

<b>APPLICATION NO.</b>	<a href="#">P16/S2114/RM</a>
<b>APPLICATION TYPE</b>	RESERVED MATTERS
<b>REGISTERED</b>	20.6.2016
<b>PARISH</b>	EWELME
<b>WARD MEMBER(S)</b>	Richard Pullen Felix Bloomfield
<b>APPLICANT</b>	Mr P S and Miss J S Dixon
<b>SITE</b>	Land within Eyres Close, off Eyres Lane, Ewelme, OX10 6LA
<b>PROPOSAL</b>	Reserved Matters application following Outline (P15/S3649/O) for two semi-detached dwellings
<b>AMENDMENTS</b>	As amended by drainage information received 22 June 2016, 1 July 2016 and 11 July 2016.
<b>OFFICER</b>	Katherine Canavan

1.0 **INTRODUCTION**

- 1.1 The application was deferred prior to Planning Committee on 7 September 2016 to allow for members to visit the site, and consider changes to site levels, which have taken place since the previous member visit. The member site visit was requested by Cllr Turner and is scheduled for 3 October 2016.
- 1.2 The application has been referred to the Planning Committee because the Chairman of the Planning Committee is a neighbour to the site.
- 1.3 The site sits to the north side of Eyres Close within the Chilterns Area of Outstanding Natural Beauty, and comprises an area of 0.13 ha. It is cleared of all vegetation and has recently been cleared of topsoil, setting the ground level in line with street level. Residential properties within Eyres Close are located to the south of the site; 'The Views' is located to the north; Eyres Lane runs along the western boundary of the site, beyond which is open countryside.
- 1.4 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 **PROPOSAL**

- 2.1 This application is the reserved matters application connected with the outline application P15/S3649/O.

The reserved matters being considered within this application are:

- Details of the access
- Appearance
- Landscaping, including landscaping levels
- Layout
- Scale of the development, including floor levels
- Additional matters

In addition to these matters, the applicant is seeking to discharge the condition requiring landscaping levels, floor levels and drainage details.

- 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).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Full responses can be found on the Council’s website

Ewelme Parish Council	The Parish Council carefully considered the application, along with the appeal Inspector’s decision, and is content for the Local Planning Authority to determine the application. Note: The Parish Council requests a condition to provide a footway from the entrance of Eyre’s Close to the junction with The Street to allow residents of Eyres Close to walk safely along Eyre’s Lane.
Drainage Engineer (MONSON)	Holding objection until the extent of the existing foul drain and details of the surface water drainage system are provided. Revised plans and drainage statement address earlier drainage concerns - No Objection subject to work being carried out in accordance with approved details
Highways Liaison Officer (Oxfordshire County Council)	Holding objection until dimensions of parking spaces are amended and additional details provided on surface water drainage. Revised plans address earlier highways concerns - No Objection subject to conditions
Forestry Officer	Landscape Layout drawing is acceptable – no objection
Environmental Protection Team	<ul style="list-style-type: none"> <li>• No objection raised in respect of environmental matters (noise)</li> <li>• Condition 6 relating to contaminated land is not being addressed by this application, and should remain as a condition to be discharged prior to commencement of work.</li> </ul>
Neighbour representations – Objections (10 received), and;	<ul style="list-style-type: none"> <li>• Proposed dwellings substantially larger than approved by appeal inspector – no longer Starter Homes or for first time buyers</li> <li>• Raised eaves levels would not allow for loft accommodation, increasing the size of the properties further.</li> <li>• Traffic issues and lack of parking, thereby impacting on residents of the close</li> </ul>
Neighbour representations - No Strong Views (3 received)	<ul style="list-style-type: none"> <li>• The introduction of front fencing and hedge would narrow and enclose the space afforded to the close</li> <li>• Concerns that the orchard landscaping would not be implemented</li> <li>• Impact of the levelling of the site on the health of matures trees</li> <li>• Adverse impact of B8 use of the site in proximity to residential area</li> <li>• Lack of information on drainage, and confirmation that there is capacity to connect the two dwellings without affecting existing occupants</li> <li>• The proposed layout opens up the opportunity for further development on the north-west of the site, and sets a precedent for more houses in the future</li> <li>• Proposed materials inconsistent with the charcter of the village</li> <li>• A new pavement is recommended to serve the increased</li> </ul>

number of residents in the close and to access local facilities

- Recommend that suitable health and safety measures be put in place during the construction process and removal of topsoil

Eyres Close  
Residents  
Association

Detailed objections submitted - the following is summary only.

- The reference to starter homes has been removed, and the size of the homes has significantly increased
- The proposed design and materials are not in keeping, nor sympathetic with the surrounding properties
- Restriction of further extension / conversion of loft space etc should be secured by condition
- The proposed parking provision has a poor and unworkable relationship with the turning head in the close
- The orchard landscaping is welcomed but should be secured in any permission

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

4.1 [P16/S0984/LDE](#) - Approved (06/06/2016)

OPEN STORAGE OF TOPSOIL NOT EXCEEDING 4000 TONNES

[P15/S3649/O](#) - Refused (20/01/2016) - Approved on appeal (23/05/2016)

Outline application for removal of a stored topsoil mound to facilitate the 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).

[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/W0147](#) - Refused (12/05/1978) - Refused on appeal (06/03/1979)

ERECTION OF ONE DWELLINGHOUSE

[P78/W0131](#) - Approved (12/05/1978)

REVISION TO HOUSE ON PLOT NO. 1.

[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 (AONB)

CSQ3 - Design

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

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

T2 - Unloading, turning and parking for all highway users

5.2 South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

## 6.0 **PLANNING CONSIDERATIONS**

### 6.1 **Background to the development**

#### 6.1i **Outline application – 2015:**

In 2015 an outline planning application P15/S3649/O was submitted for:

*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.*

Although the application was refused by the Planning Committee on 20 January 2016, the proposal was considered by the Planning Inspectorate and allowed on appeal on 23 May 2016. With regard to contamination considerations relating to the site, a contamination questionnaire was made available to the Inspector, and a condition was added requiring further assessment prior to the development commencing.

It should be noted that 'outline permission' forms the first stage of the permission; the reserved matters are now before Members in this application.

The outline planning permission granted on appeal in May 2016 was subject to details of the access, appearance, landscaping, layout, and scale of the development (reserved matters) being approved within the three year period.

A number of conditions were added to the outline permission by the Inspector relating to landscaping levels, drainage, and contamination investigation and assessment. Details of which will also need to be submitted and agreed by the planning authority before any work commences. These details have to be agreed before the start of development, as a 'discharge of conditions' application.

#### 6.1ii **Lawful development application (storage of topsoil) – 2016:**

In 2016 a Lawful Development Certificate P16/S0984/LDE was applied for, to establish that the open storage of topsoil (not exceeding 4000 tonnes) on the site was lawful, and would not require planning permission. The use (for storage of topsoil) has become lawful under Section 191 of the Town and Country Planning Act 1990 (as amended) due to the passage of time, and the certificate was issued on 6<sup>th</sup> June 2016.

Although open air storage falls within the B8 use class, the description of the lawful use certificate specifically related to storage of topsoil, and not a wider B8 use.

#### 6.1iii **Removal of topsoil – August 2016:**

Beginning 15<sup>th</sup> August, work was carried out to remove the topsoil from the site, which resulted in the site levels being lowered to street level. The work to remove the topsoil was consistent with work that could be carried out under the current lawful use of the land, and did not require planning permission in its own right. Similarly, the work sits outside any development forming part of the outline or reserved matters application, and at this point in time there is no requirement for the conditions associated with the two dwellings to have been submitted and signed off.

6.2 The reserved matters being considered within this application are:

- Details of the access
- Appearance
- Landscaping, including landscaping levels
- Layout
- Scale of the development, including floor levels
- Additional matters

In addition to these matters, the applicant seeks to discharge the condition requiring landscaping levels, floor levels and drainage details (section 6.9).

6.3 **Details of the access**

6.3i The access arrangements are shown on revised plan DWG 221916A to connect to Eyres Close (opposite no's 2 and 4) and adjoining the turning head. Both access points include soakaway gulleys where they meet the highway to prevent surface water draining beyond the site. Subject to the access points being implemented in accordance with Oxfordshire County Council Highways Standards, these details have been approved by the Highway Officer.

6.3ii The South Oxfordshire Design Guide requires two on-site parking spaces to be provided for 2-bedroom properties with dimensions of at least 2.5m x 5m. Revised plans, as indicated on DWG 221916A, demonstrate that this can be achieved for both dwellings. The Highways Officer has had regard to their positioning within the site and in relation to the turning head, and is satisfied that they would not compromise highway safety. This is subject to the parking provision being in place prior to occupation, and designed to be permeable to avoid drainage onto the highway.

6.4 **Appearance**

6.4i In assessing the character and appearance of the proposed dwellings within the setting of the close, consideration should be given to paragraph 60 of the National Planning Policy framework states that:

*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*

6.4ii Taking account of the mix of residential styles, periods and domestic detailing seen across the village of Ewelme, and in the context of a village setting, the scale, design and materials of the proposed dwellings would not detract from the character or appearance of the residential area.

6.5 **Landscaping**

6.5i It should be noted that the footprint of the dwellings on the plan has not been updated to reflect the reserved matters scheme, but this does not prevent the landscaping being assessed and implemented, if considered acceptable.

6.5ii The landscaping scheme set out in DWG figure 4 Rev A has been assessed by the Tree Officer, who approved the details, subject to a condition requiring any of the proposed planting that fails within the first five years of planting to be replaced in accordance with the specification in the approved landscape layout.

6.5iii Notwithstanding the information in landscaping section of the Design and Access Statement which indicates that the trees and hedging along the northern boundary will be reduced to 3m in height, it is recommended that they remain at a height no lower than 4m to provide suitable screening along the rear boundary.

6.5iv As required by condition, landscaping levels have been provided on the landscaping plan, in the context of site levels shown on the Topographical survey. The heights of planting within the residential boundaries and the adjacent orchard are appropriate to the constraints of the site and as the landscaping matures across the site. Sufficient information has been provided to approve the condition.

6.6 **Layout**

6.6i The South Oxfordshire Design Guide requires 2-bedroom to have at least 50sqm of private amenity space available to occupants. The scheme includes a 2-bedroom dwelling and a 2-bedroom (plus box room). The layout of the site allows for 100sqm and 95sqm of private amenity space respectively, which meets the requirements.

6.6ii The layout of the site provides a separation distance of 23m to dwelling in Eyres Close, across the public highway, and 23m to The Views to the rear, which benefits from screening along the boundary.

6.7 **Scale of the development**

6.7i The outline application makes reference to the '*erection of two starter homes*' in the description of the proposal. To meet the requirements of the government Starter Home scheme, the starter home element must be secured through a legal agreement. In planning terms the 2-bedroom dwellings can be viewed as being suited to first-time buyers in a general sense but the proposal has not been formally secured as a Starter Home scheme. Although the benefits of smaller homes within the housing market was recognised during the appeal process, the approval was not dependent on a Starter home scheme being secured and implemented. The units have increased in footprint from the outline application, but as the principle of residential development on the site has been found to be acceptable at appeal, there is no planning policy requirement to restrict their size. In assessing the impact of the increase in their size officers have had due regard for impact on amenity, street scene character and relationship within the plot. The proposal would have no adverse impact on amenity or character and would not result in overdevelopment of the plot.

6.7ii As required by condition, details of the floor levels are required to understand the relationship between the proposed dwellings and the existing properties in Eyres Close. Details have been provided by the agent indicating that the ground floor level would be 78.25 AOD, plus 2.40m for the room height of the ground floor, and a 200 mm depth for construction of the first floor. The proposed first floor level will be 80.85 AOD. Given the ground level since removal of the topsoil and the data provided, this approach would result in first floor levels would be similar to the houses on the opposite side of Eyres Close. Sufficient information has been provided to demonstrate

that the scale and height of the floors and ridge height would not be overbearing or overly dominant with regard to neighbouring dwellings. The requirements of the condition have therefore been met.

**6.8 Other Conditions**

**6.8i Landscaping and floor levels – condition 4**

This condition has been considered in sections 6.5 and 6.7 – the detail has been approved.

**6.8ii Drainage details – condition 5**

Details of drainage were required by condition on the outline application. Details have been submitted in this application and have been considered by the council's drainage engineer. Sufficient information has been provided to meet the requirements of the condition, including foul and surface water drainage, confirmation of permeable driveway and parking areas, and the installation of driveway gulleys to prevent surface water draining onto the highway.

**6.8iii Contamination risk – condition 6**

A contamination questionnaire was made available to the appeal Inspector, and a condition was added. This does not form part of the reserved matters application but further details and a contamination assessment will be required before any of the development begins.

**7.0 CONCLUSION**

**7.1i** Your officers recommend that planning permission is granted for the reserved matters on the basis that:

The details of the access, appearance, landscaping, layout and scale have been provided in full and accord with the requirements of the relevant Development Plans policies. Sufficient detail has been submitted in respect of drainage and landscaping levels and floor levels to approve conditions 4 and 5 of the outline application.

**7.1ii** Subject to the recommended conditions, the proposal accords with the National Planning Policy Framework (2012) and National Planning Practice Guidance (2014), South Oxfordshire Core Strategy (2012), South Oxfordshire Local Plan (Saved policies, 2011) and the South Oxfordshire Design Guide (2008).

**8.0 RECOMMENDATION**

**8.1 To grant reserved matters approval, subject to the following conditions:**

- 1. Work to commence within two years.**
- 2. In accordance with approved plans and supporting documents.**
- 3. In accordance with landscaping plan.**
- 4. Contamination assessment.**
- 5. Construction - hours of working.**
- 6. Parking provision prior to occupation, and SuDs compliant.**
- 7. No surface water to drain to highway.**
- 8. Permitted development rights removed – extensions, outbuildings.**
- 9. Tree and hedge height on rear boundary to be no less than 4m.**

**Informative:**

- 1. Vehicular access in accordance with highway standards**

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