required (again these would mostly not be works deemed development under s.55 of The Act. and I consider it is therefore of a permanent and substantial construction.

- 6.8 In any case, the proposal does not involve any significant extensions to the existing building and would result in the creation of two new dwellings within a settlement (so would not be a form of urban encroachment in my view). Householder permitted development rights can be removed to prevent extension and outbuildings being constructed that could erode the openness of the site, particularly to the south. During the application assessment some concern was also raised by officers over the potential for the spread of domestic garden curtilages across the entire red-lined site area. This could have resulted in the entire site being used as domestic garden (with associated garden planting and domestic chattels). A curtilage plan has been submitted that demonstrates two areas of land serving each dwelling that would act as domestic curtilages (where activities reasonably expected to take place within garden land could occur). A planning condition can restrict the domestic curtilages to those shown on the applicant's plans. This would prevent future spread of overly suburban domestic land across the site (also limiting future harm to the Green Belt from suburban encroachment). As such, I accept the proposal is a form of not inappropriate development within the Green Belt and is supported in general principle by the housing delivery and Green Belt policies of the development plan.

Highways impacts

- 6.9 SOLP policy H4 seeks to resist new residential development that would result in adverse impacts to the safety and operation of the public highway. SOLP policies D2, T1 and T2 together seek to ensure that all new development has safe access and sufficient off-road parking and turning areas. As stated above, the site is accessed from the public highway (A415) by stretch of private road over a distance of approximately 150 metres to the site (from the western access) and 250 metres from the eastern boundary. Sufficient provision of off-road parking and turning areas have been proposed. As such, I am satisfied the provisions of SOLP policies D2 and T2 would be met.
- 6.10 However, the existing private road (referred to locally as the 'Horseshoe Lane') is not well-surfaced, has no pedestrian footway and lacks sufficient width to allow two vehicles to pass along much of its length. The tennis court site is located in closer proximity to the western access but has a more direct route to the eastern access, so it is reasonable to expect the impact would be to the both of the accesses onto the Horseshoe Lane from the A415. The two access points with the A415 are considered to possess good visibility and are set back from the carriageway by approximately one car length. Both accesses are bell-mouth designed, wide enough to allow a car to enter and exit at the junction with the public highway. However, at both access points the private road narrows to a single width in close proximity to the access so there would be some potential for conflict between vehicles (travelling in opposing directions) at these points if traffic were substantially increased.
- 6.11 The applicant has submitted a transport assessment to attempt to demonstrate that the combined impacts of the two residential developments at the Tennis Court and Plot 3 sites would not be harmful in comparison to the fall-back position. The vehicle movements of the lawful storage use of the tennis court are assessed against the expected traffic movements associated with the residential developments and it has been concluded the fall-back use has a greater potential to be harmful. The chapel conversion development has not been included within the transport assessment but, the applicant has separately concluded that its conversion would not be harmful in addition to the greater impacts of the other developments and I do not dispute this view.

- 6.12 The applicant also acknowledges that the Plot 3 site will generate additional traffic movements over and above the fall-back use of that site (as it currently has no particular use in planning terms). However, the transport statement reasons that the established use of the tennis court site (a B8 storage and distribution use) could generate a significant number of vehicle movements (including large commercial vehicles) if it remained in a business use class. These uses have been assessed against the TRICS database, a nationwide dataset that provides a typical traffic generation rate for various planning uses in comparative locations across the UK. It is suggested by the TRICS data that a B8 use of the Tennis Court building could generate up to 25 traffic movements per day, potentially involving larger commercial vehicles. If permitted development rights were exercised to change the use of the building into B1 (office) use this number would be likely to increase.
- 6.13 The TRICS data provided by the applicant suggests that two 4-bedroom dwellings could generate up to 20 vehicle movements per day (reasonably considered to be domestic vehicles). The applicant's conclusion is that the potential for traffic generation from the lawful and permitted uses of the tennis court building would be greater than the traffic generation for the proposed residential developments. On that basis, the developments are not considered to justify improvements to the Horseshoe Lane or its junctions onto Abingdon Road. I do not fully accept that the maximum vehicle movements suggested by the TRICS data would realistically materialise over time in this location. Burcot is a rural village. Many of the TRICS data examples given are edge of town locations so not entirely comparable in my view. The site is located in fairly close proximity to Culham Science Centre and the larger settlements of Dorchester-on-Thames and Berinsfield so some level of potential future commercial use must be reasonably accepted. Several third-party responses have noted that the historic use of the building by a theatre company has not generated significant numbers of vehicle movements. I accept that vehicle movements have been very low, but this only serves to highlight that any increase in commercial use would be harmful, particularly if larger vehicles were used.
- 6.14 The County Council Highways Liaison Officer has reviewed the Transport Statement and has offered no objection in terms of the impact of the development on users of the public highway. It was informally agreed that the maximum vehicle movements (assumed to be generated by the fall-back uses) are unlikely to be realistically reached given the rural village location and condition of the private road. However, it was acknowledged that commercial storage and business uses are not uncommon in rural village locations across the district, so some level of commercial vehicle use is accepted. The proposed residential conversions would prevent more intensive commercial uses being established which is considered to be to the merit of the proposals in terms of highway impacts.
- 6.15 In my view, there is an argument that mitigation can be sought to minimise potential damage to the lane during the construction period of the development. If damage is caused it appears reasonable to require the private road is reinstated to its condition prior to the construction works taking place. Seeking improvements to the lane (over and above its existing condition) would be unreasonable as they are not considered to be required to mitigate the development and such a requirement would be straying into private, rather than public interests. A construction traffic and environmental management plan (CTEMP) can also be required by condition, to be submitted prior to the commencement of the development.

- 6.16 On balance, I am satisfied that subject to the recommended conditions the development would not conflict with the aims of SOCS policy CSQ3 or SOLP policies D1, D2, G2, H4, T1 or T2.

Impact on neighbouring residential amenities

- 6.17 The conversion of the tennis court has some potential to impact on the amenities of nearby residents. The closest neighbouring dwelling is at The Coach House approximately 12.5 metres to the north-west of the tennis court building. The Coach House has a large, south-facing window that is thought to serve a habitable room (living room or dining room). Overlooking from the tennis court building may occur but, this would be over obtuse angles and existing trees would provide some screening. Overall, I do not consider an unacceptably harmful loss of privacy would occur. The removal of permitted development rights (sought above to satisfy green belt policy) would also prevent the creation of any additional doors, windows or extensions to the building that could increase impact on neighbouring amenities. Subject to these conditions I consider the development complies with SOCS policy CSQ3 and SOLP policies D1, D4, G2 and H4.

Biodiversity

- 6.18 As the site is close to woodland and the River Thames there is a reasonable potential for protected species to benefit from habitat and/or foraging opportunities across the site and surrounding land. The applicant has submitted an ecological survey detailing that a number of protected species were noted either within the site or the surrounding woodland. The district's Countryside Officer reviewed the submitted information that confirms the existing building supports a low number of relatively common bat species. Working methods and replacement roosting provisions are recommended in the ecological appraisal. No objection is made subject to the use of a planning condition to ensure evidence of successful receipt of a European Protected Species license is submitted prior to commencement of the conversion works (to demonstrate the required mitigation measures can go ahead). I consider the condition is reasonable and necessary in order to ensure the development complies with policies C6 and C8 of the SOLP, policy CSB1 of the SOCS and paragraph 170 of the NPPF.

Flood Risk and drainage

- 6.19 Much of the red-lined site area appears to be within Flood Zone 3b, the functional flood plain "land where water has to flow or be stored in times of flood". The applicant submitted a Flood Risk Assessment (FRA) that was reviewed by the Environment Agency (EA) and an objection made as much of the site and building appeared to be within Flood Zone 3b. A revised FRA was submitted demonstrating that the building is outside of Flood Zone 3b and that a safe, flood-free evacuation route was available. However, the EA have maintained an objection due to much of the remainder of the site being within Flood Zone 3b.
- 6.20 The revised FRA demonstrates that the existing ground floor level of the tennis court building is located outside of Flood Zone 3b and would be flood-free in 1:20, 1:100 and 1:1000 year events. There would also be a flood-free evacuation route along the private road that would also be outside of Flood Zone 3b. Whilst the EA maintain the site is within flood zone 3b there appears to be evidence to demonstrate the site is within two or more Flood Zones. Where a site spans two, or more, Flood Zones the district council's Strategic Flood Risk Assessment (SFRA) advises the following:

The NPPF states that a sequential, risk-based approach should be applied to try to locate more vulnerable land use away from Flood Zones, to higher ground, while more flood-compatible development (e.g. vehicular parking, recreational space) can possibly be located in higher risk areas. However, vehicular parking

in floodplains should be based on the nature of parking, flood depths and hazard including evacuation procedures and flood warning and should not compromise floodplain storage or obstruct floodplain flows.

Waterside areas, or areas along known flow routes, can act as Green Infrastructure, being used for recreation, amenity and environmental purposes, allowing the preservation of flow routes and flood storage, and at the same time providing valuable social and environmental benefits contributing to other sustainability objectives. Landscaping should ensure safe access to higher ground from these areas, and avoid the creation of isolated islands as flood water levels rise.

- 6.21 The revised FRA suggests this approach can be achieved as the existing building would not be within Flood Zone 3b. It is raised in height by around 2-2.5 metres from the level of the majority of the existing garden land at Burcot House and the water meadow extending south to the banks of the River Thames. The proposed garden areas would be used solely for amenity purposes and no changes to the levels of those areas are proposed. The wider site, outside of the gardens, would also be retained as water meadow and woodland. The removal of permitted development rights for outbuildings would prevent any potential creation of additional living space within Flood Zone 3 (as well as protecting openness and existing trees).
- 6.22 The FRA also proposes flood resilience measures for the building and an evacuation route. The EA do not directly comment on such matters but, it is noted that incorporating flood resilience measures into a new development in proximity to a higher risk Flood Zone is encouraged by standing advice. These measures can be secured by planning condition.
- 6.23 On balance, whilst it must be accepted that an element of flood risk would be present to future occupiers of the development, I also accept the applicant's evidence that the new dwellings would be outside of Flood Zone 3b. The placement of amenity areas within Flood Zone 3b does not appear to conflict with the aims of the SFRA or NPPF and subject to restrictions to permitted development rights within these areas I consider flood risk would remain low and no harm would be caused to the function of the flood plain in this location. I acknowledge the EA's objection, but taking into account the individual site circumstances and advice within the SFRA and NPPF I do not conclude there is sufficient reason to recommend refusal of planning permission.

Other matters

- 6.24 The council's CIL charging schedule applies to relevant proposals from 1 April 2016. 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 would be liable for the construction of the new dwelling and any associated outbuildings.
- 6.25 NPPF Paragraph 38 details the need for Local planning authorities to approach planning decisions in a positive and creative way, using the full range of planning tools available and working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Subject to some minor revisions and clarifications the proposal is now considered to be in accordance with the development plan and is a sustainable form of development.

7.0 **CONCLUSION**

7.1 It is recommended that members grant planning permission as the proposed development would help to secure additional housing through conversion of an existing building within the built-up limits of a 'smaller village' where some small-scale provision of new housing is supported through the spatial development strategy of the development plan. Whilst there is an element of flood risk to the rear gardens, the dwellings would be flood free and acceptable mitigation and evacuation measures can be secured. The recommended conditions would safeguard future harm to protected trees, neighbouring amenities, the general character and appearance of the area and highway safety. The proposed development therefore complies with the development plan and is a sustainable development.

8.0 **RECOMMENDATION**

8.1 **Planning permission is granted subject to the following conditions;**

1. **Three-year time limit;**
2. **Approved plans;**
3. **EPS License;**

Prior to the commencement of the development hereby approved, including any site clearance or demolition, evidence of the successful receipt of a European protected species licence, or evidence of the successful registration of the site under the bat low impact class licence, from Natural England, specific to this development, shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the important species on site, in accordance with Policy CSB1 of the SOCS, Policies C6 and C8 of the SOLP and paragraph 170 of the NPPF.

4. **Construction Traffic and Environmental Management Plan (pre-commencement);**
5. **Survey of road and required repairs (prior to commencement);**
Prior to the commencement of the development hereby approved a condition survey of the access road (that extends from the site to the eastern access point of the 'Horseshoe Lane' with the A415) shall be undertaken and submitted to the local planning authority. Prior to the occupation of the dwelling a scheme to restore the road and verges (to its condition prior to the commencement of the development) shall be completed in accordance with a written scheme of restoration that shall first be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to protect the amenities of neighbouring occupiers in accordance with Policies T1 and EP2 of the South Oxfordshire Local Plan 2011.

6. **Tree protection (in accordance with details to be submitted prior to commencement);**

7. **Parking and turning;**

Prior to the first occupation of the development hereby approved, the off-road parking and turning areas and access road passing places shall be constructed in full in accordance with site layout drawing no. 15117-TP13-A and in accordance with a written surface materials specification that shall first be submitted to and approved in writing by the local planning authority. The written details shall include (as a minimum) a photographic example of each material,

the material name, manufacturer/supplier name and details of the permeability/porousness of the material. Thereafter the development shall be completed in accordance with the approved details and the parking and turning areas shall be retained unobstructed except for the intended use at all times.

Reason: In the interests of highway safety and to ensure the provision of off-street car parking in accordance with policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy 2027 Policies D1, D2, T1 and T2 of the South Oxfordshire Local Plan 2011.

8. Drainage (prior to occupation);

The dwellings hereby approved shall not be occupied or brought into use until they have been connected to drainage systems for both foul and surface water disposal, the details of which shall first be submitted to and approved in writing by the local planning authority. The details submitted shall demonstrate how the proposed drainage systems will be compliant with sustainable drainage (SuDS) principles.

Reason: To prevent pollution and to ensure adequate drainage infrastructure is provided in accordance with Policies EP1 and EP6 of the South Oxfordshire Local Plan 2011.

9. Site planting scheme;

The dwellings hereby approved shall not be occupied or brought into use until a scheme for the planting of trees, shrubs and hedges within the site has been carried out in full in accordance with written details that shall first be submitted to and approved in writing by the Local Planning Authority. The written details shall include:

- Details of the species, locations and numbers of all trees, shrubs and hedges to be planted;
- written planting and maintenance specifications;
- Plan showing all trees/hedges to be retained;
- Plan showing all trees/hedges to be removed.

In the event of any of the trees, shrubs or hedges planted as part of the approved scheme dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree, shrub or hedge of equivalent number and species, or of a species and number as first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.

Reason: To help to assimilate the development into its surroundings in accordance with Policies CSEN1, CSEN2 and CSQ3 of the South Oxfordshire Core Strategy 2027 and Policies C9, D1 G2, and H4 of the South Oxfordshire Local Plan 2011.

10. Ecology compliance with appraisal;

The development hereby approved shall be implemented strictly in accordance with the recommendations made in section 7 of the supporting Ecological Appraisal (Philip Parker Associates, 28/11/2018, Ref: P2018-49 R1 FINAL). Any variation from the approved details shall first be agreed in writing by the local planning authority prior to any such changes being implemented. This condition will be discharged through the receipt of a letter from the project ecologist, providing evidence that the details were implemented as approved.

Reason: To minimise the impact of development on biodiversity, in accordance with Policy CSB1 of the SOCS, Policies C6 and C8 of the SOLP and paragraph 170 of the NPPF.

11. Domestic curtilage restriction;

12. Removal of house holder permitted development rights;

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order), no development as described in Schedule 2, Part 1, Classes A to F of the Order shall be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the significance of the non-designated heritage asset is preserved and in the interests of the character and appearance of the site in accordance with the aims of policies CSEN3 and CSQ3 of the South Oxfordshire Core Strategy, policies D1, D4 and G2 of the South Oxfordshire Local Plan and paragraph 197 of the National Planning Policy Framework.

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