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| APPLICATION NO. | P14/S4113/FUL |
| APPLICATION TYPE | FULL APPLICATION |
| REGISTERED | 11.8.2015 |
| PARISH | WATLINGTON |
| WARD MEMBER | Anna Badcock |
| APPLICANT | Search and Management Services |
| SITE | The Old Church, Christmas Common, OX49 5HL |
| PROPOSAL | Erection of a detached two-storey 3-bedroom dwelling (additional drainage plan received 25th March 2015 and site area reduced, number of proposed dwellings reduced from two to one, alterations to access and parking areas, provision of tree protection and contaminated land information, as shown on amended plan and supporting documents received 11th August 2015 and updated November 2015). |
| AMENDMENTS | See Above |
| OFFICER | Paul Lucas |

1.0 **INTRODUCTION**

- 1.1 This application is reported to the Planning Committee as a result of a conflict between the Officers' recommendation and the views of Watlington Parish Council. Members will recall that the application was deferred by the Planning Committee on 9th December 2015 to allow a Member site visit to take place.
- 1.2 The application site is identified on the plan attached at **Appendix 1**. It lies to the east of the main road through the small settlement of Christmas Common and lies between 1 Forestry Cottages to the north and The Old Church to the south. The red line application site extends to 0.067 hectares including an access track which serves the site and the rear of Forestry Cottages to the north, with the developable area (excluding the access track) extending to 0.061 hectares. It comprises land that was formerly owned by the Forestry Commission and historically contained a number of timber buildings. The former buildings no longer exist although the concrete hardstanding on which they were erected remains. The north-west corner of the site fronts on to the main road. The remainder of the front and southern boundary of the site, demarked by a Beech hedge, borders Public Footpath W33, forming part of the Oxfordshire Way. This Public Right of Way continues into the woodland beyond to the east. There are a number of mature trees located along the frontage of the site and the southern boundary of the public footpath. The site itself is fairly level, but lies slightly below the level of 1 Forestry Cottages. To the rear of the site, there is a 0.049 hectares parcel of land that is also within the applicant's control. This is shown to be retained as a buffer to the Ancient Woodland forming the eastern boundary of this strip of land. On the southern side of the public footpath there is a graveyard then The Old Church and its garden, which is a single storey place of worship that was converted into a dwelling in the mid-1980s. To the north is a two-storey terrace of mid-20th century dwellings. No.1 Forestry Cottages has a boundary fence with trellis adjacent to the access track. There is a hedge on the application site side of the access track. The access track is subject to an application to add a Public Right of Way to the Definitive Map. The distance between the southern elevation of 1 Forestry Cottages and the northern corner of The Old Church is about 46 metres. There are power lines crossing the centre of the site. The site lies with the Chilterns AONB.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the erection of a detached two-storey 3-bedroom dwelling and formation of parking area, as detailed on the current application plans and supporting documents. The application as originally submitted was for a pair of two-storey semis and included the land at the rear of the site. In response to several concerns raised by officers, the application has been amended to its current form and subject to additional public consultation. The current plans show a dwelling with an L-shaped footprint, with the deeper dimension on its southern side. The dwelling is located towards the front of the site with a front building line broadly in line with the front building line of Forestry Cottages. The dwelling would have a main ridge height of 7.35 metres. The street scene plan with heights above sea level plotted shows that the ridge of the proposed dwelling would be about 1.4 metres below the ridge height of No.1. The first floor accommodation of the dwelling would be partly contained within the roof space and as a result the gable end roof design would incorporate three dormer windows on the front elevation and one on the rear. The external materials would consist of brick, tile and painted timber windows and doors.

2.2 A copy of the current plans is provided at **Appendix 2** whilst other documentation associated with the application can be viewed on the Council's website: www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Watlington Parish Council – Objection to original proposal and amended proposal for the following reasons:

- No enhancement to the AONB area so not a valid reason.
- This is not technically infill.
- There is no Environmental Impact Assessment.
- There is no resolution on the power cables.

Natural England – Comments on original submission concerning ecological value of site and importance of protecting the Ancient Woodland; no further comments on amended application

County Archaeological Services (SODC) - No objection subject to condition

Countryside Access - No objection subject to informatives

CPRE (Henley and Mapledurham District) - No objection to amended application if SODC consider this is a suitable site for infill residential development

Health & Housing - Contaminated Land - No objection on basis of submitted contaminated land statement questionnaire

Drainage Engineer (South Oxfordshire - MONSON) - No objection subject to surface water and foul drainage conditions

Countryside Officer (South Oxfordshire & Vale of White Horse) - No objection subject to lighting condition

Forestry Officer (South Oxfordshire District Council) - No objection subject to tree and hedge protection condition

Highways Liaison Officer (Oxfordshire County Council) - No objection subject to parking condition

Woodland Trust – Original objection overcome by inclusion of 15 metre buffer zone to Ancient Woodland

Pishill with Stonor Parish Council (adjoining parish about 300 metres to the north) – Object – inappropriate in the AONB

Neighbours – Original Plans – 10 representations of objection, 3 stating no objection and 4 of support were submitted in respect of the original plans. A petition opposed to the proposal containing 123 signatures was also submitted.

Amended Plans – 8 representations of objection and one of comment, summarised as follows (can be found in full on the Council's website www.southoxon.gov.uk):

- Christmas Common is not a sustainable settlement where new housing is acceptable according to paragraph 5.17 of the SOLP 2011, therefore would increase need to travel by private car to services and facilities elsewhere
- 80 Houses to be allocated in Watlington mean that there is no need for any further housing in Christmas Common
- Site area too large to be an infill site
- Site does not form a small gap in a continuous built up frontage, because only a small part of it adjoins the highway and land immediately to the south is a Public Right of Way and graveyard, which cannot be built on and a gap of 32 metres would still remain between the proposed dwelling and The Old Church, the latter being isolated from other dwellings on the eastern side of the road
- Dispute that this is a brownfield site used for parking and development of this greenfield site would fail to conserve and enhance the Chilterns AONB as would not be in keeping with the form of development in the village, the surrounding wooded countryside and would spoil the tranquility of the graveyard
- House is too large for this plot (particularly when access track is excluded from site area) and visibly dominant when viewed from the road and from the east particularly in the winter months, turning the public footpath into an alleyway
- House too large to be affordable
- Rear of site dominated by hardstanding for parking
- Lack of ecological appraisal and net loss of biodiversity
- Northern boundary hedge would be compromised by position of dwelling
- Concern about future pressure to prune trees on adjoining land due to shading issues
- Obstruction to other properties and Oxfordshire Way – this route and the claimed route over the access track should be kept open and not be obstructed during the course of development
- Oppressive impact on No.1 Forestry Cottages from downstairs kitchen window and upstairs bedroom windows in the southern elevation facing a solid mass of brickwork
- Fumes drifting into bedrooms of No.1 from chimney
- Granting planning permission would set an undesirable precedent for other vacant plots to be built on within Christmas Common
- Lack of information about treatment of high voltage power lines and threat from electro-magnetic fields
- Site plan is misleading in including the track within the site area
- Site plan also includes service track belonging to No.3 Forestry Cottages [the applicant has provided evidence to show that this is within his ownership]
- Would not meet one of the exceptions for development in the Green Belt [the site does not lie within the Green Belt]
- Covenant imposed by the Forestry Commission prevents site being built on [not a planning matter]

4.0 **RELEVANT PLANNING HISTORY**

4.1 No previous planning applications have been submitted on the application site. The site was previously used by the Forestry Commission, however, this use ceased and the previous buildings have been removed. The site has no community use and remains an undeveloped parcel of land in private ownership.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSB1 - Conservation and improvement of biodiversity

CSEN1 - Landscape protection

CSM1 - Transport

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 policies;

C4 - Landscape setting of settlements

C6 - Maintain & enhance biodiversity

C8 - Adverse affect on protected species

C9 - Loss of landscape features

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

D10 - Waste Management

EP3 - Adverse affect by external lighting

EP4 - Impact on water resources

EP6 - Sustainable drainage

EP8 - Contaminated land

G2 - Protect district from adverse development

G4 - Protection of Countryside

H4 - Housing sites in towns and larger villages outside Green Belt

R8 - Protection of existing public right of way

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008 – Sections 3 & 5

South Oxfordshire Landscape Assessment – Character Area 9

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

The policies within the SOCS and the SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and therefore this application can be determined against these relevant policies.

6.0 **PLANNING CONSIDERATIONS**

6.1 The planning issues that are relevant to this application are whether the development would:

- be in accordance with the Council's strategy for housing development in rural areas;
- result in the loss of an open space or view of public, environmental or ecological value;

- be in keeping with the character and appearance of the surrounding area, bearing in mind its location within the Chilterns AONB, including the protection of important trees;
- safeguard the living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers;
- provide adequate off-street parking spaces for the resultant dwelling and not give rise to any conditions prejudicial to highway safety; and
- give rise to any other material planning considerations.

6.2 Principle of Development

In officers' opinion, the site is located within the settlement of Christmas Common. The SOCS Policy relevant to this proposal is CSR1, which outlines the approach for assessing proposals for infill residential development in the District. This policy applies even in parishes where other housing is allocated through a Local Plan or Neighbourhood Plan document. The SOCS classifies Christmas Common as an "Other" village. The Council's Settlement Assessment Background Paper 2011, which collected the data for the categorisation of settlements throughout the District as set out in the SOCS supersedes paragraph 5.17 of the SOLP 2011. As such, Christmas Common is a sustainable location, which can support a limited amount of new housing.

6.3 Policy CSR1, explains that residential development on infill sites of up to 0.1 hectares in size is acceptable in principle in "Other" villages. The supporting text for Policy CSR1 states, "Infill development is defined as the filling of a small gap in an otherwise built up frontage, or on other sites within settlements where the site is closely surrounded by buildings." Given the thresholds set out under Policy CSR1 for "Other" villages, it follows that "small" in this definition must nonetheless allow for developments equivalent to 2-3 houses in villages such as Christmas Common. Officers consider that the development along the eastern side of the main road through the village forms a built-up frontage and that the developable site area of 0.061 hectares would be within the 0.1 hectare size limit. The Old Church is considered to sit within the built-up confines of Christmas Common due to its physical location being opposite other dwellings. This is particularly evident in the approach to the settlement from the south. The distance between the north-facing wall of The Old Church and the south-facing side wall of No.1 is 46 metres. This gap would be reduced to a distance of 27 metres to the south-facing side wall of the proposed dwelling. The proposed dwelling and its plot would clearly not fill the whole of the space between the existing dwellings, with the public footpath and the graveyard remaining undeveloped. However, there is no policy requirement to fill the entire gap, so this, in itself, would not be a reason to refuse planning permission.

6.4 Only a section of 4.5 metres of the front boundary of the plot would adjoin the road, but the dwelling would clearly face towards the road and its position on the plot would be consistent with a notional line between the frontages of No.1 and The Old Church. Again, there is no specific policy requirement for the boundaries of proposed infill development to border the road for the entirety of its frontage. Sites can be appropriate as infill development regardless as to whether their previous use was brownfield or greenfield. Although the proposal would introduce built form onto a site that is presently undeveloped, there are other dwellings located nearby to the north, south and west of the site. The proposed dwelling would not extend development out into the countryside to any greater extent than the existing frontage housing on that side of the road. In fact, the rear gardens of Forestry Cottages all extend further eastwards than the proposed plot. On the basis of the above assessment, officers are satisfied the principle of this development is acceptable under the SOCS. Consequently, the proposal falls to be assessed primarily against the criteria of Policy H4 of the SOLP 2011 for new dwellings, which are addressed below.

6.5 Loss of Open Space

Criterion (i) of Policy H4 of the SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt. The site is private land, is not accessible to the public and does not perform a community function. Although visible from the road and the public footpath, in the majority of these views it is seen in the context of the nearby dwellings and their gardens. Objections to the proposed development have been received on ecological grounds.

- 6.6 The Council's Countryside Officer has considered these objections. An assessment of the ecological impacts of this proposal can only be made against the current site conditions. Previous site conditions are not a material planning consideration. Although no ecological appraisal has been submitted with the application, in the Countryside Officer's expert opinion the habitats present on site are not considered to be a constraint to this proposal. The amended site plan highlights a 15 metre buffer from the proposed development and the adjacent ancient woodland, which has met with approval from The Woodland Trust. The existing Beech hedgerows at the front of the site to be removed are not important hedgerows under The Hedgerows Regulations 1997 and have very limited ecological value. The majority of the Beech hedgerow is being retained on site. The difference in the length of beech hedgerow between the existing site and the proposed site would be a net gain of 6 metres (7.5%). As indicated on the amended plans, these hedges will match the existing. This increase in net hedgerow length and ancient woodland buffer are considered to be adequate mitigation and compensation for the proposed development on a small site of low ecological value. On this basis, the proposal would be in accordance with the above criterion.

6.7 Visual Impact

Criterion (ii) of Policy H4 of the SOLP 2011 requires that the design, height, scale and materials of the proposed development are in keeping with its surroundings and criterion (iii) requires that the character of the area is not affected. Policies CSQ3 of the SOCS and D1 of the SOLP 2011 amplify this requirement. Policy CSEN1 of the SOCS explains that high priority will be given to conservation and enhancement of AONBs and planning decisions will have regard to their setting. It is clear that being located within an AONB does not preclude housing development, provided it is found to be visually acceptable. The appearance of nearby dwellings is mixed, with variation in size and form and external walling and roofing materials. The footprint of the proposed dwelling would cover about 15% of the developable plot, which is well below the recommended minimum of 30% in Section 3 of the SODG 2008. The dwelling would be set in from the plot boundary with the access track by about 2 metres and from the southern boundary by 4 metres at its closest point, with this distance increasing from the front to the rear of the house. This level of separation along with the intervening mature foliage would ensure that the setting of the graveyard would not be unduly affected. The siting of the dwelling in relation to the road at a distance of about 12.5 metres would be consistent with the distances between Forestry Cottages and The Old Church. On the opposite side of the road, Old Church Hall, Deanswood and the outbuilding serving Setterfields are between 2 and 3.5 metres back from the road. The dwelling would have traditional proportions, a modest ridge height, lower than the ridge of Forestry Cottages, and would generally be in accordance with advice contained within Section 5 of the SODG 2008, which encourages new dwellings to have an appearance that reflects the local vernacular.

- 6.8 The amended application has addressed previous concerns in relation to tree and hedge protection to the satisfaction of the Council's Forestry Officer. The Forestry Officer considers that there would be sufficient separation between the dwelling and the mature trees, to avoid future pressure for tree work. A planning condition is necessary to ensure that the tree protection measures submitted in support of the application are carried out during the construction period. A standard landscaping pre-commencement condition is required to secure the hedge planting shown on the plan along with any other planting and to confirm that the appearance of the parking area would be appropriately softened. Officers also consider that a condition requiring the submission and agreement of a landscape management plan prior to commencement is necessary to ensure that the 15 metre buffer zone is appropriately maintained in the long term. These measures would enable the development to remain in a wooded setting, where public views of the dwelling would be filtered and/or framed by established and new foliage, particularly during the summer months.
- 6.9 In the light of this assessment, the proposal would not be unduly prominent in the street scene, would be in keeping with the character of the surroundings and would not harm the wider Chilterns AONB landscape. In overall terms, officers consider that the dwelling would broadly comply with the relevant sections of the SODG 2008 and with the above policies and criteria.
- 6.10 Neighbour Impact
Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP 2011 requires that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. No.1 Forestry Cottages has three windows facing towards the site. The ground floor window is the only opening serving the kitchen. A direct view from this window would face towards the north-facing gable of the proposed dwelling at a distance of about 8.8 metres. As a rule of thumb, a 25-degree line taken from the centre of this window would just clear the rear roof slope. This is an indicator that the proposed dwelling would not result in a loss of light or outlook to that room that would be so significant to justify refusal of planning permission. Due to the level of separation between the two dwellings, the amount of overshadowing would also not significantly extend beyond that already created by the existing tree cover. The first floor windows serve bedrooms, but are secondary in size to the main windows that are on the front and rear elevations, respectively. As a result, the development would not cause any discernible loss of amenity to these rooms. There are no first floor openings in the north-facing elevation of the proposed dwelling and any views towards the garden of No.1 from the rear windows would be oblique, typical of many residential situations. The distance between the proposed dwelling and The Old Church would be greater and there would be intervening tree cover, preventing any loss of light or outlook to that property. The proposed first floor bedroom window would be located at a distance of about 28 metres from the closest windows at The Old Church, which would comply with the recommended minimum distance of 25 metres, as set out in Section 3 of the SODG 2008. Although concerns have been raised about fumes from the chimney affecting No.1, any statutory nuisance arising could be dealt with through Environmental Health legislation. The proposed garden area for the proposed dwelling would accord with the recommended minimum standard of 100 square metres in Section 3 of the SODG. On the basis of the above assessment, the proposed development would accord with the above policies.

6.11 Access and Parking

Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Officers do not agree with the applicant that there is an authorised use of the site for vehicle parking and therefore there would not be a net loss in the number of parked vehicles on the site. However, the Highway Liaison Officer considers that the parking and turning arrangements to serve the proposed dwelling would be acceptable, subject to a pre-commencement planning condition requiring further details of the parking and turning area. On this basis, the proposal would comply with the above criterion.

6.12 Other Material Planning Considerations

Local residents are concerned that the granting of planning permission on this site, would set a precedent for other parcels of open land around the village. However, the plots specifically referred to do not appear to share the same characteristics as the application site. Moreover, it is an established planning principle that each application must be assessed on the basis of its individual merits.

6.13 The scale of the proposed development does not exceed the thresholds set out in the Environmental Impact Assessment (EIA) Regulations, therefore an EIA is not required.

6.14 The presence of the power lines would relate to the development of the land and is a planning consideration. However, officers take the view that this is not a material planning consideration. It is a matter between the applicant and the statutory undertaker (Southern Electric). If agreement cannot be reached, then the development would not be able to proceed. Current Central Government advice is that the overall evidence is not strong enough to draw a firm conclusion that magnetic fields cause harm to health and that most building materials screen out electric fields very effectively and so strong electric fields outside a building do not cause strong fields inside. Statutory undertakers are required to carry out works in the vicinity of trees in compliance with Volume 4 of the National Joint Utilities Group guidance.

6.15 Any restrictive covenants on the land are a civil matter between the relevant parties to be resolved independently of any planning decision.

6.16 As the proposal is for a single dwelling, the threshold for affordable housing provision set out under the SOCS Policy CSH3 (a net gain of three or more dwellings) would not be triggered. The proposal would not result in any physical changes to the Oxfordshire Way or to the claimed route across the proposed access. Informatives could be added to any decision notice to advise the applicant of their responsibility not to damage or obstruct these routes. It is normal practice for the red line site area to include the access route into the site. A planning condition is considered necessary to remove householder permitted development rights, so that the Council can exercise control over any development that might otherwise have an undesirable visual or amenity impact. Matters relating to archaeology and surface and foul drainage could also be dealt with through pre-commencement planning conditions. With regard to waste management, it appears that there would be sufficient provision on site for waste bin storage, which would allow for both boxes and wheeled bins to be presented for collection at the highway junction with the driveway as is the case for nearby dwellings in accordance with the SOLP 2011 Policy D10.

7.0 CONCLUSION

7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would be acceptable in principle, would conserve the character and appearance of the area, including the Chilterns AONB and important trees, would safeguard the living conditions of nearby residents and the ecological value of the site and its surroundings and would not result in conditions prejudicial to highway safety.

8.0 RECOMMENDATION

8.1 **To grant planning permission subject to the following conditions:**

1. **Commencement three years - full planning permission.**
2. **Development to be in accordance with the approved plans.**
3. **Levels to be implemented as shown on the approved plan.**
4. **Schedule of materials to be agreed prior to commencement of development.**
5. **Withdrawal of permitted development rights for extensions, outbuildings and hardstandings.**
6. **Turning area and car parking to be agreed prior to commencement of development.**
7. **Landscaping (planting/parking/boundary treatment) to be agreed prior to commencement of development.**
8. **Landscape management plan to be agreed prior to commencement of development.**
9. **Tree protection to be implemented as submitted prior to commencement of development.**
10. **Details of any external lighting to be agreed prior to commencement of development.**
11. **Programme or archaeological work to be agreed prior to commencement of development.**
12. **Surface water drainage works to be implemented prior to occupation of development.**
13. **Foul drainage works to be implemented prior to occupation of development.**

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