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| APPLICATION NO. | P19/S4673/FUL |
| APPLICATION TYPE REGISTERED | FULL APPLICATION 8.1.2020 |
| PARISH | CROWMARSH GIFFORD |
| WARD MEMBER(S) | Sue Cooper Andrea Powell |
| APPLICANT | 3 Oceans Limited |
| SITE | Garage Site adjacent to plot 5 Mongewell Park Mongewell, OX10 8DA |
| PROPOSAL | New lodge house (change of site address as per email from agent dated 21 January 2020). (As amended by plans received on 28 February 2020 which reduce the size of the proposed new dwelling and amended the parking arrangement and amended by drawings received 30 March 2020 which make alterations to entrance hall fenestration details, alter footpath to front door to pedestrian only and make alterations to parking on the site). |
| OFFICER | Kim Gould |

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| 1.0 | INTRODUCTION AND PROPOSAL |
| 1.1 | This application is referred to Planning Committee at the Planning Manager's discretion because the application was registered before 23 March 2020 and the recommendation that planning permission is granted conflicts with the Parish Council's views. This report sets out my justification for the recommendation. |
| 1.2 | The site is located within the settlement of Mongewell. The site lies outside a conservation area but within an archaeologically sensitive area. The lake lies in a flood zone – category 2 but the land adjacent to the lake within the site area is not within the flood area. The site lies in the Chilterns Area of Outstanding Natural Beauty. A site location plan is attached as Appendix 1. |
| 1.3 | Planning permission was granted under ref P10/W1752 for the demolition of a property known as Wall House and the erection of 5 detached properties and the creation of 3 new vehicle accesses. Plots 1-4 have been built. Plot 5 is yet to be built and is in the same ownership as the site which is the subject of this planning application. Plots 1-4 are built behind the original boundary wall of Wall House each served by their own driveway. This results in these plots having a very similar character. The wall screens most of the dwellings and the boundary wall is the prominent feature at the front of these properties as shown in the photograph below. |

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| <p>1.4</p> | <p>Planning permission was subsequently granted under planning ref P16/S4173/FUL for the erection of a single, two-storey dwelling and detached garage building within the grounds of Lychgate House to the south of the application site which is now known as St John’s House. This property is not built behind the boundary wall and has a high modern fence along its front boundary.</p> |
| <p>1.5</p> | <p>This application seeks full planning permission to demolish the existing garage block on site and replace it with a 4-bed, two-storey house. It has its own established vehicular access which passes through a group of trees which are covered by Tree Preservation Order. The part of the boundary wall to Wall House which currently runs along the front of the site is to be demolished and the new dwelling designed so the entire front elevation of the dwelling will face the road behind the existing grass verge.</p> |
| <p>1.6</p> | <p>Reduced copies of plans accompanying the application are attached as Appendix 2. Full copies of the plans and consultation responses are available for inspection on the council’s website at www.southoxon.gov.uk</p> |
| <p>2.0 2.1</p> | <p>SUMMARY OF CONSULTATIONS & REPRESENTATIONS Full responses can be found on the council’s website</p> |
| | <p>Crowmarsh Parish Council – Original plans – Objection</p> <ul style="list-style-type: none"> • The proposal is trying to squeeze a large house onto a small site that is not big enough for infill. • The house is too far forward and does not respect the line of the existing development and breaks the wall that forms the setting of this part of Mongewell. • The plot is constrained and makes onsite parking more restricted and increases the likelihood of vehicles being left on the drive, contravening the earlier restriction that will become even more significant if the Carmel College development of 166 houses is ever carried out. • St John’s House, while not entirely in keeping with the “ Wall House” properties is on a sizeable plot down to the lake, set back from the significant wall and with space for onsite parking. |

Amended Plans – Objection

- We agree to maintain our objection
- The amendments have not overcome the problem of over-development of an inadequate plot, creating a house out of character with the surrounding houses which are all set back behind the pre-existing wall.

County Archaeological Services - No objection

Forestry Officer – Original plan – no objection

- The trees growing at the front of the site are protected by a tree preservation order.
- The proposed dwelling would relate poorly to protected Yew Tree (T6) but this tree is in poor physiological condition and has limited life expectancy
- The trees in front of the dwelling do form a prominent feature helping to soften the visual appearance of the existing and proposed development beyond.
- In order to secure the long-term retention of the treescape and improve the relationship with the proposed new dwelling, I support the removal T6 as long as a minimum of 2 replacement Yew trees are planted further away from the front elevation to mitigate the loss.
- T5 is also in a similar condition and its removal has already been agreed as part of a previous planning permission.
- If the applicant is willing to engage with this option a revised arboricultural report will be needed specifying the tree removal and replacement details. Alternatively, this could be achieved by way of conditions.

Amended plans

- The amended plans have not addressed the points raised in my previous comments. In addition, the extent of hardstanding for the driveway and pathway leading to the front door need to be reduced to the absolute minimum.
- The maximum amount of open soft landscape ground at the front of the site is needed to provide the replacement trees with the best possible growing conditions. Extensive hard surfacing will also adversely affect the landscape character of the old estate driveway.

Amended plans

- The amended plans have now addressed the outstanding arboricultural issues, therefore I have no further concerns subject to a compliance condition for all tree protection measures and replacement planting obligations as proposed in the updated Arb report dated March 2020.

Countryside officer - No objection

OCC Highways Liaison Officer – No objection

- The proposal is unlikely to have a significant adverse impact on the highway network.
- Proposed condition relating to parking and manoeuvring areas being retained.

Drainage – No Objection subject to standard conditions in relation to surface and foul water drainage.

Neighbours Objection (6) (summary of comments received) Original plans

- The proposed dwelling is too big for the plot
- Surrounding properties are in much larger plots
- The new dwelling would be the only house built directly on to the private road

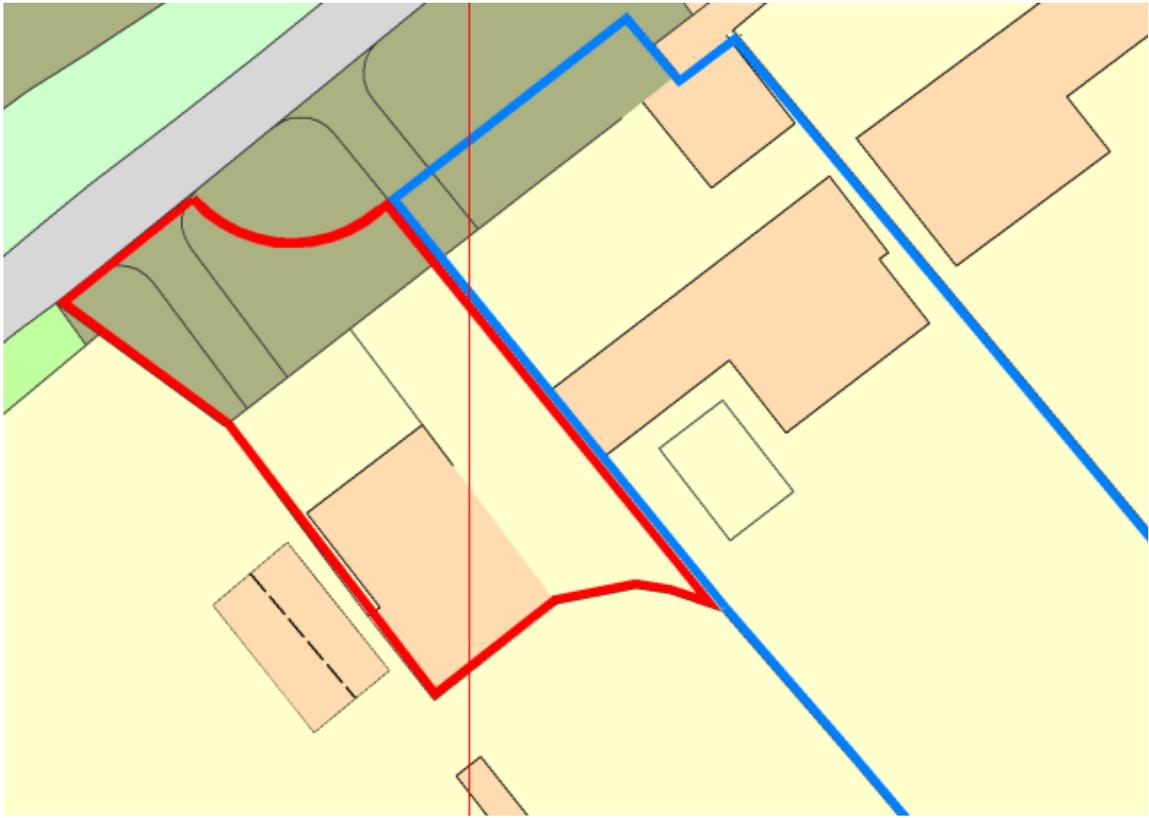
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| | <ul style="list-style-type: none"> • It has no garage and single parking width for 3 cars • Parking on grass verges of the private road is not permitted • Original planning permission gave permission to replace existing single storey flat roof property with 5 dwellings – 6th is too much • Out of character – higher ridge level. • Parking will be visible from the road as wall is to be removed • Removal of wall is unacceptable • Scheme for 5 dwellings set down parameters for floor area and ridge heights • This is using part of the garden to plot 5 – this invalidates plot 5’s original planning permission? • House is bigger than the amenity area left after the construction of the property • No objection in principle. • Planning permission would be required from SODC and a legal right of way granted by Comer Property to pass over their land to access the private road. <p>Amended plans</p> <ul style="list-style-type: none"> • Out of character given size of plot compared to surrounding plots • “urban” style of house in rural setting • Covenant on existing properties prohibits the parking of vehicles on driveways • Solo purpose of commercial gain for the owners of the site • All original objections to this scheme remain |
| 3.0 | RELEVANT PLANNING HISTORY |
| 3.1 | <p><u>P16/S4173/FUL</u> Approved (10/05/2017) Proposed detached dwelling with detached carport/garage</p> <p><u>P13/S2793/FUL</u> Approved (06/11/2013) Amendment to approved scheme P10/W1752</p> <p><u>P12/S1116/FUL</u> Approved (11/09/2012) Minor material amendment to planning permission P10/W1752</p> <p><u>P10/W1752</u> Approved (09/03/2011) Demolition of existing dwelling and construction of 5 detached replacement dwellings</p> |
| 4.0 | POLICY & GUIDANCE |
| 4.1 | Development Plan Policies |
| | <p>South Oxfordshire Core Strategy (SOCS) Policies: CS1 - Presumption in favour of sustainable development CSEN1 - Landscape protection CSQ3 - Design CSS1 - The Overall Strategy</p> |
| | <p>South Oxfordshire Local Plan 2011 (SOLP 2011) Policies: C9 - Loss of landscape features CON11 - Protection of archaeological remains CON12 - Archaeological field evaluation CON13 - Archaeological investigation recording & publication CON14 - Building record survey D1 - Principles of good design D10 - Waste Management D2 - Safe and secure parking for vehicles and cycles D3 - Outdoor amenity area</p> |

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| | <p>D4 - Reasonable level of privacy for occupiers G2 - Protect district from adverse development H4 - Housing on sites within the built up areas of towns and villages T1 - Safe, convenient and adequate highway network for all users T2 - Unloading, turning and parking for all highway users</p> |
| | <p>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 DES3E - Design and Access Statements DES6E - Residential amenity ENV1E - Landscape and countryside EP4E - Flood risk H1E - Delivering new homes H4E - Housing in the larger villages STRAT1E - The overall strategy</p> |
| 4.2 | Neighbourhood Plan |
| | <p>Crowmarsh Parish Council is working on creating a Neighbourhood Plan. It is not yet at the pre consultation stage. As such, it carries limited weight at present.</p> |
| 4.3 | Supplementary Planning Guidance/Documents |
| | <p>South Oxfordshire Design Guide 2016 (SODG 2016)</p> |
| 4.4 | National Planning Policy Framework and Planning Practice Guidance |
| 4.5 | Other Relevant Legislation |
| | <p>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.</p> |
| | <p>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.</p> |
| 5.0 | PLANNING CONSIDERATIONS |
| 5.1 | <p>The relevant planning considerations are the following:</p> <ul style="list-style-type: none"> • Principle of development • Whether the proposal accords with the criteria of policy H4 • Plot coverage and garden size • Impact on neighbour amenity • Parking and highway safety • Impact on the special landscape of the AONB • Impact on archaeology • Impact on trees • Environmental issues • CIL • Other issues |

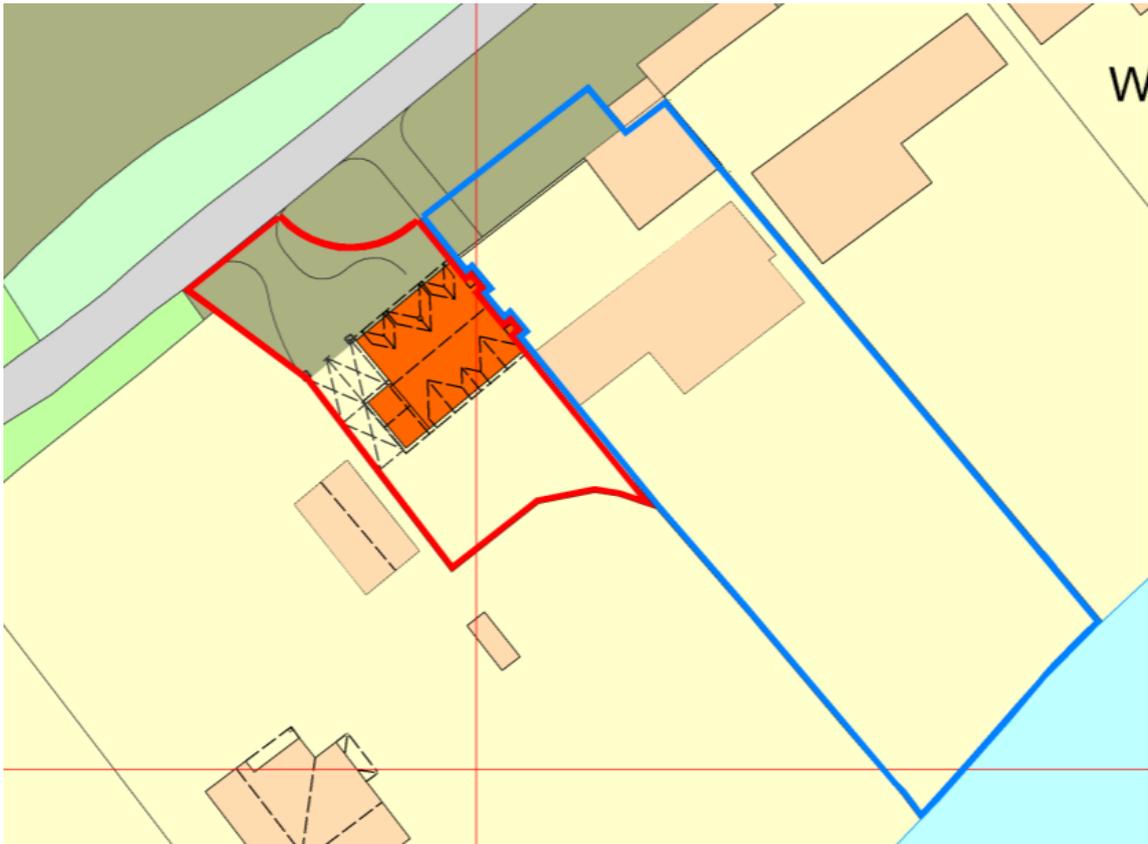
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| 5.2 | <p>Principle Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) 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.</p> |
| 5.3 | <p>Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.</p> |
| 5.4 | <p>The spatial strategy in the South Oxfordshire Core Strategy Policy CSS1 establishes a settlement hierarchy where the amount and location of new housing is related to the availability of facilities and services in order to achieve a sustainable pattern of development.</p> |
| 5.5 | <p>Policy CSR1 of the South Oxfordshire Core Strategy 2027 (SOCS) permits infill development within the settlement of smaller villages such as Mongewell. Infill development is defined in the Appendix 1 of SOCS 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’.</p> |
| 5.6 | <p>The NPPF advises that there is a presumption in favour of sustainable development. For decision-taking this means “approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;” or – specific policies in this Framework indicate development should be restricted.</p> |
| 5.7 | <p>In this case, the site lies within a built-up frontage. It is an area of garden comprising an existing gap within the settlement on a site within the size limitations of 0.2 hectares set out in Policy CSR1. In my view this development complies with Policy CSR1 and represents a sustainable form of development in a settlement where the council permits new housing.</p> |
| 5.8 | <p>Policy H4 criteria If a proposed housing development is acceptable in principle, then the detail of the proposal must be assessed against the criteria of policy H4 of the SOP which deals with new housing.</p> |
| 5.9 | <p>Provision (i) of Policy H4 states ‘an important open space of public, environmental or ecological value is not lost, nor an important view spoilt.’</p> <p>There is an existing 6-bay garage on the site at present. It does not comprise an important public open space. In terms of ecology the council’s ecologist has confirmed he has no objection to the scheme.</p> |
| 5.10 | <p>Provision (ii) states ‘the design, height, scale and materials of the proposed development are in keeping with its surroundings.’ whilst Provision (iii) states that the ‘character of the area in not adversely affected.’</p> <p>Many of the objections received in relation to this proposal include concerns that the proposed dwelling would appear out of keeping with the established character of the</p> |

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| | <p>area, particularly as the wall along the site frontage is to be removed. Whilst it is acknowledged that the properties immediately east of the site are sited behind the frontage brick wall and have been designed to minimise their appearance above this wall, the settlement of Mongewell comprises a variety of dwellings from different periods and differing design and scale. The proposed new dwelling would contribute to this variety. Indeed, the relatively new dwelling immediately adjacent to the site, St John’s House is of a unique design and does not follow the pattern of development seen on plots 1-4.</p> |
| 5.11 | <p>The wall which runs along the front of plot 5 and application site is of a far less quality and height than that to plots 1-4 and is broken up by a series of door openings.</p> |
| 5.12 | <p>Government advice within the NPPF advises that in considering proposals for new developments, Local Planning authorities shall ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). In this case, the density of the new development would be higher than that on the plots which immediately surround it. However, elsewhere in Mongewell, there are examples of more modest properties including terraced dwellings. The smaller plot would not detract from the established character of the area in my opinion.</p> |
| 5.13 | <p><i>Provision iv) of Policy H4 states that there should be no overriding amenity or environmental or highway objections.</i></p> <p>Neighbour impact and highway/parking are dealt with as a separate issue at paragraphs 5.16 and 5.19 of this report. There are no material environmental issues which would justify resisting this proposal.</p> |
| 5.14 | <p>Plot coverage and garden size</p> <p>Policy D3 of the SOLP requires that private garden and outdoor amenity space should be provided for all new dwellings. The amount of land to be used for the garden or amenity space will be determined by the size of the dwelling proposed. This policy and the SODG seek to ensure that reasonable standards of private amenity space are provided in new developments. The proposed dwelling is a 4-bed dwelling. The council’s minimum standards for a 4-bed dwelling require gardens of at least 100sqm in size. In this case, the proposed new property would have a rear garden of some 170 sqm which well exceeds the council’s standards. As such it is my opinion that this development would not constitute over development and that sufficient amenity space is to be provided.</p> |
| 5.15 | <p>Impact on neighbour amenity</p> <p>Policy H4 of the SOLP and advice within the SODG seeks to ensure that new residential development does not have an unacceptable impact on neighbour amenity. This can be from being oppressive or overbearing or from direct overlooking from first floor windows.</p> |
| 5.16 | <p>In this case, there are 3-bedroom windows in the rear elevation of the new dwelling. As the building would be sited forward of plot 5, any views towards the rear garden of no 5 would be limited. Also, there are no windows proposed in the side elevation facing plot 5. Plots 1-4 sit side by side and have large amounts of glazing across their rear elevation. As such, there is a degree of overlooking of rear gardens in the established pattern of development.</p> |

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| 5.17 | <p>The new dwelling would be sited a driveway's width from the joint boundary with St John's House. A distance of some 18m would exist between the two dwellings. Although there would not be any gap between the eastern elevation of the new dwelling and the joint boundary with plot 5, the new house which is the subject of this application would sit forward of the new dwelling at plot 5. For these reasons, the new development is not considered to be oppressive or overbearing on the occupiers of the neighbouring properties or result in unacceptable overlooking.</p> |
| 5.18 | <p>Parking and highway safety Policies T1 and T2 of the SOLP seek to ensure that new development has safe access and exit onto the highway network and sufficient off-street parking. Some of the objections to this application relate to the concern that there is insufficient parking and that the development will result in parking outside the development on the grass verge which is contrary to the deeds of the existing properties.</p> |
| 5.19 | <p>The council's standards in relation to residential development are set out in the appendices of the South Oxfordshire Local Plan and the South Oxfordshire Design Guide. A 4- bedroom property requires 2 off street parking spaces. In this case, the new dwelling would have 3 off street parking spaces. As such the proposal meets the council's parking standards. The highway authority has not raised any objection to the proposal subject to a condition requiring the parking and turning area to be retained. As such, there are no technical reasons to refuse this application on parking. In relation to parking on the grass verge, this is not a planning consideration. Any issue in relation to the deeds of the property is a civil issue and is not relevant in the determination of this planning application.</p> |
| 5.20 | <p>Impact on the special character of the AONB The site lies within the AONB. The NPPF advises that great weight should be given to conserving these areas. Policy CSEN1 of the SOCS seeks to enhance AONBs and to protect them from inappropriate development.</p> |
| 5.21 | <p>In this case, the proposal seeks to replace an existing garage which lies within an established row of dwellings with a single property. It is my opinion that the proposal would not materially adversely affect the overall character and appearance of the AONB.</p> |
| 5.22 | <p>Impact on archaeology Policies CON11-14 of the SOLP seek to ensure that any new development does not result in the loss of archaeologically important features. This site lies within an area of archaeological restraint. The county archaeologist has been consulted on this proposal and has confirmed that he has no objection to the proposal from an archaeological perspective.</p> |
| 5.23 | <p>Impact on trees Policy C9 of the SOLP seeks to ensure that new development does not result in the loss of important landscape features. At the front of this site, included within the red site area, are a number of trees. They are covered by a group Tree Preservation Order (TPO). The trees in front of the dwelling do form a prominent feature helping to soften the visual appearance of the existing and proposed development beyond.</p> |
| 5.24 | <p>The council's forestry officer has noted that the proposed dwelling poorly relates to T6 on the submitted plans but this tree is in poor condition and has limited life expectancy. In order to secure the long-term retention of the treescape and improve the relationship with the proposed dwelling, he is supporting the removal of T6</p> |

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| | <p>providing a minimum of 2 replacement Yew trees are planted further away from the front elevation to mitigate this loss. As such, there are no objections to the proposal on tree grounds subject to a compliance condition for all tree protection measures and replacement planting obligations as proposed in the updated Arb report dated March 2020.</p> |
| 5.25 | <p>Environmental issues <u>Waste</u> Policy D10 of the SOLP notes that development which does not provide adequate waste disposal arrangements will not be permitted. Bins can be stored within the property boundary and be moved to the presentation point without the need to go up or down steps or through the property. There is an appropriate amount of space proposed for bin storage.</p> |
| 5.26 | <p>Community Infrastructure Levy The council's CIL charging schedule was adopted on 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, the development is CIL liable for the development because the proposal involves the creation of a new dwelling. The information required at this stage of the process has been submitted.</p> |
| 5.27 | <p>Other issues A neighbour has raised the point that the red site area of this planning application “encroaches” on the approved red site area of plot 5. The planning permission for plot 5 has been implemented but development is not complete. Both plot 5 and the plot which is the subject of this application are within the applicant’s ownership.</p> <p>As approved under ref P12/S1116/FUL:</p>  <p>The diagram is a site plan showing two overlapping red-outlined areas. A blue-outlined area is also present, which appears to be a larger boundary or a different site area. The background is yellow, and there are some grey and green areas representing roads or other features. A vertical red line is drawn through the center of the plan.</p> |

As currently proposed:



I have queried this with the agent who has confirmed that the implemented plot no 5 is shown on all the drawings in the correct arrangement, disposition and location of planning approval P12/S1116/FUL. The 2 houses (Plot No. 5 implemented & the proposed Garage Site) co-exist comfortably and complementarily on the overall site.

In effect some of the land used for plot 5 has been “sold off” to add to the garage site. This is legitimate and does not affect the status of the implemented planning permission for plot 5.

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| 6.0 | CONCLUSION |
| 6.1 | The principle of residential development is acceptable in this location. The proposed dwelling exceeds the council’s requirements in terms of private amenity area and off-street parking and therefore the development does not constitute over development. The style and design of the property would contribute to the variety of house types and styles within Mongewell and would not materially harm the special character of the AONB. The proposal accords with Development Plan policies and Government advice. |
| 7.0 | RECOMMENDATION |
| 7.1 | That planning permission is granted subject to the following conditions: |
| | <p>1 : Commencement three years - Full Planning Permission 2 : Approved plans 3 : Materials as on plan 4 : Provide tree protection and replacement planting 5 : Parking & Manoeuvring Areas Retained</p> |

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