

APPLICATION NO.	P21/S2102/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	18.5.2021
PARISH	WARBOROUGH
WARD MEMBER(S)	Sue Cooper Andrea Powell
APPLICANT	Ben Richards
SITE	153 Thame Road, Warborough, OX10 7DD
PROPOSAL	Demolition of the existing single storey dwelling and replace with one detached dwelling and associated parking. (As amended by drawings received 16 June 2021).
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 all the material planning considerations and the development plan.
- 1.2 The application is referred to planning committee because the views of the parish council differ from your officer’s recommendation that the application should be approved.
- 1.3 The application site comprises a single storey dwelling with a forward projecting garage on Thame Road in Warborough. It has been extended to the side and rear with modest flat roof, single storey additions. It is rendered in white and adjoins the two storey 151 Thame Road and shares a boundary, populated with tall protected trees, with Greenways - 155 Thame Road. The site area is identified on the **attached** map extract at Appendix 1.
- 1.4 Planning permission to demolish the existing dwelling and replace it with an oak framed two storey detached dwelling was granted under application reference P14/S3842/FUL. The permission was not implemented and has consequently lapsed. The plans approved in that application were as follows;





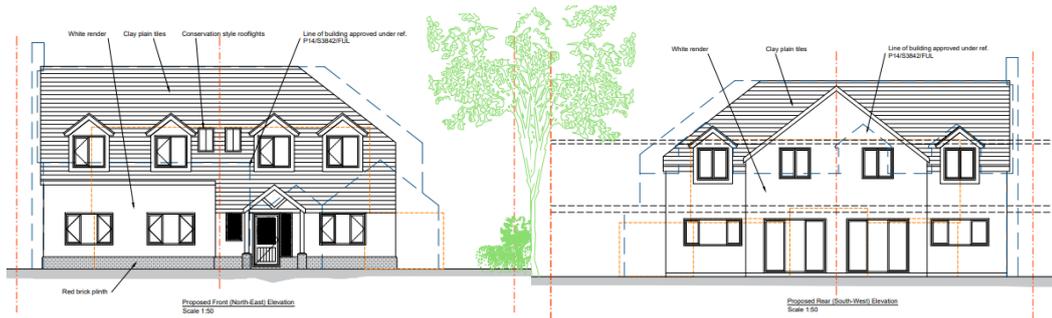
- 1.5 Planning permission was recently refused to demolish the existing dwelling and replace it with a building comprising one 3-bedroom dwelling and 4 bedroom dwelling. The development also would have created a second separate access on the highway for each unit. See layout and elevations below.



- 1.6 The reason for refusal read as follows;

1. The position of the building relative to the protected trees is such that the relationship between the nearest dwelling and trees would be very poor, threatening their retention and well being as a result of future pressure for significant tree works or their removal, which the council would find hard to resist given the relationship between the trees and the new dwelling. The loss or significant reduction of the trees would detract from the visual amenity of the area and the character and appearance of the Warborough Conservation Area and as such, the development conflicts with policies ENV1, ENV5 and ENV8 of the South Oxfordshire Local Plan 2035 and Policy H3 of the Warborough Neighbourhood Plan and BS 5837 2012 Trees in Relation to Design, Demolition and Construction.

- 1.7 This application seeks to revert back to a proposal for a single replacement dwelling as indicated below;



The blue dotted line on the above plans show the extent of the building that was approved in 2014.

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 Warborough Parish Council – Object to the application for the following reason;

- Due to the bulk of the building the development would damage the character of the Green Belt and Conservation Area.
- Root damage to the protected trees.
- Overlooking of neighbours to the rear.
- Increase risk of highway safety.

2.2 Third Party Representations – 3 x letters of objection covering the following issues;

- Loss of light due to height to 154 Thame Road.
- New access is not necessary.
- Overlooking of 155 Thame Road.
- Impact on protected trees.
- Loss of light to 151 Thame Road.

2.3 County Archaeological Services – No objection.

2.4 Conservation Officer – No objection subject to conditions.

2.5 Drainage - No objection subject to condition.

2.6 Forestry Officer – No objection subject to condition.

2.7 Highways Liaison Officer - No objection subject to conditions.

2.8 Building Control Manager – No objection to the energy statement.

3.0 RELEVANT PLANNING HISTORY

3.1 [P20/S3988/FUL](#) - Refused (04/05/2021) - Appeal Withdrawn (09/07/2021)

Demolition of the existing single storey dwelling and replace with two semi-detached dwellings and associated parking.

[P20/S1204/PEM](#) - Advice provided (19/05/2020)

Demolition of existing bungalow and construction of 2x new-build semi-detached dwellings.

[P17/S2448/DIS](#) - Approved (23/08/2017)

Discharge of conditions 3 (materials & 5 (Arboricultural Method Statement) on P14/S3842/FUL

[P17/S0379/FUL](#) - Approved (14/03/2017)

Removal of condition 4 on application ref. P14/S3842/FUL - Level 4 - Code for Sustainable Homes

[P14/S3842/FUL](#) - Approved (26/02/2015)

Demolition of existing Bungalow and garage and replacement with new Chalet Bungalow home and garage, along with new access to the highway from the property.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES10 - Carbon Reduction

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES8 - Promoting Sustainable Design

ENV1 - Landscape and Countryside

ENV5 - Green Infrastructure in New Developments

ENV8 - Conservation Areas

EP4 - Flood Risk

H16 - Backland and Infill Development and Redevelopment

H8 - Housing in the Smaller Villages

INF4 - Water Resources

STRAT1 - The Overall Strategy

STRAT6 - Green Belt

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan (WNP)**

Warborough Neighbourhood Plan policies;

VC1 - Village character.

H3 - Infill

H4 - Pedestrian links

H5 - Parking provision

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

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

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

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

- **The principle of the development in terms of housing policy.**
- **The principle of the development in terms of Green Belt policy.**
- **Impact on trees.**
- **Heritage impacts.**
- **Neighbour impact.**
- **Highway impact.**
- **Amenity space.**
- **Carbon reduction.**
- **Ecology.**
- **Drainage.**
- **Community Infrastructure Levy.**

6.3 **The principle of the development in terms of housing policy.**

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

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

Policy H8 relates to housing in Smaller villages – which would include Warborough. It states that the Council will support development within the Smaller Villages in accordance with Policy H16. Policy H16 of SOLP reflects the wider district commitment to infill development and states that within ‘Smaller’ and ‘Other’ villages development should be limited to infill and the redevelopment of previously developed land or buildings.

Policy H3 of the Warborough Neighbourhood Plan allows for infill development within the existing built form of the village subject to a series of criteria covering neighbour impact, highway and parking issues and natural features.

- 6.4 In this case, there is no growth in the number of dwellings in the village. The site is clearly within the built confines of the village with residential properties on all sides and proposes the replacement of a bungalow with one new dwelling. The proposal would in my view constitute redevelopment of previously developed land which is permitted by Policy H16.

I am satisfied that in the context of the local plan and neighbourhood plan and housing policy the proposal for one dwelling is acceptable in principle.

6.5 **The principle of the development in terms of Green Belt policy.**

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. This is set out in Section 13 of the advice from Central Government in the National Planning Policy Framework (NPPF).

The advice contained within the NPPF is filtered down on a more local level in the development plan specifically Policy STRAT6 of SOLP.

- 6.6 Paragraph 138 of the NPPF sets out the five purposes of the green belt;

- to check the unrestricted urban sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.7 In addition, there is a presumption against inappropriate development. Paragraph 147 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 requires that substantial weight should be given to any harm to the Green Belt. It goes on to say that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

Paragraph 149 advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt except for the following purposes;

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority

6.8 This development involves the replacement of a single dwelling.

The pertinent exception to consider for development in the Green Belt is in my view exception g)

This is on the basis that the new dwelling replaces an existing dwelling.

The new dwelling is larger than the one it replaces as it can be seen on the proposed plans. However, once demolished the gap that would be created would create the prospect of infill development within a village, for which there is not qualification for not having a greater impact on openness

Balancing the fact that the site is within a village where new dwellings can be erected, the impact on openness of a larger dwelling than the one being replaced is in my view limited.

I am satisfied that in terms of appropriateness and openness the proposed development is acceptable in the context of the Green Belt and accords with Policy STRAT 6 in my opinion.

6.9 **Impact on trees.**

Policy ENV1 of SOLP states that South Oxfordshire's landscape, countryside and rural areas will be protected 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.

Policy ENV5 of SOLP states that proposals should protect, conserve or enhance the district's Green Infrastructure and avoid the loss, fragmentation, severance or other negative impact on the function of Green Infrastructure and provide appropriate mitigation where there would be an adverse impact on Green Infrastructure.

Policy H3 of the neighbourhood plan relates to infill development subject to a number of criteria which includes the provision that where possible and appropriate, development should retain existing natural features.

6.10 The trees within this and adjacent sites are protected as they are located within the conservation area. There are some mature trees located within the site to the West, including 2 oak trees that make an important contribution to the character and appearance of the conservation area and have significant amenity value.

- 6.11 This scheme differs from the previously refused scheme as it is for a single dwelling whereas the refused scheme proposed a second dwelling which would be in close proximity to a protected tree and would likely have resulted in significant pressure to prune or remove the trees in the future given that close relationship.

This proposal is for a single dwelling which would benefit from a garden and relationship where it would not be dominated by the protected trees.

- 6.12 The applicant has submitted amended plans that have addressed the Tree Officer's original concern with this application which related to the position of the driveway and the delineating wall.

The proposed wall has been removed from the Root Protection Area (RPA) of Tree T13 and the edge of the driveway has now been amended to reduce surfacing in the RPA of Tree T12.

Based on the edge of the drive being located along the solid black line on the plan, there are no objections subject to a tree protection condition being attached which forms part of this recommendation and will ensure that the development complies with Policies ENV1, ENV5 of SOLP and H3 of the WNP.

- 6.13 **Heritage impact.**

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 by policy ENV8 of SOLP which relates to conservation areas.

More generally Policy DES1 of SOLP seeks to ensure that all new development is of a high-quality design subject to a series of criteria and Policy DES2 of SOLP states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and

complement the surroundings. This is also reflected in Policy VC1 of the neighbourhood plan.

- 6.14 The application site is situated within the Warborough Conservation Area. To the east is 151 Thame Road, an attractive house in local vernacular, formerly grade III listed and considered to be a non-designated heritage asset of local interest. Opposite the site, Nos. 54 and 56 Thame Road are grade II listed buildings as is the barn to the north-west.
- 6.15 The existing building is of no historic or architectural merit to make it worthy of retention and I have no objection to its demolition and replacement with a suitable new building. The existing building is a single storey building that stretches almost the full width of the plot with a forward projecting flat roofed garage building.
- 6.16 The proposed dwelling occupies a slightly larger footprint than the approved 2014 replacement dwelling. The proposed front elevation is reduced from the approved scheme with the removal of the front attached garage. To the rear, a gabled extension is proposed to the south-west that increases the footprint slightly overall. Good separation from neighbouring plot boundaries remains and is consistent with the pattern of surrounding development.
- 6.17 The proposed appearance of the new dwelling is two storey with first floor dormers, a tiled roof and a rendered facade with a half-hipped roof to the north-west gable and a pitched gable to the south-east. The massing of the building, the materials proposed and the details shown on the plans are consistent with the vernacular in Warborough; the building would sit comfortably in the street scene in my view.
- 6.18 Access to the site is as previously approved and set behind a stone boundary wall to the frontage. This is consistent with the character of this part of Thame Road and I am satisfied that this will not detract from the character of the area or harm its special interest.
- 6.19 Overall, the detailing of the proposed new dwellings and the boundary treatments to the frontage would certainly preserve the character and appearance of the Warborough Conservation Area and would be an improvement on the existing character of the site.
- 6.20 The development therefore accords with the development in this respect and in conjunction with conditions relating to materials and boundary treatments the proposal is acceptable in heritage terms.
- 6.21 **Neighbour impact.**
- Policy DES6 of SOLP relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, day light and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.
- 6.22 I have considered the height, scale and position of the new building relative to the adjoining properties. I have also considered the impact that the previously approved scheme had on nearby properties which the council found to be acceptable.

In my view the level of overlooking, and scale and bulk of the building is not materially different than the previously approved dwelling and does not create an unneighbourly impact or cause material harm in that respect.

I conclude that in terms of residential amenity the proposal accords with Policy DES6.

6.23 **Highway impact.**

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

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

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

Policy TRANS5 of SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas. It also requires the provision of facilities which support the take up of electrical and /or low emissions vehicles.

- 6.24 An additional vehicular access is proposed for the dwelling, given the location of the proposal the visibility splays are considered acceptable. The proposed access is the same arrangement that had been approved in the previous permission for a replacement dwelling.

The proposal has demonstrated sufficient parking so as to meet guidance.

The proposal is unlikely to have a significant adverse impact on the highway network.

- 6.25 In conjunction with conditions that require the new access to be constructed to OCC specifications, the vision splay be maintained, that materials from the driveway do not spill out on to the highway, that the parking areas are retained and that an electrical charging point is provided, the development will accord with Policy TRANS5.

6.26 **Amenity space.**

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

The South Oxfordshire Design Guide sets out the minimum areas based on the number of bedrooms and for 3+ bedrooms, 100 square metres should be provided.

An inability to provide the minimum amenity space and or parking provision can be an indicator that what is being proposed constitutes an over development of the site.

- 6.27 The garden area proposed exceeds the council's minimum standards. There is no significant reduction to the garden area from the existing situation. The garden size is comparable to nearby properties.

I am therefore satisfied that what is proposed is not an overdevelopment of the site.

6.28 **Carbon reduction.**

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

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

- 6.29 The application has been supported by a statement and has been assessed and demonstrates that the proposed building would amount to a 40% reduction in line with the requirements of the policy.

A condition is proposed that seeks a verification reports to be submitted to the council before the building is occupied.

6.30 **Ecology.**

Policy ENV3 of 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.

- 6.31 The application is supported by preliminary ecological appraisal (PEA) for bats. This has detailed that the existing dwelling has very low potential for roosting bats and no further surveys are required.

Subject to a planning condition being imposed requiring a bird boxes to be provided the development would accord with Policy ENV3.

6.32 **Drainage.**

Policy EP4 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 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.

- 6.33 The site is in Flood Zone 1. This is the lowest level of flood zone.

The Council's drainage engineers have considered the development in the context of both surface water and foul water drainage. They have no objections subject to two conditions which require details of schemes relating to these two matters to be submitted and approved prior to the commencement of development.

In conjunction with these conditions the proposal would accord with development plan policy.

6.34 **CIL**

The development is CIL liable to the amount of **£29,970.00**

7.0 **CONCLUSION**

7.1 The proposal involves the replacement of a dwelling within the built confines of the village. It is acceptable in the context of both housing and Green Belt policy.

The development does not cause harm to the conservation area, highway safety or materially harm the amenities of the occupants of nearby properties.

The impact on protected trees is acceptable when considered in the context of the required tree protection condition.

Overall in conjunction with the attached conditions the development accords with both neighbourhood plan and local plan policies.

8.0 **RECOMMENDATION**

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

Standard conditions

1. Commencement three years - Full Planning Permission
2. Approved plans

Pre-commencement conditions

3. Tree protection
4. Surface water drainage works (details required)

Conditions which require approval once development is above slab level

5. Boundary walls & fences
6. Schedule of Materials

Pre-occupation conditions

7. Energy Statement Verification
8. New vehicular access
9. Vision splay dimensions
10. Reduce Gravel Spread onto Highway
11. Parking & Manoeuvring Areas Retained

Compliance conditions

12. Electric charging point details
13. Bird Box

Author: Mr. P Bowers
E-mail : planning@southoxon.gov.uk
Contact No: 01235 422600