

<b>APPLICATION NO.</b>	<a href="#">P21/S2332/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	19.5.2021
<b>PARISH</b>	KIDMORE END
<b>WARD MEMBER</b>	Peter Dragonetti
<b>APPLICANT</b>	W H Brakspear and Sons Ltd
<b>SITE</b>	The Reformation, Horsepond Road, Gallowstree Common, RG4 9BP
<b>PROPOSAL</b>	Change of use and extension of former Public House to provide Veterinary Surgery. Demolition of outbuilding and erection of 1 x 3-bed and 1 x 4-bed detached houses (proposed dwellings reduced from three to two and layout and designs adjusted accordingly as shown on amended plans received 27th September 2021 and energy statement received 5th October 2021 and first floor side window from Plot 2 removed and external areas around Plot 2 corrected and patio reduced as shown on amended plans received 2nd November 2021)
<b>OFFICER</b>	Paul Lucas

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out the justification for officers' recommendation to grant planning permission having regard to the development plan and any other material planning considerations. The application is referred to the planning committee due to a difference between officers' recommendation and the views of Kidmore End Parish Council.
- 1.2 The application site is shown at **Appendix A**. It is located within the built-up area of Gallowstree Common and comprises a parcel of land of 0.28 hectares in area. The site contains a disused part two-storey, part single storey public house and ancillary buildings. It is located on the northern side of Horsepond Road, which is the main road through the village. There is a large area of hardstanding at the front of the site, which had been serving as the pub car park, accessed from Horsepond Road. There are areas of undeveloped space on all four sides of the pub building. The building has an external finish of white-painted brickwork and a mixture of slate and plain clay roof tiles. There are some mature trees around the northern site boundary. The site adjoins four residential plots. Three of these comprise dwellings that are positioned close to the site boundaries; Fairlea, Weydown and Amber Cottage. The fourth property, Orchard Cottage, is situated on a large plot and is set well back from the site boundary. The site and the settlement lie within the Chilterns AONB. There is a slight rise in the site levels from west to east across the site. The land falls away more steeply beyond the western site boundary. The Council's Conservation Officer considers that The Reformation qualifies as a Non-Designated Heritage Asset.
- 1.3 The application seeks full planning permission for the extension and change of use of the existing building from a public house to a veterinary surgery. The application also seeks full planning permission for the subdivision of the plot and the erection of two two-storey dwellings, one on either side of the existing building, as shown on the current plans and other documents submitted in support of the application.

- 1.4 The number of dwellings proposed was reduced from three to two in response to officers' concerns about the density and scale of the proposed residential element of the development. The current plans can be found at **Appendix B**. Other documents can be viewed on the Council's [website](#).

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 **Kidmore End Parish Council** - The Council is aware of local support for the repurposing of the former public house as a veterinary surgery and is sympathetic to that proposal. However, the Council is concerned that the development of parts of the site for residential purposes is a significant component of the application. The Council is, like local residents, opposed to such development, because
- \* Gallowstree Common is another village in the South Oxfordshire Local Plan, and not expected to absorb further significant increases in housing;
  - \* the proposed housing development does not conform to policy H16 of that Local Plan, as the land is not infill or brownfield;
  - \* the site is in the Chilterns Area of Outstanding Natural Beauty, and falls foul of policy DP2 in the Chilterns Conservation Board Management Plan 2019-2024.

In addition, the Council observes that this site is not included in the Kidmore End Neighbourhood Development Plan. The Local Character policies in that Plan, particularly LC1 and Appendix D3, would militate against the proposed housing development. For these reasons, the Council OBJECTS to the application.

**CAMRA (Campaign for Real Ale)** - The Reformation has been a much-loved pub in the Chilterns for many years and the centre of village life in Gallowstree Common until very recently. Apart from the Cricket Club, there are no community facilities in the village - not even a church, so the village pub is a vital community asset. A veterinary surgery can hardly be regarded as a satisfactory substitute for a village pub, with its ability to bring together all parts of the village community. From the responses so far to the planning application, it appears that most of the clientele for the new practice would come from outside the village. There is, in any case, a well-established veterinary practice in Sonning Common, a much more sustainable location for such a facility. Whilst the economic viability report is of a much higher standard than we are used to seeing in applications for change of use of a pub, it should be remembered that it was commissioned by the applicant with a view to showing that the pub would not be viable.

The proposed housing is planned to be built on the land that used to comprise the garden of the pub. It will remove two areas of green space and the open aspect of this part of Horsepond Road. Additionally, the houses are in a very unsustainable location, with no local facilities available in the village and no bus service. This will increase car-dependence.

**Economic Development** - Based on the comprehensive nature of the research presented in the submitted Viability Assessment report, Economic Development believe that suitable evidence has been provided to support the conclusion that the pub is economically unviable. The report recommends that as the site is located less than a mile from a large village (Sonning Common) and less than six miles from two large towns (Henley and Reading) that alternative community uses (shop or post office, as well as "bolt on" uses such as a Cinema or Digital Hub) would not be suited to the rural location. In the absence of an adopted neighbourhood plan that details desired community facilities for residents and, given the proximity to appropriate services in the surrounding area, Economic Development do not object to the application on this basis.

**Countryside Officer (South and Vale)** – No objection subject to a mitigation compliance condition

**Drainage - (South and Vale)** – No objection subject to a surface water drainage pre-commencement condition

**Forestry Officer (South and Vale)** – No objection subject to general tree protection and landscaping conditions

**Highways Liaison Officer (Oxfordshire County Council)** – No objection subject to implementation and retention of parking condition

**Contaminated Land Officer** – No objection

**SGN Plant Protection Team** – Advice provided

**Environmental Protection Team** – No objection subject to hours of construction condition

**Chilterns Conservation Board** – Objection to original plans:

- CCB regrets the loss of this community facility and accepts that the policy protection afforded by the SODC Local Plan CF1 'Safeguarding Community Facilities' must be given considerable weight in any determination. We are aware that there has been a local campaign to protect and reinstate this use. The proposed use as a veterinary hospital use would fall within CF1 as an exception against the test that *'the replacement of an existing facility equally convenient to the local community it serves and with equivalent or improved facilities'*.
- The proposed housing is not necessary as a requirement of policy CF1. Assessment here requires weight to be given to the development of 'windfalls' within the smaller settlements in the plan and includes the infilling of development within an existing frontage. This site does not easily fit within the concept of infilling and we would argue the applicant's agent is incorrect to rely on an infilling justification under Policy H16 (9.07 of the planning supporting statement).
- The former Reformation PH (which closed in late 2018), in our judgment, satisfies the tests for a non-designated heritage asset.
- CCB would support amendments to the frontage, and we promote deletion of the eastern dwelling. A more holistic approach to this site would countenance the reinstatement of the pub and the veterinary use to occupy a part of the site, with the potential for one dwelling to promote an 'enabling case' to secure the long-term viability of a use and location that is central to the fabric of this community.

No comments received on amended plans

**Energy Assessor** - Complies with DES10, no objection

**Third Parties** – original submission incorporating three dwellings: 46 representations of objection and concern and 31 representations of support

- revised submission incorporating two dwellings: three respondents repeated their representations of objection and one reaffirming support

A summary of the representations is as follows:

- Public house viability was undermined by removal of conservatory and subdivision of plot – six applications to list public house as an Asset of Community Value were rejected by SODC
- Loss of public house not compensated for by change of use to veterinary surgery

- Should instead be changed into a shop/café/meeting place/training centre with an outdoor community space on the frontage
- There are other vets practices locally in and close to Sonning Common – those who have written in support of the vets do not live in Gallowstree Common
- Not an allocated housing site
- Does not meet definition of infill in the Development Plan due to the land on either side being greenfield/open space rather than brownfield/previously developed land and not part of a built-up frontage and closely surrounded by buildings
- Exceeds the expected 5-10% growth for a ‘smaller village’, let alone an ‘other village’ for the period 2011 – 2035 when taken cumulatively with 14 other dwellings that have been built/granted planning permission in the village
- High density of development would be out of keeping with the locality
- The loss of important open space on either side of the public house resulting in harm to the setting of this historic building in the village core within the Chilterns AONB
- Increase in amount of formalised frontage parking and hardsurfacing would result in urbanisation, harmful to local character
- Insufficient landscaping
- Insufficient off-street parking, resulting in on-street parking and conditions prejudicial to highway and pedestrian safety
- Increase in daytime traffic – traffic calming should be introduced, paid for by the applicant/developer
- Loss of light/outlook/privacy to Amber Cottage, Fairlea, Weydown
- Rear paving of Plot 2 resulting in loss of boundary hedge
- Flooding, sewerage and water supply issues exacerbated
- Concern about impact of external lighting
- Criticism of proposed heating method relying on gas-fired boilers
- Concern about amalgamation with any future development on the plot to the rear
- Concern about land ownership and future boundary maintenance
- Accept that public house is no longer viable and consider a local business to be an appropriate use of the building and would benefit many villagers
- Support this vet as providing an independent service from other local vet practices

The representations can be viewed in full on the Council's [website](#).

### 3.0 **RELEVANT PLANNING HISTORY**

3.1 Kidmore End Parish has nominated the premises to be listed as an Asset of Community Value, however, the nominations have all been unsuccessful, most recently in March 2021.

3.2 Numerous applications spanning the period 1953 to 2010 concerning alterations and extensions to the public house.

### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Whilst located in a sensitive area, the proposal is not of a scale that would require an Environmental Statement.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- CF1 - Safeguarding Community Facilities
- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES7 - Efficient Use of Resources
- DES8 - Promoting Sustainable Design
- DES10 - Carbon Reduction
- EMP10 - Development in Rural Areas
- EMP3 - Retention of employment land
- ENV1 - Landscape and Countryside
- ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
- ENV3 - Biodiversity
- ENV6 - Historic Environment
- ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)
- EP3 - Waste collection and Recycling
- EP4 - Flood Risk
- H1 - Delivering New Homes
- H11 - Housing Mix
- H16 - Backland and Infill Development and Redevelopment
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- STRAT5 - Residential Densities
- TRANS5 - Consideration of Development Proposals

5.2 **Kidmore End Neighbourhood Development Plan**

The publicity period on the draft plan concluded on 15 September 2021. The draft plan documents and [comments received during the publicity period](#) have now been submitted for independent examination.

Andrew Ashcroft has been appointed by the district council to carry out the examination. The examiner's role is to make recommendations on the draft plan, and ultimately if the plan should proceed to referendum. The examiner has produced an [Examination Arrangement note](#).

The examiner issued a [clarification note](#) on 11 October 2021. The [response from Kidmore End Parish Council](#) and the [response from South Oxfordshire District Council](#) to the examiner's clarification note have now been issued.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7 Plots & Buildings

South Oxfordshire Landscape Assessment – Character Area 10

Chilterns Buildings Design Guide – Chapter 3

Chilterns AONB Management Plan 2019-2024

DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.

DO2 Ensure that where development happens, it leaves the AONB better than it was before – richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.

DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

**SP4** *Support rural diversification that adds value to the local economy. Only through diversification can many small to medium-size farms in the Chilterns remain viable. It can provide important visitor facilities, such as farm accommodation. This is in short supply in the Chilterns. What is approved needs to be sympathetic to its setting and the wider landscape.*

**SP5** *Retain and promote community facilities, including shops, pubs, public and community transport, and encourage them where there are gaps in provision. Many villages in the Chilterns have lost shops and/or pubs over the years, as well as a decline in community facilities and services. Others are under threat. These amenities are the life-blood of the community and affect both local people and visitors. We must support and promote such facilities to help them survive. For example, some villages have been able to step in and buy the pub/shop threatened with closure and run it as a community business.*

#### 5.4 **National Planning Policy Framework and Planning Practice Guidance (NPPF)**

#### 5.5 **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. The development plan currently comprises the South Oxfordshire Local Plan 2035 (SOLP 2035). The Kidmore End Neighbourhood Development Plan (KENDP) is under examination and therefore carries limited weight at this stage. The relevant planning considerations are the following:**

- **Loss of an essential community facility**
- **Compliance with the Council’s Housing Distribution Strategy**
- **Harm to Non-Designated Heritage Asset**
- **Visual Impact including village setting within Chilterns AONB**
- **Residential Amenity Impact**
- **Access and Parking**
- **Other material planning considerations**

#### 6.2 **Loss of Essential Community Facility**

The SOLP 2035 Policy CF1 includes public houses within the definition of essential community facilities and services. Criterion 1 of Policy CF1 explains that proposals that result in the loss of an essential community facility or service, through change of use or redevelopment, will not be permitted unless at least one of the three criteria below are met:

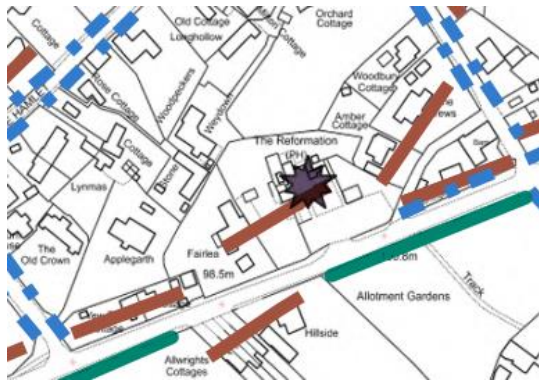
- i) it would lead to the significant improvement of an existing facility or the replacement of an existing facility equally convenient to the local community it serves and with equivalent or improved facilities;
- ii) it has been determined that the community facility is no longer needed; or
- iii) in the case of commercial services, it is not economically viable.

Criterion 2 states that appropriate, detailed and robust evidence will be required to satisfy the above criteria. The Council will require the independent assessment of this evidence.



- 6.3 Supporting documentation for the application includes a “Viability Assessment” report completed by John Joseph Keane of Thomas E. Teague. The Council’s Economic Development Team have considered this report against the Community Facilities Viability Assessment leaflet relating to the following: “What is the extent of community facility in local area?” Based on the comprehensive nature of the research presented in the submitted Viability Assessment report, Economic Development believe that suitable evidence has been provided to support the conclusion that the pub is economically unviable in accordance with Policy CF1 criterion 1 iii).
- 6.4 The SOLP Policy EMP10 Criterion iv) states that the Council will promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. As the site is located less than a mile from a large village (Sonning Common) and less than six miles from two large towns (Henley and Reading), the report recommends that alternative community uses (shop or post office, as well as “bolt on” uses such as a Cinema or Digital Hub) would not be suited to the rural location. In the absence of an adopted neighbourhood plan that details desired community facilities for residents and, given the proximity to appropriate services in the surrounding area, Economic Development raise no objection to the proposal when assessed against Policy EMP10.
- 6.5 When assessed against the SOLP 2035 Policy EMP3, Economic Development are satisfied that the proposed development would comply with this policy. This is because a lack of serious market interest in the site has been demonstrated, and that a mixed-use development incorporating employment use in the form of a veterinary practice has been proposed. A veterinary business is likely to be a complimentary service appropriate to the rural location and may offer support to agricultural businesses operating locally. It is also anticipated that the business could offer high quality employment opportunities in future that would help to meet objectives outlined in the Council’s Corporate Plan.
- 6.6 In the light of the above assessment, officers consider that whilst the proposal would result in the loss of an essential community facility, it has been demonstrated that the continued use as a public house is unviable and alternative community uses would not be suitable to this location. The replacement of a public house with a veterinary business would provide an alternative employment use. As such, the proposed development would accord with the above policies and would also address Chilterns AONB Management Plan Policies SP4 and SP5.
- 6.7 **Housing Distribution Strategy**  
SOLP 2035 Policy STRAT1 sets out the overall strategy for the District. It seeks to focus most major new development at the growth point of Didcot with Henley, Thame and Wallingford also being a focus for development and regeneration. The SOLP 2035 Policy H16 states that within smaller villages and other villages, development should be limited to infill and the redevelopment of previously developed land or buildings. Appendix 7 of the SOLP 2035 contains the Council’s Settlement Hierarchy classifies Gallowstree Common as an ‘other settlement’.

- 6.8 Policy H16 Criterion 2 states that “infill development is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings” and that “the scale of infill should be appropriate to its location.” Many third parties consider that the proposal would not fall within this definition. This is because they regard the undeveloped land on either side of the public house to be greenfield rather than previously developed land/brownfield land. However, the definition does not differentiate between greenfield and brownfield land. As infilling always involves building in the space between buildings, if greenfield land was excluded then very few infill schemes would have been permitted in the District.
- 6.9 Some third parties also consider that the site does not form part of a continuous frontage. However, officers disagree with this assertion. Policy H16 does not exclude non-residential buildings from belonging to frontages. The Reformation sits between a line of dwellings formed by Fairlea, Syringa Cottage and Yew Tree Cottage to the south-west and Amber Cottage and The Yews to the north-east. These frontages are shown as “defined building lines” in brown on the following extract from Figure GC11 of Appendix D2 of the draft KENDP:



- 6.10 Officers also disagree with some third parties that the site is not closely surrounded by buildings. There are three residential plots (Fairlea, Amber Cottage and Weydown) which adjoin three sections of the site, where the dwellings in question are located very close to the site boundaries. Inspectors have opined in appeals that it is not necessary to have 4 or even 3 sides occupied by development nor are adjacent buildings required to be hard up against the boundary to comply with this limb of the infill definition.
- 6.11 A further common objection is that the village already exceeds the expected 5-10% growth for a ‘smaller village’ for the period 2011 – 2035. This concerns housing allocations in Neighbourhood Plans in smaller villages, as set out in the SOLP 2035 Policy H8 Criterion 2. “Those Neighbourhood Development Plans will need to demonstrate that the level of growth they are planning for is commensurate to the scale and character of their village, and this is expected to be around a 5% to 10% increase in dwellings above the number of dwellings in the village in the 2011 census (minus any completions since 1 April 2011)”.
- 6.12 The draft KENDP covers the main settlements within Kidmore End Parish, namely Cane End, Chalkhouse Green, Gallowstree Common, Kidmore End, and Tokers Green. As currently drafted, it seeks to make a housing allocation at ‘CFS8 Land on north side of Mill Lane, Kidmore End’. However, this allocation would run alongside, not instead of, other windfall development brought forward through infilling and redevelopment proposals in the parish. The 5 to 10% figure is not intended to represent a cap on cumulative infilling proposals.



- 6.13 Based on the above assessment, officers consider that the proposed development would fall within the definition of infilling set out in the SOLP 2035 Policy H16 and would comply with the Council's Housing Distribution Strategy.
- 6.14 **Non-Designated Heritage Asset**  
The SOLP 2035 Policy ENV6 explains that proposals for new development should be sensitively designed and should not cause harm to the historic environment. The Chilterns Conservation Board (CCB) consider that The Reformation satisfies the tests for a Non-Designated Heritage Asset (NDHA). In verbal discussions, the Council's Conservation Officer considers that The Reformation does qualify as a NDHA when assessed against the SOLP 2035 ENV6 and the relevant paragraphs of the NPPF.
- 6.15 However, in the Conservation Officer's expert opinion, the proposed extensions would preserve the character and appearance of this NDHA. It is also their view that the NDHA would not be compromised by the proposed residential infilling, following the reduction in the number of dwellings from three to two and increased separation that was secured through the amended plans. In the light of this assessment, officers consider that the status of The Reformation would be maintained as a historical focal point in the village in compliance with the above policy and national planning guidance.
- 6.16 **Visual Impact**  
The SOLP 2035 Policy DES1 seeks to ensure that all new development is of a high-quality design subject to a series of criteria. The SOLP 2035 Policy DES2 states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings. The SOLP 2035 Policy ENV1 aims to provide the highest level of protection to designated landscapes, such as the Chilterns AONB. Section 87 of the Countryside and Rights of Way Act 2000 (CROW Act) sets out the duty to conserve and enhance the natural beauty of an AONB.
- 6.17 The SOLP Policy STRAT5 Criterion 2 explains that amongst other things that the density of a development should be informed by the need to achieve high quality design that respects local character and local circumstances and site constraints, including the need to protect or enhance the local environment, Areas of Outstanding Natural Beauty, heritage assets, and important landscapes.
- 6.18 Although the Chilterns AONB washes over the settlement, the site is clearly within the built-up confines of the village. Officers consider that the extension to the existing building at single storey level to the rear would represent a subservient addition to the premises that would have no significant impact on its surroundings. The draft KENDP identifies the site within an area around The Hamlet where the overall density is 9.9 dwellings per hectare. The resultant density of the proposed development with three buildings on would be 10.7 buildings per hectare. This would be very close to the prevailing density of established development in the locality. Officers also note that the building to plot ratios of Plot 1 and Plot 2 would broadly reflect the plot coverage of the adjoining dwellings Fairlea and Amber Cottage, respectively.
- 6.19 Many third parties value the open space on either side of The Reformation and consider it should be protected from any development. It should be noted that this land differs from public open space, as it would only have been accessible to patrons of the public house. The draft KENDP recognises that part of the pub garden was lost when the land to either side of the pub was partitioned and sold off. Only the front part of the site is identified as an important open space, as shown on the following extract from Figure GC16 of Appendix D2 of the draft KENDP:



- 6.20 The proposed dwellings would be located outside of the area identified as important space. Although the proposal would provide driveways and parking spaces on this space, it should be noted that at present the front part of the site comprises about 500 square metres of gravel hardsurfacing and the resultant amount of hardsurfacing would be reduced to around 430 square metres, with around 150 square metres of this identified as ‘grasscrete’ parking spaces. The proposed site plan indicates the planting of three trees and a beech hedge along the frontage boundary. The Council’s Tree Officer is satisfied that there would be scope for a comprehensive planting scheme across the frontage of the site, needed to soften the visual appearance of the development within the Chilterns AONB landscape, which could be secured through a planning condition.
- 6.21 The appearance of buildings in the vicinity are mostly detached and semi-detached and of no one predominant design. Dwellings have emerged organically over different centuries and typically comprise a mixture of exposed or painted brick on external walls and slates or clay tiles on roofs. Officers consider that the proposed dwellings would continue the organic growth of built form in the settlement through bespoke designs in an informal alignment, different to The Reformation and Fairlea and Amber Cottage that nonetheless respects the building lines on either side of the site. Although The Reformation is a partly two storey building, it has a low ridge height of approximately 6.5 metres. The street scene elevations show how the proposed dwellings with ridge heights of 7 metres and 7.25 metres would be set into the ground so that their ridge heights would be of a similar level to The Reformation, with the higher ridge of Plot 2 being reflective of the slight rise in the ground levels from west to east.
- 6.22 Plot 1 would be positioned between The Reformation and Fairlea, marginally behind the front building lines at a distance of 25 metres from the road frontage with an appropriate gap of 5 to 6 metres on either side. This means that public views of The Reformation in the approach from the west would remain largely uninterrupted. Although the proposed position of Plot 2 would be in front of The Reformation and Amber Cottage, it would be set back from the road frontage by around 15 metres, similar to Fairlea. Officers are aware that Mornington Cottage and Oakley Barn are two storey dwellings that are positioned much closer to the road frontage, at about 5 and 7 metres, respectively. In the approach from the east, views of the site are dominated by the forward position of Mornington Cottage and this would continue to be the case if the development were to proceed. Further to the west, public views of The Reformation are partially screened due to the frontage hedging in front of Mornington Cottage and the access to Amber Cottage and the position of an outbuilding on the site. The forward position of Plot 2 in relation to The Reformation would only be evident when directly opposite the site.

- 6.23 Draft KENDP Policy LCI states that “the general character of housing is of a cottage style, one or two storeys with pitched eaves, set back from the road with front and back gardens, with little or no backfill” and “Additionally this Policy seeks to maintain the linear character of the settlements within the KENDP area, in essence maintaining the sense of village lanes of road facing dwellings with little or no backfill.” Although Policy LCI carries limited weight at this stage, officers consider that the proposed development would be broadly compliant with the aims and objectives of this policy. In particular, the proposed dwellings would include the following elements referred to in Appendix D2 of the KENDP:
- Frontage rather than backland development
  - Front and rear gardens
  - Detached properties
  - Wide frontage regular floor plans with projecting gables
  - Gable roofs
  - Dormers cutting through the eaves
  - Within typical height range
- 6.24 Officers recognise that there is some local concern about the overuse of setts as an urban form of hardsurfacing. It would be possible to address this through securing a form of hardsurfacing more appropriate to the village location through the recommended landscaping/materials conditions. Officers would also be able to use the suggested materials condition to secure appropriate detailing, such as timber window frames.
- 6.25 The Chilterns Conservation Board Management Plan (CCBMP) is a material consideration. Kidmore End Parish Councils are concerned that the application would conflict with CCBMP Policy DP2:

**DP2** Reject development in the AONB unless it meets the following criteria:

- a. it is a use appropriate to its location,
- b. it is appropriate to local landscape character,
- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and
- i. there are no negative cumulative effects, including when considered with other plans and proposals.

Policy DP2 sets out what to consider in order to give great weight to conserving and enhancing the AONB. It applies to all development in the AONB, both minor and major.

- 6.26 Officers consider that the above assessment demonstrates that the proposed development would address the visual-based criterion to the extent that the character and appearance of this part of the Chilterns AONB would be conserved, and the introduction of new soft landscaping would provide some visual enhancement to meet the duty set out in the CROW Act. The proposed mixed use would not result in any harm to tranquillity given the previous use of the site and its location within a built-up area. The inclusion of any external lighting could be controlled through the recommended condition requiring details to be agreed to secure elements such as low level, downlighting and switch-off timers in accordance with the SOLP 2035 Policy ENV12.
- 6.27 In the light of the above assessment, officers consider that the proposed development would be in accordance with the above policies and guidance.
- 6.28 **Residential Amenity Impact**  
The SOLP 2035 Policy DES6 relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, daylight and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution, and external lighting.
- 6.29 Plot 1 would be positioned in line with the building line of Fairlea, so that it would not project in front or behind the neighbouring property. There would also be a gap of over 5.5 metres between the side elevation and the boundary. The rear of Plot 1 would be about 17 to 19 metres from the boundary with Weydown. This would accord with the minimum garden depth of 10 metres in Section 7 of the SODG 2016. There would be no facing first floor windows within 25 metres of the rear-facing bedroom windows of Plot 1 and there is some established foliage on the boundary. Consequently, officers consider that Plot 1 would have an acceptable relationship with adjoining properties in relation to light, outlook and privacy.
- 6.30 Plot 2 would be positioned in front of The Reformation and behind the rear building line of Amber Cottage. There are south-west facing windows at ground and first floor level at Amber Cottage, from which Plot 2 would be 9 to 10 metres away. These habitable rooms also have windows on the rear and front elevations, respectively, from which Plot 2 would not be visible. Consequently, the impact of Plot 2 on the light and outlook from these rooms would be acceptable. There are no first floor windows in the side elevation of Plot 2, which would maintain privacy to the neighbour's side-facing windows. The two-storey gable of Plot 2 would be positioned at least 4 metres from the boundary with Amber Cottage. The single storey element would be about 3.5 metres from the boundary with a flat roof. The plans were amended to move the proposed patio areas away from the boundary hedge, to allow for its retention. The first-floor rear windows of Plot 2 would directly face the main part of the rear garden of Amber Cottage, which is offset to the north. These windows would be closer to the smaller outdoor space close to the rear of Amber Cottage, but any views towards those areas would be at an oblique angle. Officers consider that any overlooking of the rear outdoor amenity space of Amber Cottage would not be significant and would be typical of many residential situations.

- 6.31 The single storey extension to the rear of The Reformation would have no discernible impact on the light, outlook or privacy of Plot 1. The extension would project 9.2 metres beyond the rear of the single storey rear element of Plot 2. However, the impact on the rear aspect and garden of Plot 2 would be offset by the single storey scale of the extension, with an eaves height of 2 metres, positioned 1.65 metres from the boundary. The ridge of the hipped roof would be a little over 4 metres high but would be positioned almost 4 metres from the boundary. Officers consider that the extension would not detract significantly from the light, outlook and privacy of the rear aspect of Plot 2.
- 6.32 Officers consulted with the Council’s Environmental Health Officer. They raised no objection to the compatibility of the veterinary use with the existing and proposed residential uses in relation to noise or smells. Veterinary practices are often located amongst residential properties.
- 6.33 There would be no discernible direct impact on the residential amenity of any other nearby residential occupiers, given the distances involved. Both Plots 1 and 2 would provide over 100 square metres of private outdoor amenity space for the future occupiers, in line with the recommended minimum standard for 3 and 4-bedroom dwellings, as set out in Section 7 of the SODG 2016 and thereby in accordance with the provisions of the SOLP 2035 Policy DES5. The size of the houses would comply with the Nationally Described Space Standards, as required by the SOLP 2035 Policy H11.
- 6.34 **Access and Parking**  
The SOLP 2035 Policy TRANS5 seeks to ensure that development would not be prejudicial to highway and pedestrian safety. Some third parties have raised concerns about a perceived lack of parking and an increase in daytime traffic accessing the site. The OCC Highway Liaison Officer (HLO) has commented that the existing access arrangements are to be retained and given the vehicular movements associated with the previous use and the proposed these are considered acceptable. Visibility splays onto Horsepond Road are considered to be acceptable and likely to meet guidance for a 30mph carriageway. The carriageway fronting the site is sufficient in width to allow for two-way traffic movements. The parking provision for the site in terms of the residential use of the site meets guidance. Whilst only two parking spaces have been demonstrated for the proposed four-bedroom dwelling there is considered sufficient space within the curtilage of this property for additional parking without overspill onto the Highway. The parking allocation for the Veterinary Centre is 12 spaces with a total of five full time staff resulting in seven spaces for users of the facility, which is considered acceptable. Whilst opportunities for sustainable modes of transport and local facilities are limited, in the HLO’s expert opinion, the scale of the proposed development is considered modest, and the proposal is unlikely to have a significant adverse impact on the highway network. On this basis, there would be no justification for requiring the applicant to fund the provision of road calming measures on Horsepond Road. As such, the proposal would accord with the above policy.
- 6.35 **Other Material Planning Considerations**  
The Reformation ceased trading as a public house in late 2018. Kidmore End Parish Council have nominated the premises to be listed as an Asset of Community Value on six occasions. However, the nominations have all been unsuccessful, because it has not been demonstrated that the use of the building and/or land has incorporated non-ancillary uses to its principal use as a public house, which furthered the social wellbeing or social interests of the local community or would be likely to include such uses in the next five years. This is a separate process to the assessment that has taken place under Policy CF1.

- 6.36 The SOLP 2035 Policy H11 explains that in order to meet the needs of current and future households, the mix of housing should have regard to the Council's latest evidence, monitoring and delivery and Neighbourhood Development Plan evidence where applicable for the relevant area. The current evidence (the Oxfordshire SHMA 2014) found a shortfall in smaller units and recommended for most units to be 2 and 3 bedrooms. The proposal would provide a 3-bedroom unit and so would be in accordance with the spirit of this aspect of the policy.
- 6.37 The SOLP 2035 Policies DES8 & DES10 seek to ensure that all new development minimises the carbon and energy impacts of their design and construction and should be designed to improve resilience to the anticipated effects of climate change. The Energy Statement submitted in support of the application for the dwellings has been vetted and a verification planning condition would be imposed to require implementation details and a planning condition to secure EV charge points is also recommended in accordance with the SOLP 2035 Policy TRANS5 ix). The change of use of The Reformation incorporates an extension, however, the ability to improve upon the carbon and energy performance of the building without harming its status as a NDHA is likely to be restricted. In any event, this element of the proposal would have to be carried out to meet Part L of the Building Regulations.
- 6.38 Matters related to drainage, tree and hedge protection and biodiversity could be dealt with through the imposition of pre-commencement and implementation planning conditions. Exceptionally, a condition removing permitted development rights for various forms of householder development is considered necessary to allow the Council to exercise control over any future additions to the new dwellings that might otherwise result in visual harm and/or loss of residential amenity. A planning condition is also necessary to ensure that the dwellings are not constructed above slab level until the veterinary use has commenced. This is to prevent the residential element from being implemented without the commercial element. The Council's Environmental Health Officer has recommended an hours of construction condition. However, any issues with construction noise at unsociable hours for development of this scale are usually dealt with under statutory nuisance provisions through the Environment Protection Act 1990 and therefore such a condition would be unreasonable.
- 6.39 Planning permission runs with the land and so therefore the future owners of the three planning units would be responsible for continued compliance with the terms of any planning permission granted. Future boundary maintenance is a private matter between any relevant parties. It is an accepted planning principle that each planning application must be assessed on its individual merits and therefore officers cannot give any weight to any future development proposals on other land outside of the application site.
- 6.40 **Community Infrastructure Levy**  
The residential element of the application is CIL liable at a rate of £150 per square metre (index linked), 15% of which would go to Kidmore End Parish Council in the absence of a made neighbourhood plan.
- 6.41 **Pre-commencement Conditions**  
Tree Protection  
Surface Water Drainage



**7.0 CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies and it is considered that, subject to the recommended conditions, the proposed development would be acceptable in principle in relation to safeguarding community facilities and compliance with the Council's Housing Distribution Strategy. The proposal would safeguard a non-designated heritage asset, would conserve and enhance this part of the village within the Chilterns AONB and would not harm the residential amenity of adjoining residents. The development would not result in conditions prejudicial to highway and pedestrian safety, would provide acceptable living conditions for future occupiers of the proposed dwellings and an appropriate market housing mix.

**8.0 RECOMMENDATION**

8.1 **Grant Planning Permission subject to the following conditions:**

- 1 : Commencement of development within three years**
- 2 : Development in accordance with the approved plans**
- 3 : No change in levels**
- 4 : Schedule of Materials to be agreed**
- 5 : Obscure glazing to upper floor bathroom windows**
- 6 : Withdrawal of Permitted Development rights for extensions, outbuildings, and hardsurfacing**
- 7 : Energy Statement Verification**
- 8 : Parking & Manoeuvring Areas Retained**
- 9 : Tree Protection details to be agreed**
- 10 : Landscaping (including hardsurfacing and boundary treatment) to be agreed**
- 11 : Wildlife Protection (mitigation as approved)**
- 12 : Surface Water Drainage details to be agreed**
- 13 : External Lighting details to be agreed**
- 14 : Electric charging points to be provided**
- 15 : Veterinary use occupied before dwellings above slab level**

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