

APPLICATION NO.	P22/S0519/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	17.2.2022
PARISH	FOREST HILL
WARD MEMBER(S)	Tim Bearder
APPLICANT	Elder Kennedy Limited
SITE	Bayswater Farm Bayswater Farm Road near Sandhills, OX3 8BY
PROPOSAL	The erection of two apartments accessed from Bayswater Farm Road (As amended and amplified by revised site plan and vehicle swept path analysis and letter from Glanvilles received 24 March 2022, SAP calculations submitted on the 5 April 2022 and amended by site plan received 21 April 2022)
OFFICER	Paul Bowers

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This report sets out the officer's recommendation that the application should be granted planning permission having regard to the material planning considerations and the development plan.
- 1.2 The application is referred to planning committee because the recommendation to approve the application conflicts with the parish council's comments that the application should be refused.
- 1.3 The site comprises a parcel of land that measures 0.02 hectares. The site has a frontage of 13.3 metres on to Bayswater Farm Road, which narrows to 7.1 metres at the rear of the site.
- The site is surrounded by residential development.
- A band of trees form the western boundary with No.17 Bayswater Farm Road that is a single-storey property.
- To the east of the site is 1 Bayswater Farm Road (Dendere), which is a two-storey detached property.
- Two mature trees are located within the north western corner of this dwelling. A timber fence flanks the boundary with this property. To the south is a further dwelling known as the Dairy.
- The access road serving the site and Nos 1 and 2 Bayswater Farm Road is a private road.
- The site is identified on the Ordnance Survey Extract attached at **Appendix 1**.
- 1.4 In 2019 outline planning permission, with all matters reserved, was granted under application P18/S2809/O for a single dwelling on the site. No reserved matters applications followed, and the permission has now lapsed.

- 1.5 The outline planning application was accompanied by an indicative plan that showed how a single dwelling could be achieved on this site.

In order for members to be able to compare what was previously shown as being possible in comparison to the plans accompanying this application I have included below an extract from the outline planning permission that shows the suggested layout of what could have been achieved. This can then be considered against the plans appended to this report for the proposed development.



- 1.6 **The Proposal.** This application seeks full planning permission for the erection of a two-storey building to create 2 x 1 bedroom flats with associated car parking and amenity space.
- 1.7 The application has been amended and amplified during the process with additional highway information, energy Information and a revised layout of the amenity space having been submitted.
- 1.8 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 – Object to the development.

The parish council object to the development for the same reasons as they objected to the previous outline application which were;

- Lack of adequate visibility.
- Damage to trees.
- The land provides a break in the overall building in the area and should be retained.

Third Party Representations

6 X letters of objection to the plans as originally submitted raising the following concerns;

- Concerns about the occupant of adjoining property.
- Loss of privacy.
- Loss of amenity.
- Inaccuracies in the submission.
- The building is larger than the single dwelling previously approved.
- Impact on trees.
- Impact to Dendere to the east.
- Impact on highway safety.
- Out of keeping with the character of the area.
- Impact of noise and disturbance from construction.

5 X letters of objection to the plan showing visibility and vehicle tracking raising the following concerns;

- The swept path analysis is incomplete.
- Concern about vehicles reversing.
- Vehicle movements are impractical.
- Does not address the highway impacts of the development.

1 X letter of objection to the plans showing a different amenity space layout raising the following concerns;

- Unit 1 amenity space is not private.
- Unit 2 parking space is bigger.

Countryside Officer – No objection subject to a condition requiring the details of the biodiversity enhancements set out in the application to be submitted and approved in writing by the council.

Forestry Officer – No objection subject to a condition being attached requiring the implementation of the tree protection measures set out in the submitted Arboricultural Impact Assessment & Method Statement and shown on the Tree Protection Plan.

Highways Liaison Officer (Oxfordshire County Council) – No objection following the revised plans showing visibility and vehicle tracking and subject to a condition that requires the parking areas to be retained.

Energy Assessor – No objection.

Drainage Engineer – No objection subject to condition.

3.0 RELEVANT PLANNING HISTORY

3.1 [P18/S2809/O](#) - Approved (12/06/2019)

Erection of one dwellinghouse accessed from Bayswater Farm Road (as clarified by letter from applicant dated 27 September 2018).

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES10 - Carbon Reduction
- DES2 - Enhancing Local Character
- DES3 - Design and Access Statements
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- ENV1 - Landscape and Countryside
- ENV3 - Biodiversity
- EP4 - Flood Risk
- H1 - Delivering New Homes
- H11- Housing mix
- H16 - Backland and Infill Development and Redevelopment
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- STRAT6 - Green Belt
- TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

The parish council is not progressing a neighbourhood plan at this time.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

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

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.

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.

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

- **The principle of development.**
- **Impact on the Green Belt.**
- **Residential amenity.**
- **Space standards**
- **Amenity space.**
- **Impact on highway safety.**
- **Drainage.**
- **Carbon reduction.**

- **Biodiversity.**
- **Impact on trees.**
- **CIL.**
- **Pre- commencement conditions**

6.3 The principle of development.

Policy STRAT1 of the South Oxfordshire Local Plan sets out the overall strategy for development in the district. The policy includes specific reference to supporting smaller and other villages by allowing for limited amounts of housing and employment to help secure the provision and retention of services. In addition to protecting and enhancing the countryside and particularly those areas within the two AONBs and Oxford Green Belt it seeks to ensure that outside of the towns and villages any change relates to very specific needs such as those of the agricultural industry or enhancement of the environment.

6.4 Policy H1 relates to delivering new homes and states that the residential development of previously developed land will be permitted within and adjacent to the existing built up areas of towns, larger villages and smaller villages.

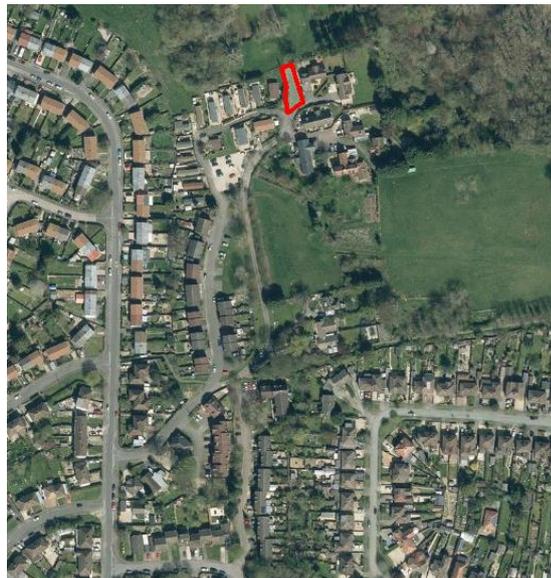
6.5 The first step of the assessment is to consider whether the site is within or outside of a settlement.

This site is within the parish of Forest Hill but not within the village itself. 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.

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

Whilst the site is not located within an identified settlement in South Oxfordshire, it forms part of a larger residential development in Oxford City. The aerial photograph below identifies the site and its relationship with the residential area of Barton. The site forms part of a continuous built frontage that links to the residential development in Barton.



- 6.7 The physical relationship and access to the facilities that are offered within Oxford City and the Barton estate itself, are significant material planning considerations. I believe that this relationship outweighs the strict interpretation that the creation of new residential units on this site would conflict with the housing strategy set out in the South Oxfordshire Local Plan.
- 6.8 It should also be noted that this argument will have formed part of the consideration of the previous outline planning permission for a single dwelling on this site which accepted residential development.
- 6.9 It is therefore my view that the principle of creating residential units on this site is acceptable.

The following sections of this report consider this proposed development in greater detail in relation to the material planning considerations.

6.10 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 Policy STRAT6 of SOLP.

- 6.11 Paragraph 138 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 147 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 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 149 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

6.12 *Is the development inappropriate?*

Exception e) is permissive of limited infilling in villages. This site is not in a village, but it is physically attached to Barton and on the ground reads as part of the city of Oxford.

In terms of the wording of exception e) I have to conclude that whilst I consider it infill the site is not within an established village and therefore the proposal technically 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 in 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 conclude that the impact to openness is not harmful in the context of this site. 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.

6.14 ‘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 and the south. 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 being within 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.

6.15 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 **Residential amenity.**

Policy DES6 of the SOLP relates to residential amenity and requires that development proposals to 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, day light and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.

6.17 The two most affected properties are 17 Bayswater Farm Road to the west and Dendere to the east. I will consider the impact on each property in turn.

6.18 *17 Bayswater Farm Road –*

This is single storey dwelling with the ridge line running from north to south. The proposed building will align with the existing property in a side-by-side relationship filling the gap between it and Dendere.

6.19 Although the previous permission was in outline with all matters, but access, reserved the permission accepted a building in this location. The size and shape of the site is such that a building can only really be sited in one way and the corresponding impact of having a building in this location has been accepted.

6.20 There are no windows in the side of the building with the exception of roof lights. The position of these windows suggests that they are above head height and sufficiently high enough to avoid views out and down in to 17 Bayswater Farm Road.

6.21 The alignment of the building, its height and depth are of sufficient distance and juxtaposition to 17 Bayswater Farm Road that I do not consider the development will have a materially harmful impact.

6.22 *Dendere –*

This property is a two-storey, detached dwelling parallel to the application site, directly to the east. As with the other affected property the impact of a building in this location has already been accepted in the 2018 outline planning permission. The dwelling includes ground floor and first floor windows in the West facing elevation looking towards the application site. According to the comments submitted by the owners of that property the first-floor window serves a bathroom. The ground floor windows serve the garage and on the northern end of the building towards the rear is a fully glazed double door to an office.

6.23 the weight given to windows serving a garage and the bathroom is limited in my view and therefore the impact to these internal spaces is not significant.

The position of the double, fully glazed doors aligns with the single-storey element of the proposed building at the rear. This part of the building is set in from the boundary and in conjunction with the distance between the double doors and the shared boundary on the side of Dendere, I am of the view the impact to this room is not materially harmful.

6.24 Overall, the introduction of a new building sitting between these two established properties will create some degree of impact. However, in light of the fact that a building on this plot has previously been approved through the lapsed outline permission, and in conjunction with the design, form and height of the proposed building, it is your officers

view that the development overall is not unneighbourly and accords with Policy DES6 of the SOLP.

6.25 Space standards.

Policy H11 of the SOLP requires that all 1 and 2 bed market housing dwellings should be designed to meet the Nationally Described Space Standards.

The nationally described space standards deal with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

6.26 The standards require that a 1 bedroom dwelling, on a single floor that is capable of housing two people, should provide for a minimum of 50 square metres.

6.27 The ground floor unit provides for some 55 square metres and the first-floor unit is slightly below standard at some 48 square metres. A 2 square metre deficit.

6.28 The matter of being slightly below standards has been considered at various appeals across the country. I have been drawn to an appeal in 2021 where a unit was below the 50 square metres standard. The Inspector noted the deficit and concluded that the proposed layout allowed for a reasonable amount of space for living and sleeping, including space for a dining table which could also be used for home working.

6.29 In my view both units, including the first floor with the 2 square metre deficit, provide for a reasonable amount of space for adequate levels of living space internally and accords with Policy H11 of the SOLP.

6.30 Amenity space.

Policy DES5 of the SOLP requires that a private outdoor garden or amenity areas should be provided for all new dwellings. The amount of amenity space will be determined by the size of the dwelling.

The South Oxfordshire Design Guide sets out the minimum areas based on the number of bedrooms. For a 1-bedroom property the site should accommodate 35 square metres.

6.31 The plot has been divided so that the two flats have separate private amenity space. Unit 2 has 37 square metres located at the rear of the building. Whereas unit 1 has a combined private amenity space of some 38 square metres the majority of which is to the side and rear of the building with a smaller parcel located outside of its entrance towards the front of the building.

6.32 The arrangement of the amenity space, particularly in regard to unit 1 is not ideal, however the majority of that space is located away from public views and any potential occupants will be fully aware of the arrangement when making the choice to occupy unit 1. Each unit is provided with the minimum space required and the division between the two units does not in of itself suggest a cramped or overdeveloped site.

I am satisfied that this development accords with policy DES5 of the SOLP

6.33 Impact on highway safety.

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

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

Policy TRANS5 of the SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.

6.34 The proposal seeks the construction of two, one-bedroom apartments, with three parking spaces provided on the frontage. A similar application has been made on the site for the construction of a single three-bedroom dwelling with two parking spaces.

6.35 The local estate road network is private and, therefore, the proposals would not impact directly upon the public highway.

Whilst visibility is considered limited to vehicles approaching the site from the east, any traffic would be traveling at low speed along and the volume of vehicular traffic is likely to be low.

Vehicular tracking diagrams have been supplied and are considered acceptable in this location.

6.36 The county council's highway officer has no objection to the proposal because the highway impacts does not amount to severe harm to the users of the public highway. In conjunction with the proposed condition that seeks to ensure the retention with the parking area, the development will accord with Policy TRANS5 of the SOLP.

6.37 Drainage.

Policy EP4 of the SOLP relates to matters of flooding and requires that the risk of flooding will be minimised through;

- i) directing new development to areas with the lowest probability of flooding;
- ii) ensuring that all new development addresses the effective management of all sources of flood risk;
- iii) ensuring that development does not increase the risk of flooding elsewhere; and
- iv) ensuring wider environmental benefits of development in relation to flood risk.

Policy INF4 of the SOLP relates to water resources and requires that all new development proposals must demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development.

6.38 The council's drainage engineer has considered the application and has no objection on the grounds of surface water or foul water flooding subject to a planning condition that requires details of surface water drainage to be submitted and approved. In conjunction with this condition the proposal will accord with the development plan.

6.39 **Carbon reduction.**

Policy DES10 of the SOLP states that planning permission will only be granted for new build residential development that achieves a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base and that this reduction is to be secured through renewable energy and other low carbon technologies.

The policy also requires that an energy statement will be submitted to demonstrate compliance with this policy.

- 6.40 The applicant has provided a detailed energy statement that has been considered by the council's energy assessor and subject to a condition that requires the details in the report to be carried out the development will accord with Policy DES10.

6.41 **Biodiversity.**

Policy ENV2 of the SOLP seeks to protect ecological receptors (designated sites, protected species, priority habitats, etc.). Where adverse impacts are likely to occur, development must meet the criteria outlined under the policy.

Policy ENV3 of the SOLP seeks to secure net gains for biodiversity and requires that applications are supported by a biodiversity metric assessment. Net losses to biodiversity will not be supported.

- 6.42 The application includes a preliminary ecological appraisal. The council's ecologist has considered the details that have been submitted in this document, in addition to their own assessment of the impact all the development.

They are satisfied that, in conjunction with a planning condition that requires details of biodiversity enhancements to submitted to the council and approved in writing, the development will accord with policies ENV2 and ENV3 of the SOLP.

6.43 **Impact on trees.**

Policy ENV1 of the SOLP aims to protect South Oxfordshire's landscape, countryside and rural areas against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular trees (including individual trees, groups of trees and woodlands), hedgerows and field boundaries

- 6.44 The applicant has submitted an Arboricultural Impact Assessment & Method Statement, including a Tree Protection Plan. The proposal will require the removal of 4 individual trees and one group of trees. These trees have been categorised as having low arboricultural quality and should not be considered a constraint. The council's tree officer agrees with this assessment.

- 6.45 The tree protection plan shows the protection of the root protection areas of the trees in the adjacent property to the east.

An additional plan has been submitted showing that the service routes will be taken through the access avoiding damage to roots. The tree officer is satisfied that in conjunction with the suggested condition, the development is acceptable in relation to trees and accords with policies ENV1 of the SOLP.

6.46 **CIL.**

The development is CIL liable to the amount of £18,471.27

6.47 **Pre-commencement conditions.**

There are 3 conditions which require details to be approved in writing by the council prior to commencement/construction above slab level. These relate to surface water drainage, wildlife protection and materials. The applicant has agreed to these conditions.

7.0 **CONCLUSION**

7.1 The proposed development seeks to create a building comprising two flats outside of an identified settlement within South Oxfordshire. However, the sites physical relationship with the city of Oxford, and the Barton residential estate, means that this is a sustainable location for residential development and the conflict with the council's housing strategy is clearly outweighed.

In addition, the location of the site and its relationship to existing built form is such that the proposal does have 'very special circumstances' to outweigh any harm to the Green Belt.

The site provides for acceptable levels of parking provision and amenity space and creates a design that adds to the mixture of buildings in the locality. In conjunction with conditions that relate to tree protection flooding parking and ecology the proposal will accord with development plan policies.

8.0 **RECOMMENDATION**

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

Standard conditions –

1 : Commencement three years - Full Planning Permission

2 : Approved plans

Prior to construction above slab level conditions -

3 : Schedule of Materials

4 : Surface water drainage

5 : Wildlife Protection (mitigation as approved)

Prior to occupation conditions –

6 : Parking & Manoeuvring Areas Retained

7 : Energy Statement Verification

8 : Electric Vehicles Charging Point (implementation)

9 : Tree protection (implementation as approved)

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