

APPLICATION NO.	P22/S2193/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	9.6.2022
PARISH	BECKLEY
WARD MEMBER(S)	Tim Bearder
APPLICANT	Mr and Mrs Smith
SITE	Sandy Acre Woodperry Road Beckley, OX3 9UY
PROPOSAL	Retention of existing bungalow and alterations to layout and driveway to provide parking and garden areas with associated works
OFFICER	Paul Bowers

1.0 INTRODUCTION AND PROPOSAL

1.1 This report sets out the officer's recommendation that planning permission should be granted having regard to the material planning considerations and the development plan. The application is referred to Planning Committee because the recommendation conflicts with the views of the Parish Council who object to the application.

1.2 The application was the subject of a planning committee site visit that took place on Monday the 10 October.

1.3 The application site originally contained a detached brick bungalow and outbuildings in a large site located off Woodperry Road; the bungalow and outbuildings were located at the northern edge of the site. The site sits on an elevated position above the historic core of the village and the historic Roman Way adjoins the site to the west. Open fields adjoin the site to the east.

The site lies outside but adjacent to the Beckley Conservation Area which bounds the site to the west and the north.

The site lies within the Oxford Green Belt. A plan identifying the site can be found at **Appendix 1**.

1.4 Planning permission was granted under application reference P19/S2951/FUL for the demolition of the existing dwellinghouse and the erection of a replacement dwelling house with detached garage, parking, amenity space, landscaping, and associated works. This included a new siting for the dwelling and garage to the south of the original bungalow and outbuildings.

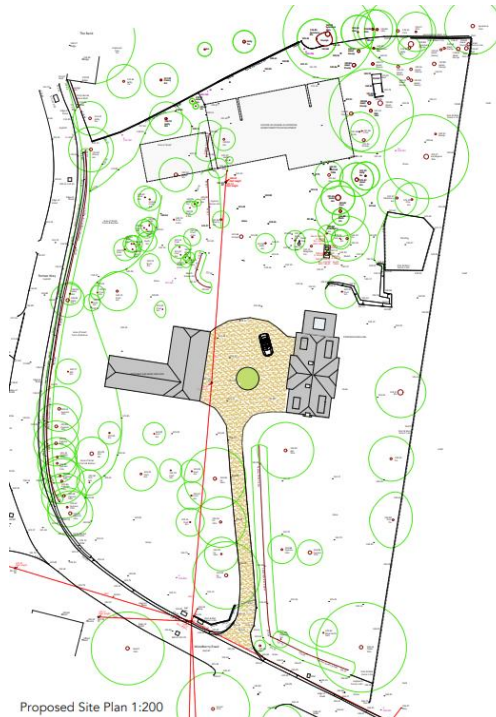
1.5 The permission was subject to a number of conditions which included the following;

That the building specified in the application to be demolished shall be demolished within 3 months of the first occupation of the dwelling hereby permitted.

Reason: To ensure that the development does not result in the addition of a second dwelling on the site to protect the Green Belt from inappropriate development and harm to its openness in accordance with Policy CSEN2 of the South Oxfordshire Core Strategy 2027 and Policy GB4 of the South Oxfordshire Local Plan 2011.

This condition was applied to the subsequent permissions set out below.

The approved layout was as follows;

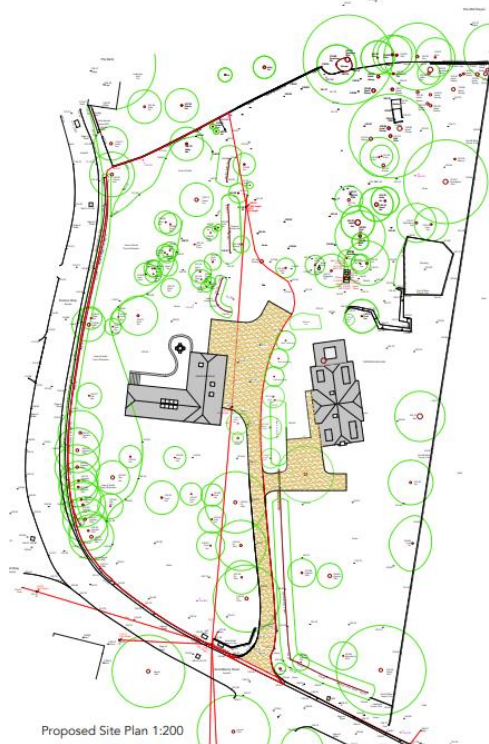


- 1.5 Planning permission was then granted for a Section 73 application under application reference P20/S1555/FUL to vary the approved plans by re-orientating the dwelling, changes to the detailing of the dwelling and the addition of a basement to the approved garage building to the west.



1.6 Subsequent to that planning permission was granted for an alternative scheme to create two dwellings on the site under application reference P20/S4112/FUL. The dwelling as approved under the Section 73 application was essentially replicated and a second dwelling created within the form and scale of the permitted garage building and approved basement.

1.7 The approved layout was as follows;



A non-material amendment was allowed under application reference P21/S1479/NM. This added a planning condition to show how the development would be phased.

The development has commenced and the dwelling on the east of the site is nearing completion.

1.8 **The Proposal.** This application seeks planning permission to retain the original dwelling rather than demolish it once the approved development has been occupied.

1.9 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 **Beckley Parish Council** – Object to the development for the following reasons;

- The building should be demolished as per the requirements of the planning conditions.
- The site is outside of the settlement as per the emerging neighbourhood plan.
- The removal of the bungalow would enhance the conservation area and reduce overlooking.
- The development would not constitute infill development.

Third party representations – 7 x letter of objection covering the following issues;

- A third dwelling on the site will increase traffic and cause highway safety issues.
- Contrary to the neighbourhood plan.
- Harmful to the Green Belt.
- Flooding issues caused by the development.
- Harmful impact on the conservation area.

County Archaeological Services – No objection.

Countryside Officer – No objection subject to a condition requiring a bat or a bord box.

Drainage – No objection.

Forestry Officer – No objection subject to a condition relating to tree protection.

OCC Highways Liaison Officer – No objection subject to conditions relating to cycle storage and a detailed plan of the parking and manoeuvring areas being submitted.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P21/S1479/NM](#) - Approved (20/04/2021)

Non-Material amendment to application P20/S4112/FUL to insert phasing plan to schedule of approved documents, and make changes to fenestration and roof.

Planning application for (phased) erection of two dwelling houses with gardens, parking, and ancillary works in replacement of existing bungalow (alternative proposal to permitted house and garage P20/S1555/FUL).

[P20/S4112/FUL](#) - Approved (23/12/2020)

Planning application for (phased) erection of two dwelling houses with gardens, parking, and ancillary works in replacement of existing bungalow (alternative proposal to permitted house and garage P20/S1555/FUL).

[P20/S2667/PEM](#) - Advice provided (10/09/2020)

Erection of two dwellings in place of permitted house and garage

[P20/S1555/FUL](#) - Approved (30/06/2020)

Variation of conditions 2 (approved plans - minor material amendment to permitted development) and 3 (amendment to wording of condition to allow works to proceed in accordance with submitted archaeological written scheme of investigation without need for submission of further details on application ref. P19/S2951/FUL)

[P19/S2951/FUL](#) - Approved (05/02/2020)

Demolition of existing dwellinghouse and erection of replacement dwellinghouse to provide family home with detached garage with parking, amenity space, landscaping, and associated works.

[P19/S0604/LDP](#) - Approved (16/04/2019)

Erection of single storey side and rear extensions to dwellinghouse and erection of detached garage.

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

DES2 - Enhancing Local Character

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

ENV6 - Historic Environment

ENV8 - Conservation Areas

H1 - Delivering New Homes

H16 - Backland and Infill Development and Redevelopment

H8 - Housing in the Smaller Villages

STRAT1 - The Overall Strategy
STRAT6 - Green Belt
TRANS5 - Consideration of Development Proposals

5.2 Neighbourhood Plan

The parish council are in the process of producing a neighbourhood plan. The parish council is consulting on their draft neighbourhood plan. The consultation runs from 1 August 2022 and concludes on 14 September 2022. At this stage in the process the plan carries **limited weight** in decision making.

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

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.

In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Local Plan 2035 (SOLP).

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

- **Why was the condition imposed?**
- **How the development relates to housing policy.**
- **Impact on the Green Belt.**
- **Impact on the setting of the conservation area.**
- **Impact on highway safety.**
- **Impact on drainage.**
- **Impact on trees.**
- **Impact on ecology.**
- **Planning conditions.**
- **Impact on CIL**

6.3 Why was the condition imposed?

The first relevant planning application on this site was for the demolition of the original dwelling and replacing it with a new dwelling further south and towards the frontage on Woodperry Road.

That application was explicitly for the replacement of the existing dwelling and the layout and plans was such that they related to a single dwelling.

- 6.4 The application for the replacement dwelling was acceptable in Green Belt terms because it fell within the exception to building in the green belt that related to the replacement of buildings – specifically exception d) of paragraph 149 of the NPPF.

Therefore, the council was reasonably justified in requiring the existing building to be demolished in order for the development to sit within that particular exception and not be considered as inappropriate development in the Green Belt.

- 6.5 The application that followed was a section 73 application that sought to vary the approved plans condition of the original permission by changing the orientation of the buildings slightly and creating a basement for the approved garage building.

As with all section 73 applications the original conditions were replicated on the new decision notice and therefore the requirement to demolish the building within 3 months of the occupation of the new dwelling remained in place.

- 6.6 The third application sought the creation of a second dwelling on the site by using the building that was approved as a garage to become an independent dwelling. The site was divided between the two new dwellings and the plans showed the existing dwelling to be demolished.

This permission retained the condition to require the existing building to be demolished prior to the occupation of either of the two approved dwellings. The reason for this referred back to protecting the Green Belt and to ensure there were adequate levels of parking and amenity. Had the existing building been retained without that condition being applied then it would have been unclear how the parking and garden arrangements would have been laid out for the two new dwellings as that was not shown on the approved plans. Therefore, on the basis that the plans showed the building to be demolished, there was justification for applying the condition again.

6.6 How the development relates to housing policy.

Policy H8 of the South Oxfordshire Local Plan 2035 (SOLP) relates to housing in Smaller Villages. Beckley is defined in the settlement hierarchy within SOLP as a 'smaller village'. The policy states that the council will support development within smaller villages in accordance with Policy H16.

- 6.7 Policy H16 states that within ‘smaller villages’ development should be limited to infill and redevelopment of previously developed land.

Infill is defined as the filling of a small gap in an otherwise built-up frontage or on other sites which are closely surrounded by buildings.

- 6.8 The emerging Beckley neighbourhood plan includes a settlement boundary. The application site falls outside of that boundary and in the view of the parish council this site is not within the village. The District Council in determining the applications on this site since 2019, have taken the view that the site is within the village and determined applications on that basis. Whilst the neighbourhood plan is progressing, its stage of development means that it only carries limited weight in decision making. In your officers view the previous permissions on this site and its treatment as being located within the village carry greater weight at this point in time than the emerging policy in the draft neighbourhood plan.

- 6.9 In your offices view this site is within the built-up limits of the village. This is relevant in the consideration of this application.

Should the planning condition remain in place and the dwelling demolished within three months of the occupation of either of the two approved dwellings the vacated area will, in your officer’s view, become an infill plot. This is because there will be built form to the north, to the west and to the south as a result of the implementation with the planning permission for two dwellings.

- 6.10 The change in site circumstances that has occurred through the implementation of the planning permission for two dwellings to the south of the existing building has created a new situation that would mean the existing dwelling is located in an area where a new dwelling would be permitted in principle by Policy H16 of the SOLP.

- 6.11 This is, in your officers, view a material planning consideration that carries significant weight in the determination of this application. When considering the fundamental objectives of sustainable development that runs through the NPPF, it is my view that retaining the existing dwelling will be a more sustainable option than requiring the dwelling to be demolished and potentially then replaced by an entirely new build dwelling.

- 6.12 It is recognised that this situation has only occurred as a consequence of the planning permissions that have been approved. However, this application must be determined in terms of the circumstances of the site as they exist and cannot ignore the change in circumstance that is brought about by erecting the two new dwellings on the site.

- 6.13 This change in circumstance and how a dwelling in this position would be considered in the context of policy H8 and H16 of the South Oxfordshire Local Plan is sufficient in your officer’s view to justify the retention of the existing building.

6.14 **Impact on the Green Belt.**

The site is located in the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

The five purposes of the green belt are;

- 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.

6.15 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 goes on to advise that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- 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.

6.16 The original planning permission for the replacement of the existing dwelling was considered acceptable in the context of exception d) because it was the replacement of an existing building in the green belt.

6.17 The changes in circumstance that has been created by the implementation of the planning permission for two dwellings on this site has an impact on the Green Belt assessment.

In order for the previous permissions to be acceptable in Green Belt terms the existing building needed to be demolished. However, the erection of these buildings would then create an infill plot as discussed above.

As such a new building in this location would be considered under exception h) as limited in filling within the village.

6.18 There is no volume or size constraint for a new building in this location and therefore it is entirely possible that should this building be demolished; it could be replaced with a larger building under the umbrella of ‘infill development’ which would have a greater impact than the existing single storey dwelling.

6.19 I consider that the particular circumstances of this site, as it exists today and will exist once the development for two dwellings is completed, represent a ‘very special circumstance’ that outweighs the harm that would be caused by retaining the building.

6.20 In your officers view the circumstances have now changed to the extent the retention of this building is acceptable in Green Belt terms.

6.21 **Impact on the setting of the conservation area.**

Impact on the conservation area.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides:

In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 72 (1) must also be considered alongside relevant policies contained in the NPPF.

Paragraph 197 states that in determining applications LPA's should take account of the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable use consistent with conservation, the positive contribution that conservation deals within the impact of a proposed development on the "significance" of a heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

This is followed through into the development plan policy ENV8 of SOLP which relates to conservation areas. ENV8 states that the proposals for development within or affecting the setting of a Conservation Area must conserve or enhance its special interest, character, setting and appearance.

6.22 The site is not located in the conservation area rather the conservation area bounds the site to the north and to the west.

6.23 The original permission to demolish the existing dwelling and direct a replacement further south was considered to be a benefit in terms of the setting of the conservation area as it resulted in the loss of a building which has no architectural or historic merit. However, I must stress that this benefit was not an overriding or fundamental element of the assessment of the application. The new replacement building was considered to be acceptable in the context of the conservation area because of its more appropriate design and materials and its position further away from the conservation area boundary.

In summary the previous permissions for the approved built form were not purely acceptable because it involved the demolition of the existing dwelling. Other factors were also important in making those new properties acceptable in planning terms.

6.24 As can be seen in the wording of Policy ENV8 and that of the paragraphs of the NPPF it is important that development either within or adjacent to a conservation area must either conserve or enhance. Whilst the retention of the existing building does not enhance the setting of the conservation area it will result in a neutral impact continuing the existing situation. This would conserve the conservation area rather than detract from it.

As such I conclude the retention of the building will accord with policy ENV8 as it retains the status quo.

6.25 Impact on highway safety.

With respect to highway safety matters the advice from Central Government set out in paragraph 111 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, or the residual cumulative impacts on the road network would be severe”.

Policy TRANS5 of the SOLP requires that proposals for all types of development will, where appropriate amongst other things provide for a safe and convenient access for all users to the highway network and provide for the parking of vehicles in accordance Oxfordshire County Council parking standards, unless specific evidence is provided to justify otherwise.

- 6.26 The Oxfordshire County Council Highway Officer has considered the impact of retaining the existing dwelling on the site. They concluded that the modest scale of development would not have any perceivable traffic impact on the local highway network.

Access to the local highway network would be taken via the existing access and shared driveway which are acceptable for a development of this scale. The submitted site plan shows a site boundary and indicative surfaced parking and manoeuvring area for the retained dwelling. It is noted that car parking was cited as a reason for the condition (14 of P20/S4112/FUL) requiring demolition of the bungalow.

Your officers are satisfied this reason could be resolved subject to a detailed plan in general accordance with the submitted plan to be submitted showing the specific location of the spaces and the manoeuvring areas. This plan can be secured through an appropriately worded condition. In addition, an added benefit can be secured though the imposition of a condition that requires cycle storage to be secured for the retained dwelling.

- 6.27 In conjunction with these conditions the development will accord with Policy TRANS5.

6.28 Impact on drainage.

Policy EP4 of the SOLP relates to matters of flooding and states 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.

- 6.29 The retention of the existing building will not give rise to an additional area of the site to be occupied by new buildings. There are concerns locally that the retention of the building will mean an increased risk of flooding. The council's drainage engineer has considered this proposal in the context of both foul and surface water drainage in having both the existing and approved buildings on the site and have raised no objection to the retention of the dwelling. The development will accord with these policies.

6.30 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;

- 6.31 The council's Tree Officer has no objections to the proposed development from an arboricultural perspective. It would appear from the plans that some works may be required to the drive to provide the new layout and therefore to protect retained trees during construction works, they have recommended that the general tree protection condition is attached. I am satisfied that this is reasonable and necessary and such a condition is proposed as part of this recommendation to ensure compliance with Policy ENV1 of SOLP.

6.32 Impact on ecology.

Policy ENV3 of the SOLP relates to biodiversity. The policy concludes by stating that planning permission will only be granted if impacts on biodiversity can be avoided, mitigated or, as a last resort, compensated fully.

- 6.33 The retention of the existing bungalow would result in a slight reduction in the area of vegetative greenspace on site from the permitted situation of the two dwellings on the site. However, the Council's ecologist has suggested that this could be addressed through the provision of some biodiversity enhancements, such as bat boxes or bird boxes, through a planning condition. Such a planning condition is proposed as part this recommendation thereby ensuring compliance with Policy ENV3.

6.34 **Planning conditions.**

The complexity of retaining the existing dwelling in terms of the wording of planning conditions is such that for the avoidance of any doubt or ambiguity I have set out below how each of the proposed planning conditions will be triggered.

- 6.35 The first condition relates to the commencement of development which will include the changes to the layout of the site to accommodate the retention of the dwelling and the changes to the shape and size of the driveway area for the retained dwelling.

The second planning condition relates to the approved plans which is necessary as the retention of the building also involves the subdivision of the site for three units in respect of parking and the boundaries of each of the properties.

The third condition relates to tree protection and will only be triggered at the point in time that works are carried out to the driveway and seeks to ensure the protection measures are in place prior to this being undertaken.

The fourth condition relates to a plan for the car parking provision. I have proposed that this information be supplied within three months of the date of the permission and that once approved shall be provided prior to the occupation of either of the two new building dwellings from planning permission P20/S4112/FUL. The area shall be shown to be dedicated for parking and shall be retained.

The fifth planning condition relates to the provision of cycle car parking facilities on the site. The details of the cycle parking facilities shall be submitted to the council within three months of the date of this permission and then installed within six months from the date of the permission.

The sixth condition relates to the provision of a bird box and that this should be provided within 3 months of the date of the permission and then retained on site in perpetuity.

6.36 **CIL.**

The demolition of the dwelling meant that the floor space being lost was offset against the floor space being created in the previous permission. Because that floor space is now being retained it can no longer be used to off set the new floor space and consequently this development attracts a further CIL payment of £36,332.73

7.0 CONCLUSION

7.1 Following the sequence of planning permissions that has provided two dwellings to the south of the position of the existing dwelling a change in site circumstances has been created. It is in this context the development must be assessed.

A material planning consideration in this case is the fact that once the building is demolished the area it previously covered becomes an infill plot in the context of being closely surrounded by buildings. This means that in respect of housing policy and green belt policy a dwelling in this location would be acceptable.

It is on this basis that the retention of the existing dwelling becomes acceptable. In addition, its retention will ensure the status quo in terms of the setting of the conservation area and as a consequence this development will conserve the character and appearance of the conservation area rather than cause an impact that would detract from it.

The creation of three dwellings on this site does not give rise to a materially greater impact in terms of highway movements or flooding. The proposal involves the retention of a building in a location where new housing would be acceptable and it is a more sustainable solution than adhering to the condition and demolishing the building. In conjunction with the attached conditions the proposal is in accordance with the development plan.

8.0 RECOMMENDATION

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

8.2 **Standard condition –
1 : Approved plans**

**Prior to the commencement of the relevant works condition –
2 : Tree Protection (General)**

**To be submitted within 3 months condition -
5 : Plan of Car Parking Provision (unspecified number of spaces)
6 : Cycle Parking Facilities**

**Compliance condition -
3 : Ecology – Bird box**

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