

APPLICATION NO.	P20/S2047/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	26.6.2020
PARISH	FOREST HILL
WARD MEMBER(S)	Sarah Gray
APPLICANT	Mr B McCabe
SITE	Hazels Old Road, Shotover Hill, OX3 8TA
PROPOSAL	Proposed infill dwelling (4-bed) and associated works and operations (As amplified by Contaminated Land Information received 27 July 2020 and amended by revised site plan showing visibility splays at the access received 20 August 2020)
OFFICER	Paul Bowers

1.0 **INTRODUCTION AND PROPOSAL**

1.1 This application is referred to Planning Committee at the request of the local member Cllr Sarah Gray. This report sets out the officer's recommendation that the application should be approved and how that recommendation has been reached having regard to the material planning considerations and the development plan.

1.2 The application site is part of an existing residential garden of the property known as Hazels. The site is within the parish of Forest Hill but located in the ribbon of development on Old Road, Shotover and within the Oxford Green Belt. Ground levels change within the site decreasing from the road and falling in the south and south westerly direction. A site plan showing the location of the property can be found at **Appendix 1** to this report.

1.3 This application seeks full planning permission from the council to erect a two-storey contemporary designed dwelling between the existing building known as Hazels and the building next door to the north west at Willowbank. The dwelling would be served by a new vehicular access.

1.4 Reduced copies of the plans accompanying the application are attached as **Appendix 2** to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 **Forest Hill Parish Council** – Objects to the application for the following reasons;
- The proposed new house will represent an undesirable infusion in a prominent site in the Green Belt; being excessively dominant in relation to the neighbouring property. Any new building should be of similar size to the existing Hazels property so as to better fit the Green Belt landscapes.
 - The proposal for a new access to Old Road cannot be accepted, as it would create an unsafe highway environment for a road with poor sight lines, lack of pavements and fast-moving traffic.
 - Any application should include a full appraisal of drawings and disposal of surface water from what is a steep site of varying heights.

Third Party Representations – 2 x letters of objection covering the following issues;

- The application is similar to the previously withdrawn scheme.

- Concern over water run off and flooding of adjoining properties.
- Concern over the impact on trees.
- Concern over highway safety from the creation of a new access.
- The scale and bulk of the building will cause loss of light to the adjoining property Willow Bank.
- The development conflicts with the development plan and is not acceptable in Green Belt terms.
- Impact on biodiversity.

Countryside Officer – No objection.

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

Forestry Officer – No objection subject to a landscaping condition.

Highways Liaison Officer – No objection subject to conditions relating to parking and access.

Contaminated Land – No objection subject to conditions concerning investigation and remediation.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P19/S4041/FUL](#) - Withdrawn (27/02/2020)

Proposed infill dwelling (4-bed) and associated works (As amended by additional information received 4 December 2019)

[P111/W1559](#) - Approved (07/03/2013)

Demolition of existing house and garage. Construction of replacement 4 bed dwelling and garage (As amended by drawings 10.873/07 and 08 accompanying letter from agent dated 28 January 2013).

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Core Strategy (SOCS) Policies:

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

South Oxfordshire Local Plan 2011 (SOLP 2011) Policies:

- C6 - Maintain & enhance biodiversity
- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- 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
- EP1 - Adverse affect on people and environment

- EP8 - Contaminated land
- G2 - Protect district from adverse development
- GB4 - Openness of Green Belt maintained
- 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

- 5.2 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
- DES3E - Design and Access Statements
- DES5E - Outdoor amenity space
- DES6E - Residential amenity
- ENV11E - Pollution - Impact from existing and/or previous land uses on new development (potential receptors of pollution)
- ENV12E - Pollution - Impact of development on human health, the natural environment and/or local amenity
- ENV1E - Landscape and countryside
- EP2E - Hazardous substances
- H16E - Infill development
- STRAT1E - The overall strategy
- STRAT6E - Green Belt
- TRANS5E - Consideration of development proposals

5.3 **Neighbourhood Plan**

Forest Hill with Shotover Parish Council are not currently working on a neighbourhood plan.

5.4 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 **National Planning Policy Framework and Planning Practice Guidance**

5.6 **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).

Development that is not in accordance with the development plan should be refused unless material planning considerations indicate otherwise.

6.2 The main issues that need to be considered in relation to this proposal are;

- **The principle of the development in terms of housing policy.**
- **Impact on the Green Belt.**
- **Neighbour impact.**
- **Impact on the visual amenity of the area.**
- **Amenity space.**
- **Highway impact.**
- **Impact on protected species.**
- **Impact on trees.**
- **Drainage.**
- **Community Infrastructure Levy.**

6.3 **The principle of the development in terms of housing policy.**

Policy CSS1 of SOCS requires that proposals for development should be consistent with the overall strategy of focusing major new development at the growth point of Didcot, supporting the roles of the three market towns by providing, amongst other things, new houses. It states that outside of 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 the enhancement of the environment.

The Council's housing strategy set out in Policy CSS1 seeks to provide new housing in sustainable locations directing new housing to the four main towns in the district and within existing settlements.

Policy CSR1 of SOCS relates to housing in villages and permits infill development.

The South Oxfordshire Core Strategy defines infill 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.

The number of units depends on the classification of the settlement in the hierarchy.

Outside of settlements new housing is not supported by the development plan.

6.4 The first step of the assessment is to consider whether the site is within or outside of a settlement.

This site is within the parish of Forest Hill but not within the village itself which is some 2km to the north east. It is located, in my view, on the edge of a group of houses lying outside the Oxford ring road.

A new house in this location would conflict with the overall housing strategy for the district. It is not within an identified village within the development plan that would be

able to accommodate new housing and is outside of the major developed area of Oxford City.

It therefore follows that this proposal would conflict with the Council's Housing Strategy set out in the Development Plan.

Planning applications must be determined in accordance with the development unless material planning considerations indicate otherwise.

- 6.5 I am of the view that in this instance there are material planning considerations that indicate a departure from the development plan is justified.

The ribbon of development on Shotover is not part of an established settlement in terms of the villages within South Oxfordshire. However, whilst planning policies look at things like settlement sizes the circumstances of each site do not always sit neatly within the context of the plan and its policies. As is the case here.

This site is not within a settlement defined in the South Oxfordshire Core Strategy and therefore when looked at purely in the context of the policy it does conflict with the overall strategy for housing. But what we must consider in our decision making is the fact that this site forms part of a row of development that extends out from Oxford City. But for the presence of the eastern bypass this site forms a clear continuation of the housing development on the edge of Oxford City.



- 6.6 The density and line of development is contiguous with development on the other side of the bypass which is connected by a public footpath to Oxford City.

The site is closer to facilities offered in Oxford City, which are far greater than the services and facilities many of our villages are able to offer where in policy terms new housing is permitted.

6.7 In terms of density and size of the dwelling on the plot the new property and those that surround it are not experienced on the ground as physically separate or different in character once you cross the bridge connecting the Shotover to the city. The character changes in my view further east when it becomes more rural, sylvan and more open.

6.8 Because of this continuous line of buildings, density and character I am of the view that the location of the building, which sits in a gap on an otherwise built frontage as per the definition of infill development, and relative to facilities in the city, indicates that in terms of the location of the application site, that the strict interpretation of the overall housing strategy can in this particular instance be set aside.

6.9 **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 in the development plan, specifically SOCS policy CSEN2 and SOLP policy GB4. It is also reflected in emerging policy STRAT6 of ESOLP.

- 6.10 Paragraph 134 of the NPPF sets out the five purposes of the green belt;
- to check the unrestricted urban sprawl of large built up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

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

6.11 The assessment of the impact to the Green Belt is therefore a stepped process in that a proposal needs to be considered in terms of whether the development is inappropriate and then whether it harms the openness of the Green Belt. If a development conflicts with either, then consideration has to be given as to whether there are any ‘very special circumstances’ that would outweigh this harm.

6.12 *Is the development inappropriate?*

Exception e) is permissive of limited infilling in villages. This site is not in a village and therefore I have to conclude that whilst I consider it infill the site is not within an established village and therefore the proposal amounts to inappropriate development in the Green Belt and therefore harmful by definition.

6.13 Does the development harm openness?

The building will have an impact on openness. Any new building enclosing an area that is absent of building will create an impact on openness. In villages however it is accepted that erecting a building between existing buildings will cause an impact but within an acceptable tolerance which does not amount to a harmful impact.

Setting aside whether this location is within a defined village or not I don’t conclude that the impact to openness is harmful in the context of this site.

6.14 However, because harm has been identified by virtue of being inappropriate – because the site is not within a village – it is necessary to consider whether there are any ‘very special circumstances’ that outweighs the harm.

6.15 ‘Very special circumstances’

The NPPF permits new dwellings within villages in locations that would qualify as infill development. As discussed above this is a sustainable location which in terms of character is contiguous with the city to the west. I argue that in the context of assessing this development in respect of the Green Belt, it is more appropriate to look at it in the same way as a village location for a new dwelling.

In this respect I believe the development is acceptable. It is infill development in that it will sit in an existing gap in an otherwise built up frontage of Oxford City. It will have the same impact as a new dwelling would in the context of a Green Belt village location where such development is not inappropriate.

To my mind these circumstances represent strong very special circumstances that outweigh the inappropriateness of the development simply for not being within an identified village location.

I conclude that the impact to the Green Belt is acceptable.

- 6.16 The principle of development and the quantum of development are considered acceptable in relation to the development plan.

If a proposed housing development is acceptable in principle in this case both in terms of housing policy and Green Belt policy, 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:

- **An important open space of public, environmental or ecological value is not lost, nor an important view spoilt.**
- **The design, height, scale and materials of the proposed development are in keeping with its surroundings.**
- **The character of the area is not adversely affected.**
- **There should be no overriding amenity or environmental or highway objections.**
- **It would not create problems of privacy and access and would not extend the built up limits of the settlement.**

These criteria are covered within the following sections of this report.

In terms of the first criteria as part of an existing residential garden the site does not form part of an important public open space. Later in the report the issue of environmental and ecological value is discussed in more detail.

- 6.17 **Neighbour impact.**

Policy D4 of SOLP states that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. Development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight.

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.

I have considered the development in light of these three aspects.

- 6.18 The two most affected properties are the existing dwelling at Hazels and the property to the north west at Willowbank to the north west.

I will take each property in turn in assessing their impact.

6.19 Willowbank –

Willowbank is a chalet style property with accommodation in the roof. The application site is on a higher land level than Willowbank.

The new building will sit alongside Willowbank at a slight angle. In terms of overlooking the new dwelling will have first floor windows. These are located in the rear and not the side. Views from the new first floor windows will be oblique across the rear garden of Willowbank and not direct. This is a typical relationship in any street scene where views from one property will be possible across the gardens of neighbours. At the present time Willowbank is not overlooked however, this new level of overlooking is not, in my view, materially harmful and would not justify refusing the application.

The position of the building to the south of Willowbank is mitigated by the alignment of the two properties in my opinion. It is also mitigated by the use of the flat roof keeping the overall height of the building as low as possible. In conjunction with the separation gap between the two buildings it is my opinion that the new building will not be overbearing or oppressive to Willowbank..

The change in levels on the site is an important factor in this and the elevation plans indicate the comparative heights between the two buildings. To ensure the exact height of the building a condition is proposed which seeks to ensure that details of levels are submitted prior to the commencement of development.

6.20 Hazels –

This property is single storey and located to the south on a lower ground level than the garden within which this new property is proposed.

Its position to the north will ensure that there will be no loss of sunlight or overshadowing. Again, the alignment of the two buildings is such that although it will inevitably be higher it will not cause a materially harmful overbearing or oppressive impact. The windows will provide oblique views across the retained garden area of Hazels but not cause any undue material harm.

Overall, I conclude that the development accords with Policy D4 and the relevant criteria of Policy H4.

I have however proposed a condition that removes the normal permitted development right to extend the building so that any future addition can be assessed in terms of how it will impact the adjoining properties given the significant change in levels across the site.

6.21 Impact on the visual amenity of the area.

Provision (ii) of Policy H4 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 is not adversely affected.'*

6.22 The character of the area extending from the city is relatively high density with a variety of building size, types and materials.

This proposal would be a modern type structure but, in this location, where there is no prevailing character I would suggest that this unique design will add to the character of the area rather than detract from it. The two properties on either side are so distinct

from each other that adding a different form of building between them will not cause a materially harmful impact.

Overall, I am satisfied that the character of this extent of Old Road is not harmed and the development accords with the relevant element of Policy H4.

6.23 Amenity space.

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

Emerging Policy DES5 of ESOLP recognises the importance of outdoor amenity space and states that new development should demonstrate that the size, location and character of the gardens have been considered as an integral part of the design.

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 1 bedroom units they should be providing for 35 square metres, 50 square metres for two bedroom units and for 3 bedroom units and above 100 square metres.

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

6.24 The new dwelling provides for 4 bedrooms and consequently it should be providing for 100 square metres of private amenity area.

Both the existing dwelling and the new dwelling provide for over 100 square metres each exceeding the council's minimum standards.

When considered on plan the size of the plot is commensurate with the surrounding development and therefore, I conclude that this is not an overdevelopment of the site but in keeping in this regard in accordance with Policy D3 of SOCS.

6.25 Highway impact.

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.

- 6.26 The development proposes the creation of a new vehicular access to serve the new dwelling. Consideration has been given to the position of the access and the visibility. Additional information on visibility splays has been sought and considered at length by the Oxfordshire County Council Highways Officer. He has concluded that the position of the access and visibility in both directions is acceptable and does not present a harmful impact to highway safety in conjunction with the conditions set out below the development accords with Policy T1 and T2 of SOLP.

6.27 Impact on protected species.

Policy CSB1 of SOCS states that a net loss of biodiversity will be avoided and opportunities to achieve a net gain across the district will be actively sought, It goes on to say that damage to protected or priority species will be avoided unless the importance of the development outweighs the harm and the loss can be mitigated to achieve a net gain in biodiversity.

Policy C8 of SOLP states that development that would have an adverse effect on a site supporting a specially protected species will not be permitted, unless damage to the ecological interest can be prevented through the use of planning conditions or planning obligations.

Policy H4 of SOLP also aims to ensure that an open space of ecological value is not lost.

The aims and objectives of these policies is reflected in emerging policy ENV3 of ESOLP.

- 6.28 The council's Ecologist has considered the development and the details contained within the application and concluded that he has no objection to the development.

6.29 Impact on trees.

Policy CSEN1 of SOCS seeks to protect the district's landscape character and key features.

Policy C9 states that any development that would cause the loss of landscape features will not be permitted where those features make an important contribution to the local scene.

This is reflected in emerging Policy ENV1 of ESOLP.

- 6.30 The Council's Forestry Officer has considered the development and the information accompanying the application. They have no objection to the development from an arboricultural perspective. They have suggested a condition which is included in this recommendation that relates to landscape details being submitted and approved prior to commencement of development.

6.31 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.

The application has been accompanied by flood information. It is outside of flood zones 2 and 3.

The Council's Drainage Engineers have considered the development in terms of what has been submitted and concluded that in terms of foul water and surface water drainage the development is acceptable.

This is subject to conditions which require details of the drainage in both respects to be submitted and approved in writing before the dwelling and be built.

6.32 **CIL.**

The development is CIL liable because it creates additional floor space and new dwellings. The CIL amount for this development is **£35,343.27**

7.0 **CONCLUSION**

7.1 The site is located outside of a defined settlement where the council's spatial strategy for new housing does not permit such development. However, the location of the site in terms of its physical relationship with the surrounding development extending out from the city of Oxford makes this a sustainable location to the extent that it outweighs the conflict with the development plan.

In terms of Green Belt impact the fact that the site is not within a village makes the development inappropriate by definition however the location of the site and its relationship to the existing built form represents a very special circumstances that outweighs the harm to the Green Belt.

Impact in terms of access, drainage and trees are considered acceptable in conjunction with the appropriately worded conditions and ensure that the proposal accords with development plan in these respects.

8.0 **RECOMMENDATION**

8.1 **That Planning Permission is granted subject to the following conditions;**

Standard conditions

1 : Commencement

2 : Approved plans

Pre-commencement conditions

3 : Levels (details required)

4 : Landscaping Scheme (trees and shrubs only)

5 : Surface water drainage works (details required)

6 : Foul drainage works (details required)

7 : Contaminated Land (preliminary risk assessment)

Prior to occupation conditions

8 : Contaminated Land - Remediation Strategy

9 : Existing vehicular access

10 : Vision splay dimensions

11 : Parking & Manoeuvring Areas Retained

Compliance conditions

12 : Withdrawal of P.D. (Part 2 Class A, B and E) - no extensions and outbuildings)

13 : No Surface Water Drainage to Highway

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