

<b>APPLICATION NO.</b>	<a href="#">P15/S3649/O</a>
<b>APPLICATION TYPE</b>	OUTLINE
<b>REGISTERED</b>	9.11.2015
<b>PARISH</b>	EWELME
<b>WARD MEMBER(S)</b>	Felix Bloomfield Richard Pullen
<b>APPLICANT</b>	Mr & Mrs Dixon
<b>SITE</b>	Land adjacent to Eyres Close, Ewelme
<b>PROPOSAL</b>	Outline application for removal of a stored topsoil mound to facilitate re-contouring the site to a land form that will approximate with the original ground levels, erection of two starter homes, restoration of north boundary brick and flint wall and implementation of a scheme of landscaping and landscape repair. (Additional statement submitted by applicant 21 December 2015 to address third party comments).
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	463953/192012
<b>OFFICER</b>	Sharon Crawford

**1.0 INTRODUCTION**

- 1.1 The application has been referred to the Planning Committee because the Chairman of the Planning Committee is a neighbour to the site.
- 1.2 The site sits to the north side of Eyres Close. It is cleared of all vegetation and is a recently ploughed open area sitting at the top of a bank to Eyres Lane on the western boundary. The site lies on the northern edge of the village in the Chilterns Area of Outstanding Natural Beauty and is some 0.1 hectares in size.
- 1.3 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.
- 1.4 This application is a re-submission of an earlier withdrawn outline application made in January 2015 ref: P15/S0128/O.

**2.0 PROPOSAL**

- 2.1 The application seeks outline planning permission for:
- the erection of 2 no two bedroom dwellings for sale on the open market (gross floor area not exceeding 70 square metres).
  - removal of a stored topsoil mound to facilitate re-contouring the site to a land form that will approximate with the original ground levels,
  - restoration of north boundary brick and flint wall; and
  - implementation of a scheme of landscaping and landscape repair

Matters for consideration at this stage are the numbers of dwellings. Scale, landscaping, access and appearance are reserved matters for subsequent approval. The application also seeks planning permission for the removal of topsoil to restore levels to near original levels. Topsoil was stored on the site over 40 years ago as a result of the development Eyres Close to the south side of Eyres Close in the 1970s. A Landscape and Visual Impact Assessment (LVIA) has been submitted to accompany the application.

2.2 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

2.3 The Planning Inspector's decision on an appeal in 2001 for one dwelling on the site is **attached** for information at Appendix 3.

2.4 The current application includes additional details to address concerns regarding the lack of information on the original application in respect of levelling on the site. This application includes a topographical survey and cross sections through the application site showing the existing landform which is made up of stored excavated topsoil. The application also includes a plan showing the proposed levels following the removal of the stored topsoil and a drawing showing proposed cross sections through the application site.

### 3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Full responses can be found on the Council's website

3.1 Ewelme Parish Council      The area of land in question is in open countryside. Development would, therefore, be contrary to Policies CSR1 and CSS1 (v) of the SODC Core Strategy. There have been several proposed developments of this piece of land since the original building of Eyres Close. The most recent of these was turned down at Appeal in 2001 (Ref. APP/Q3115/A/01/1062069). In particular, the Inspector stated that the piece of land was part of the open countryside and not within the village. There have been no changes to the immediate area around this location to alter that interpretation.

MOD      I can confirm that the MOD has no safeguarding objections to this proposal. (No changes to comments on previous application).

OCC (Highways)      The Highway Engineer has no objection to the scheme in terms of the vision splay onto Eyres Lane and considers that the site is large enough to accommodate adequate parking provision. This position has not changed since the previous withdrawn application. He has some concerns about the size of the parking spaces shown on the illustrative plan. However, layout is not included for determination at this stage and reference to parking layout cannot be included in any refusal reason. An acceptable form of parking could be provided on a site of this size.

Environmental Health (Contaminated Land)      I have looked through pages 48 to 55 of the planning statement and an unsuspected contaminated land condition is not appropriate on this application. The presence of the former quarry of unknown fill and the stockpiles of soil/ construction waste will need to be investigated further to confirm the presence or absence of any contamination. This could be undertaken before determination of the application or a contaminated land condition could be imposed on any planning consent.

Neighbours Objecting (19)      1. The original planning decision, and every ruling of SODC since, has required that this land called The Mound remains open, as an

integral part of the development of the Close.

2. The Close is too small to contain further housing and the associated increase in traffic that will be generated. It is inappropriate to have such density of housing so far from the main part of the village – it's a mile from Eyres Close, to Ewelme School and shop.

3. Off road parking spaces provided at present for No.6 and No.8 Eyres Close are very small and steep. Residents have to park on the road. Removing the current Eyres Close turning area to provide parking for the proposed new houses, means that road will be impossibly congested.

4. Similarly, it must be noted that there is no proper road access at present to No.10 and No.12 Eyres Close. Residents in these houses have to back out from their houses and turn in the existing turning area. Removing the turning area to provide parking for the new houses will make access out of No 10 , 12, 14 and 16 very difficult.

5. The houses at No4, No6 and No8 Eyres Close are set up to 2 metres down from the road. Any development on The Mound - even if it were levelled to street level - would still be one to two storeys above the level of current houses at 4, 6 and 8 and would therefore tower above them. The front doors of any new possible houses would be level with the upstairs bedroom window of our house, number 6.

6. The turning from Eyres Close into Eyres Lane has limited visibility. Eyres Lane is a busy road with civilian and military traffic using it to access RAF Benson. There have been near accidents between fast moving traffic on Eyres Lane, and cars turning out of Eyres Close, so any increase in the number of cars in Eyres Close cannot help but increase the likelihood of accidents in Eyres Lane.

7. There is no pavement from the end of Eyres Close, down Eyres Lane to the end of the High street. Residents have to walk along Eyres Lane in the traffic, to access their homes in Eyres Close. The only alternative way to reach the High Street is to walk down a small grassy (or muddy!) path at the east end of the Close, which is not suitable for pushchairs or wheelchairs. The planning application makes no mention of how extra foot or cycle traffic will safely be accommodated. Losing The Mound would take away the shared social open land in the Close and would set an unwelcome precedent for other open areas in this historic village.

8. In previous rulings by SODC, the statement has been made that more houses should not be built in Eyres Close as it is "outside the village". None of the recent changes to planning law have altered the fact that Eyres Close forms a boundary of the village and should not be extended.

9. Any development on The Mound would not be able to adhere to the requirement that new developments must "respect the character of the site and its surroundings". It could not enhance "local distinctiveness" and would not be of a scale, type or density appropriate to the site – it would just be too many houses in too small a space.

Neighbours  
Supporting (7)

Few existing houses come on the market in this area as people settle here long term and stay in the same house for many years. It is also hard to find a house to rent in the area as well as buy. I

would say this stands out as simply a very logical and obvious plot of land in the village. There are not many suitable locations around here for new homes with the various important heritage buildings and particularly with the AONB surrounding the other end of the village i.e. end of village past the watercress beds and kings pool, towards the school, play areas and common. Additional houses in Eyres Close are appropriate and would be of benefit to the village and wider community.

Eyres Close  
Residents  
Association

Detailed objections the following is summary only. This is the sixth attempt by the applicant to overturn many previous refusals and appeals to build on this open space. The land is not even defined as a building plot per se, or as infill capable, as it is currently regarded as outside the building boundary of the Village of Ewelme and extends into open countryside within an Area of Outstanding Natural Beauty. It also forms just 1/6 of the whole development as an amenity open space for this small 8 house community. The LVIA report defines important aspects incorrectly or indeed leaves out entirely.

#### 4.0 **RELEVANT PLANNING HISTORY**

##### 4.1 [P15/S0128/O](#) – Withdrawn (08/04/2015)

Outline application for removal of existing topsoil mound. Restoration of north boundary brick and flint wall and erection of 2x2 bedroom starter homes.(As clarified by contaminated Land Questionnaire received on 19 February 2015).

[P01/W0006](#) - Refused (05/03/2001) - Refused on appeal (19/07/2001)  
Erection of dwelling with integral garage.

[P81/W0032](#) - Refused (04/03/1981) - Refused on appeal (30/09/1981)  
Erection of two bedroomed bungalow.

[P80/W0236](#) - Refused (04/06/1980)  
Erection of two bedroomed bungalow.

[P78/W0131](#) - Approved (12/05/1978)  
REVISION TO HOUSE ON PLOT NO. 1.

[P78/W0147](#) - Refused (12/05/1978) - Refused on appeal (06/03/1979)  
ERECTION OF ONE DWELLINGHOUSE

[P77/W0308](#) - Approved (13/01/1978)  
ERECTION OF EIGHT DETACHED HOUSES, GARAGES AND ACCESS.

#### 5.0 **POLICY & GUIDANCE**

##### 5.1 South Oxfordshire Core Strategy policies

CSEN1 - Landscape protection  
CSEN3 - Historic environment  
CSQ2 - Sustainable design and construction  
CSQ3 - Design  
CSH4 - Meeting housing needs  
CSR1 - Housing in villages  
CSS1 - The Overall Strategy

##### 5.2 South Oxfordshire Local Plan 2011 policies;

- C4 - Landscape setting of settlements
- D1 - Principles of good design
- D10 - Waste Management
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- G2 - Protect district from adverse development
- H4 - Housing sites in towns and larger villages outside Green Belt
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008

### 5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

## 6.0 PLANNING CONSIDERATIONS

### 6.1 The main issues in this case are;

- Whether the principle of development is acceptable
- H4 criteria
- Provision of gardens
- Mix of units
- Affordable housing
- Contamination
- Landscaping

6.2.1 **Principle.** The policy position in respect of development in the rural settlements has changed since the last refusal of planning permission on the site in 2001. The Development Plan now consists of the adopted Core Strategy (SOCS) and the saved policies in the adopted South Oxfordshire Local Plan 2011 (SOLP). Policy CSR1 of SOCS allows new housing within the towns and infill development in the larger and smaller villages. It is a more permissive policy and allows more development in the district's settlements than the previous local plan policies (specifically Policy H6 of SOLP – a policy that has not been saved) and follows the approach to development set out in the NPPF. However, for planning permission to be acceptable development must also comply with the criteria of saved policy H4 of the SOLP.

6.2.2 Ewelme is one of the district's smaller villages where infill development on sites of up to 0.2 hectares will be allowed. The SOCS defines infill as the filling of a small gap in an otherwise built up frontage or on other sites within settlements where the site is closely surrounded by buildings.

6.2.3 The site is on the edge of the village where the grain of development is loose; the site is not part of a built up frontage but it could be said to be surrounded on 3 sides by the Eyres Close development, The Views and its outbuildings. When considering an appeal in 2001 for one dwelling on the site (see appendix 3) the Planning Inspector considered that The Views to the north of the site had the character of an individual dwelling in the countryside rather than an extension of the built up area of the village. However since that time the policies in relation to development within villages have changed; the definition of infill development now includes sites that are surrounded by buildings. Given the more permissive approach of the NPPF, I believe that the site

would fall within the definition of infill as defined in the Core Strategy. However, whilst the principle of residential development may be acceptable in Ewelme, the development of this site is not acceptable in my view because the development does not comply with the criteria of Policy H4 and other policies in the development Plan (specifically CSEN1 of SOCS and saved policies G2, G4 and C4 of SOLP). The specific concerns are discussed below.

6.2.4 **H4 criteria issues.**

**i That an important open space of public, environmental or ecological value is not lost;**

In coming to his decision in 2001, (**paragraphs 9 – 11 – Appendix 3**) the Inspector concluded that the site appeared as part of the countryside beyond the built up area of the village and development would extend the built up area of the village into the countryside. It was his view that development on the site would harm this rural area on the edge of the village. In this respect the character of the area has not changed; two new houses on this site and the associated parking would consolidate development on the edge of the village linking Eyres Close to the Views and would be equally harmful to the character of the area as the previous scheme dismissed at appeal. In the circumstances, it is my view that the site represents an important open space on the edge of the village where the grain of development is loose reflecting the change from village to countryside.

**ii Design, height and bulk in keeping with the surroundings;**

The application is in outline and matters of design etc. are to be determined at a later stage. An acceptable design could be achieved for this site in my view had the proposal not been unacceptable for other reasons.

**iii That the character of the area is not adversely affected;**

The comments in relation to the site being an important open space equally apply here in respect of the impact of development on the character of the area. The site lies within the Chilterns Area of Outstanding Natural Beauty and there is a duty to preserve and enhance the natural beauty of these valued landscapes. In determining the most recent appeal the Inspector commented that the proposed tree plantation proposed on the frontage of the site to Eyres Lane would minimise the effect on the wider landscape of the AONB but only from Eyres Lane; the impact of development from Eyres Close was harmful to the rural character of the area in his view.

The current scheme is different from the appeal scheme in that the site has been cleared of all vegetation and is now open; there is no existing landscaping that would mitigate the impact of any development. Whilst some landscaping is proposed the impact from Eyres Close will be similar to that of the scheme in 2001 that was dismissed at appeal.

The proposal also involves levelling of the site to remove topsoil. With the recent withdrawn application there were no specific details of the levelling proposed or how this would blend in with the high grass bank to Eyres Lane (which is not in the application area). Such details were considered crucial to assess any wider impact on the AONB in my view. The current application includes surveys and sections of existing and proposed levels which now allow for an accurate assessment of the impact. The plans show that changes in levels will be graduated into the bank to the road with a reduction of up to approx. 1.3 metres in places. Land levels are currently at the same height (or higher) than the boundary wall to The Views and there are signs of structural

damage along the length of the wall due to its current function of retaining the soil. The finished contours will be similar to existing contours but lower in all sections and will bring levels well below the height of the boundary wall to The Views. The reduction in levels will not be harmful in themselves in my view.

**iv Amenity, environmental or highway/ parking objections;**

The Highway Engineer has no objection to the scheme in terms of the vision splay onto Eyres Lane and considers that the site is large enough to accommodate adequate parking provision. This position has not changed since the previous withdrawn application. He has some concerns about the size of the parking spaces shown on the illustrative plan. However, layout is not included for determination at this stage and reference to parking layout cannot be included in any refusal reason. An acceptable form of parking could be provided on a site of this size in my view if the scheme were not unacceptable for other reasons.

**Neighbour impact**

Neighbours have expressed some concern about the difference in ridge heights between the proposed dwellings and those on the opposite side of Eyres Close. Nos 2, 4, and 8 Eyres Close are set up to 2m lower than the level of the access road and there is concern about overlooking and creating an oppressive form of development. As the application is in outline only the layout submitted is illustrative only. However, the distance shown between plot 2 and 4 Eyres Close is over 24 metres. In my view the site is large enough to accommodate 2 houses in a way that will not involve overlooking to neighbouring properties or be oppressive. Neighbour impact would be assessed at the reserved matters stage if the proposal were not unacceptable for other reasons.

**v Backland development issues**

The site is not a backland site because the development would have a frontage onto a road.

- 6.2.5 **Provision of gardens.** The site is large enough to accommodate 2 houses in a way that will provide adequate standards of amenity in accordance with saved policy D3 of the SOLP. In this case 50 square metres of garden area would be required for each two bed dwelling.
- 6.2.6 **Mix of units.** There would be a net gain of 2 dwellings and a mix of units is required by Policy CSH4 of the Adopted Core Strategy. Both units proposed are small two bedroom units which would be acceptable in meeting the need in the villages for small units.
- 6.2.7 **Provision for affordable housing.** Policy CSH3 of the SOCS states that 40% affordable housing will be sought on all sites where there is a net gain of three or more dwellings. The net gain is for two dwellings and the proposal is below the threshold for the provision of affordable housing.
- 6.2.8 **Contamination issues.** Saved policy EP8 of the SOLP seeks to ensure development on contaminated land is not be permitted unless the contamination is effectively treated by the developer to prevent any harm to human health and the wider environment. The site has the potential to be contaminated due to previous land uses and additional details are required to ensure that the site is suitable for residential use.

Whilst a contaminated land questionnaire has been submitted with the application, an unsuspected contaminated land condition is not appropriate in this case. The presence of the former quarry of unknown fill and the stockpiles of soil/ construction waste will need to be investigated further to confirm the presence or absence of any contamination. This could be undertaken before determination of the application or a contaminated land condition could be imposed on any planning consent.

The additional information has not been requested at this stage as it would incur additional expense and the information would not influence the recommendation for refusal. In the circumstances an additional refusal reason has been recommended but mitigation and remediation of contamination could be addressed by a suitable condition if the development was not unacceptable for other reasons.

**Landscaping.** A landscaping proposal has been submitted with the application, albeit landscaping remains a reserved matter. The proposal involves retaining the roadside embankment to Eyres Lane, reinforcing with additional planting the roadside hedge to Eyres Lane, and cutting the overgrown Beech hedge at the east end the northern boundary to a height of about 3 metres to allow low level thickening and screening. The proposal also includes planting an orchard on the western half of the application site. Despite the landscaping proposed it is my view that any benefits from additional landscaping will not outweigh the harm of development on the site.

7.0 **CONCLUSION**

7.1 Whilst infill development on appropriate sites is acceptable in principle in Ewelme, the proposed scheme would not comply with Policies CSEN1 and CSQ3 of SOCS or saved Policies H4, C4, G2, G4 and D1 of SOLP in your officer's view. The site is an important open space on the edge of the village and development would harm the rural setting of the village and the character of the AONB.

8.0 **RECOMMENDATION**

8.1 **Officers recommend that planning permission is refused for the following reasons:**

**1 : The site comprises an important open and undeveloped space on the edge of Ewelme village. The erection of two dwellings with associated parking would consolidate development on the rural edge of the village which would detract significantly from the landscape setting of Ewelme and the character and special landscape quality of this part of the Chilterns Area of Outstanding Natural Beauty. As such the proposal would be contrary to Policies CSEN1 and CSQ3 of the adopted South Oxfordshire Core Strategy and saved Policies G2, G4, C4, D1, H4 of the adopted South Oxfordshire Local Plan.**

**2 : The application includes insufficient information in respect of contamination to assess whether it is suitable for residential development contrary to saved policy EP8 of the adopted South Oxfordshire Local Plan.**

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