

APPLICATION NO.	<u>P20/S0436/RM</u>
APPLICATION TYPE	RESERVED MATTERS
REGISTERED	3.2.2020
PARISH	TIDDINGTON
WARD MEMBER(S)	Sarah Gray
APPLICANT	Abbeyleen (Tiddington) Limited
SITE	Hartgrove Oxford Road Tiddington, OX9 2LH
PROPOSAL	Application for reserve matters in relation to outline planning application P17S3359/O for the erection of 2 double storey dwellings. (As amended by visibility splays and turning circles accompanying email from agent received 13 March 2020)
OFFICER	Paul Bowers

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application sets out the recommendation by officers to grant planning permission for the development.
- 1.2 The application is referred to planning committee because the views of the Tiddington with Albury Parish Council differ from the officer's recommendation.
- 1.3 The application site comprises a single detached bungalow which has access via the slip road which serves existing properties on the north side of Oxford Road. The building is not listed and not located within a designated area.
- 1.4 A plan identifying the site can be found at [Appendix 1](#) to this report.
- 1.5 Outline planning permission was granted under application reference P17/S3359/O to demolish the existing single storey dwelling and to erect 2 x two storey dwellings on the site. All matters of layout, access, appearance, landscaping and scale were reserved for later consideration in a reserved matters application.
- 1.6 This application seeks reserved matters approval for access, appearance, landscaping, layout and scale for two detached dwellings.

The application has been revised during the course of the application to include vision splays and turning circles.

- 1.7 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

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 **Tiddington Parish Council** – Object to the application for the following reasons;
- Over intensification
 - Inadequate access from the slip road.
 - Parking concerns, due to the narrowness of the slip road and already congestion issues on the slip road.

Third party responses –

The following comments were made to the application as **originally submitted**;

1 x letter of objection on the basis of the spacing between the buildings being out of keeping and concerns over highway safety from two properties on the service road and the proximity of the access to the property Ambleside. Also concerned about the height of the boundary fence between the site and Ambleside and the possibility of overlooking as a result.

1 x letter of support stating that the current property is not in keeping and that two new houses would be welcome.

The following comments were received to the application **as revised**:

1 x letter of objection on the basis that the access remains alongside Ambleside. No visitor parking. Increased volume of traffic on the service road.

1 x letter of support on the basis that plans show the best way to drive onto the land. The development will provide better views for existing onto the service road from Denby House. Two new houses will help support local businesses.

Drainage – No objection subject to conditions relating to surface water drainage.

OCC Highways Liaison Officer – No objection subject to conditions relating to parking and manoeuvring areas to be retained and vision splays provided unobstructed.

SGN Plant Protection Team – No objection and provision of advisory information.

3.0 RELEVANT PLANNING HISTORY

[P17/S3359/Q](#) - Approved (22/12/2017)

Demolition of existing bungalow and replacement with two double storey dwellings.(As amplified by indicative parking plan accompanying e-mail from agent received 25 October 2017)

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 N/A

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

5.2 South Oxfordshire Core Strategy (SOCS) Policies:

CS1 - Presumption in favour of sustainable development

CSEN2 – Green Belt

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.3 South Oxfordshire Local Plan 2011 (SOLP 2011) Policies:

EP6 - Sustainable drainage

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

5.4 Emerging Policies

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.

South Oxfordshire Emerging Local Plan 2034 Policies

The council is currently progressing the emerging local plan through the examination stage. The plan currently carries limited weight. Relevant policies include;

DES1E - Delivering high quality development

DES2E - Enhancing local character

DES6E - Residential amenity

DES9E - Promoting sustainable design

EP4E - Flood risk

H16E - Infill development

STRAT1E - The overall strategy

STRAT6E - Green Belt

TRANS5E - Consideration of development proposals

Tiddington And Albury Emerging Neighbourhood Development Plan

Tiddington with Albury Parish Neighbourhood Area was formally designated on 21 December 2016. The parish council has started the process of gathering evidence and engaging with the local community. This is to give the plan a direction and draft policies that will form the neighbourhood plan. As the Neighbourhood Plan is at the plan preparation stage it can not be given weight in the determination of the application at this stage.

5.5 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

Developer Contributions SPD

5.6 National Planning Policy Framework (NPPF)

National Planning Policy Framework and Planning Practice Guidance (NPPG)

5.7 Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 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.

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).

6.2 The main issues to consider in relation to this development are as follows;

- **The principle of development.**
- **Impact on the Green Belt.**
- **Impact on the character of the area.**
- **Impact on neighbour amenity.**
- **Amenity space.**
- **Parking provision.**
- **Drainage.**
- **Community Infrastructure Levy**

6.3 **The principle of development.**

It has been established through the grant of outline planning permission that two houses can be erected on this site. The principle has already been accepted by the council.

6.4 **Impact on the Green Belt.**

Policy context -

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).

The advice contained within the NPPF is filtered down on a more local level within the development plan specifically SOCS policy CSEN2 and SOLP policy GB4. It is also reflected in emerging policy STRAT6 of ESOLP.

6.5 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.

In addition, there is a presumption against inappropriate development. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

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

6.6 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;

- 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

- 6.7 Policies CSEN2 of SOCS and GB4 of SOLP seek to protect the Green Belt and makes it clear that planning permission will not be granted for development within the Green Belt that is contrary to the guidance in the NPPF.

This is reflected in emerging policy contained with ESOLP Policy STRAT6.

The Green Belt assessment is a two-step process. The first step in assessing the impact on the Green Belt is to consider whether the proposal constitutes inappropriate development or not.

If it is established that the development is not inappropriate, then the second step is to consider whether the development harms the openness of Green Belt.

If the proposal conflicts with either of these then the council has to consider whether there are any ‘very special circumstances’ that would outweigh the identified harm.

- 6.8 *Whether the proposal is inappropriate –*

The outline planning permission was granted on the basis that two dwellings being erected here would constitute infill development.

This falls within the exception (e) in paragraph 145 of the NPPF.

The development is not therefore inappropriate development in the context of the Green Belt.

- 6.9 *Does the development harm openness?*

Erecting a dwelling on an open piece of land within a village (or in this case erecting two dwellings where there is only one at the moment) will always have an impact on openness.

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

The outline permission has accepted the principle of 2 x two storey dwellings as having an acceptable impact on openness.

The proposed buildings shown in this application are not overly high, wide or deep and in my view do not result in an impact on openness over that envisaged with the outline planning permission.

- 6.10 I am of the view that the impact on the Green Belt is acceptable and there is no need to have to consider whether there are any very special circumstances to justify the proposal. The development accords with Policies CSEN2 and GB4 of the development plan.
- 6.11 If a proposed housing development is acceptable then the detail of the proposal must be assessed against the criteria of Policy H4 of the South Oxfordshire Local Plan 2011 (SOLP). The criteria are:
- (i) **An important open space of public, environmental or ecological value is not lost, nor an important 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 should be no overriding amenity or environmental or highway objections.**
 - (v) **It would not create problems of privacy and access and would not extend the built up limits of the settlement.**

6.12 **Impact on the character of the area.**

The outline planning permission established that 2 two storey dwellings could be erected on this site. However, the detail of how the two dwellings would appear, their size, design and scale even whether they were to be detached or a pair of semis was left for consideration in this reserved matter application.

- 6.13 What is proposed are two detached, two storey dwellings. In terms of their siting there is local concern about the spacing between properties. However, there is no uniform distance between properties along this extent of Oxford Road. The gaps vary and the proposed spacing between each other and the properties on either side are in my view wholly acceptable. They do not sit directly on the boundaries and allow for some spacing. I am satisfied that the development will not result in a cramped appearance.
- 6.14 The existing single storey dwelling is in my view out of keeping with the rest of the street scene when compared to the heights and scales of adjoining properties. However, there is no uniform design, material or scale to properties along this northern side of Oxford Road. The proposed two dwellings will in my opinion add to the existing variety rather than appear at odds with the established character of the area.
- 6.15 I am satisfied that in terms of criterions (i) and (ii) of Policy H4 of SOLP the development

6.16 **Impact on neighbour amenity.**

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.

Policies H4 and D4 of the SOLP seeks to protect the amenities of the occupants of nearby properties.

Emerging Policy DES6 relates to residential amenity and states that proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses in relation to

- i) loss of privacy, daylight or sunlight;
- ii) dominance or visual intrusion;
- iii) noise or vibration;
- iv) smell, dust, heat, odour, gases or other emissions;
- v) pollution, contamination or the use of/or storage of hazardous substances; and
- vi) external lighting.

- 6.17 The outline planning permission accepted that two dwellings could be erected where there is now a single storey dwelling. In doing so there is an acceptance of the increased impact of 2 x two storey dwellings to the neighbouring properties on either side. The exact position, height, and detailing such as window positions are now under consideration in this application.
- 6.18 In terms of depth the two properties are similar to the depth and position of the properties on either side. I am satisfied that the relationship between the adjoining properties will not give rise to an unacceptable level of oppressiveness or of being overbearing.
- 6.19 The orientation is such that the new dwellings will be to the west and east of the adjacent properties. As such there will be no direct loss of sunlight given that the two properties will be parallel to the neighbouring buildings.
- 6.20 As a single storey building there will be no overlooking from the existing dwelling. By creating two storey properties there will be first floor windows in the rear. This has essentially been accepted through the outline permission which allowed for two storey dwellings. However, the first floor windows will have oblique views over the neighbouring properties in a typical street like relationship which already exists in the case of Ambleside to the west which has a two storey dwelling on its opposite boundary.

There is however a window serving an ensuite in Unit 2 at first floor level in the east facing elevation, and the stair well windows in the side of Unit 1, which have the potential to provide more direct views into the rear gardens of the neighbouring properties. Therefore, I consider it necessary and reasonable to require these windows to be obscure glazed. This is ensured through the proposed condition set out in section 8.2 of this report.

- 6.21 Overall however I am of the opinion that the development accords with Policy D4 and the relevant criteria of Policy H4.
- 6.22 **Amenity space.**

Policy D3 of SOLP seeks to ensure that new dwellings should provide adequate private outdoor space. The amount of land to be used for garden or amenity space will be determined by the size of the dwelling and the character of surrounding development.

Emerging Policy DES5 of ESOLP reflects these objectives.

The South Oxfordshire Design Guide sets out the minimum amount of private amenity space (i.e. rear garden) based on the number bedrooms the property has. For 3 bedroom units, private garden areas should be 100 square metres or above.

The inability to provide these minimum standards can be an indication that what is being proposed is an overdevelopment of the site.

- 6.23 The two dwellings provide for 3 bedrooms each which requires at least 100 square metres of private amenity space. The application red site area shows approximately 100 square metres per dwelling.

The garden sizes in conjunction with the parking provision (which I shall consider in the following section of this report) and the overall spacing around the buildings is such that what is shown does not in my view harm the character of the area or appear cramped and overdeveloped.

6.24 **Parking provision.**

With respect to highway safety matters the advice from Central Government set out in paragraph 109 of the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Policy T1 of SOLP seeks to ensure that all types of development will, where appropriate, provide for safe and convenient access to the highway network.

Policy T2 of SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.

Emerging Policy TRANS5 echoes these provisions.

Appendix 5 of SOLP sets out the council's maximum parking standards based on the number of bedrooms within a development.

For 1 bedroom units the maximum requirement is 1 space. For 2/3 bedroom units 2 spaces and for 4+ bedrooms 2+ spaces on merit.

- 6.25 The Highway Officer has considered the development in terms of the access, visibility, the amount of parking within the site and space available for turning. The plans have been altered at the request of the Highway Officer to show visibility splays and turning circles to allow cars to enter and exit in a forward gear.

The revised plans now meet with the approval of the Highways Officer who has no objection subject to conditions which require the parking and manoeuvring areas to be retained and the vision splay dimensions provided unobstructed.

In conjunction with these conditions the development will not cause a harmful impact to highway safety and accords with Policy T1 and T2 of SOLP.

6.26 Drainage.

Policy EP6 of SOCS states that developers will be required wherever practicable to demonstrate that the surface water management systems on any development accords with sustainable drainage principles and should effectively mitigate any adverse effects from surface water runoff.

Emerging Policy INF4 states that all development proposals must demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development

- 6.27 The Council's Drainage Engineers have considered the development and requested a condition that requires details of the surface water drainage scheme to be submitted and approved in writing by the council. In doing so the development will accord with Policy EP6 of SOLP.

6.28 Community Infrastructure Levy

The development is CIL liable and based on the floor area being created would trigger a payment of £17,853.82.

7.0 CONCLUSION

- 7.1 Outline planning permission has been granted which has established the principle of demolishing the existing bungalow and erecting two dwellings in its place. This application seeks approval for matters of access, appearance, landscaping, layout and scale. In respect of this matters the development is considered acceptable and does not give rise to an unneighbourly impact, highway safety issues or appear at odds with the character of the area. In conjunction with the attached conditions the development will accord with development plan policies. Your officers recommend that reserved matters approval is granted.

8.0 RECOMMENDATION

- 8.1 That Reserved Matters approval is granted subject to the following conditions;**

Standard conditions

- 1 : Commencement - Reserved Matters Approval
2 : Approved plans**

Pre commencement conditions

- 3 : Schedule of Materials
4 : Surface water drainage works (details required)**

Compliance conditions

- 5 : Obscure glazing
6 : Parking and manoeuvring areas to be retained
7 : Vision splays provided**

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