

APPLICATION NO.	P21/S3834/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	14.9.2021
PARISH	WHEATLEY
WARD MEMBER(S)	Alexandrine Kantor
APPLICANT	Mr and Mrs M Slaymaker
SITE	14 Elm Close, Wheatley, OX33 1UW
PROPOSAL	Erection of a detached, 2 bedroom bungalow (As amended by energy statement received 26 October and parking plans received 01 November 2021 and amplified by email received 8 December 2021).
OFFICER	Paul Bowers

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out the officer’s recommendation that the application should be granted planning permission having regard to the material planning considerations and the development plan.
- 1.2 The application is referred to planning committee as the recommendation to grant planning permission conflicts with the objection from the Wheatley parish council. In addition, the application was also called into planning committee at the request of the local ward member Councillor Kantor.
- 1.3 The application site comprises a linked detached single storey dwelling at the end of the cul de sac forming Elm Close within the village of Wheatley.
- Immediately to the south of the site is open countryside.
- A plan identifying the location of the site can be found at **Appendix 1**.
- 1.4 The application seeks full planning permission from the council to erect a detached, single storey dwelling comprising 2 bedrooms with associated garden and car parking to the side with the existing property at 14 Elm Close.
- 1.5 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 **Wheatley Parish Council** – Objects to the development for the following reasons;
- Over development of the site.
 - Agreed with the highway authority’s initial concern.
 - No details on contamination, tree protection or drainage.

Third Party Representations – No letters of objection received.

Drainage – No objection subject to a surface water drainage condition being added requiring details for approval prior to the development commencing.

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

Highways Liaison Officer – No objection subject to a condition seeking to ensure the parking and manoeuvring areas are retained as shown on the plans.

Contaminated Land – No objection subject to conditions which require details of investigative works and remediation to take place prior to the commencement of development.

Energy Assessor – No objection.

3.0 **RELEVANT PLANNING HISTORY**

3.1 None.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)

EP4 - Flood Risk

H1 - Delivering New Homes

H4 - Housing in the Larger Villages

INF4 - Water Resources

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

Wheatley Neighbourhood Plan (WNP) Policies;

H1 – Design and character principles

H2 – Landscape character

H4 – Infill and self-build dwellings

P1 – Parking provision

EN1 - Biodiversity

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.

In the case of this application South Oxfordshire Local Plan 2035 (SOLP) and the Wheatley Neighbourhood Plan (WNP) comprise the development plan and the policies within it must be considered in relation to the material considerations relevant to this proposal.

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.**
- **Neighbour impact.**
- **Impact on the character and appearance of the area.**
- **Amenity space.**
- **Parking and highway safety.**
- **Carbon reduction.**
- **Drainage.**
- **Ecology.**
- **Impact on trees.**
- **Community Infrastructure Levy.**

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

Policy STRAT1 of the South Oxfordshire Local Plan sets out the overall strategy for development in the district. The policy includes specific reference to focussing major new development in Science Vale and Didcot Garden Town. 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.

6.4 Policy H1 relates to delivering new homes. Paragraph H1 3 iii) states that development will be permitted provided that the residential development is within the existing built-up areas of Towns and Larger Villages as defined in the settlement hierarchy (shown in Appendix 7); provided that an important open space of public, environmental, historical or ecological value is not lost, nor an important public view harmed

6.5 Policy H4 of the WNP allows for infill development within the village.

6.6 Wheatley is defined as one of the Larger villages in the district as set out in Appendix 1 of SOLP.

Considering the position of the site in relation to the existing buildings and surrounding development, I am satisfied that the application site is contained within the built confines of the settlement.

6.7 The site does not comprise an important open space of public, environmental, historical or ecological value and it will not harm an important public view.

6.8 I am satisfied that the development accords with Policy H1 of SOLP and H4 of WNP.

The principle of the erection of a dwelling in this location is acceptable in principle.

6.9 **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.

6.10 The new building is single storey in height like the adjacent properties. It is unlikely to create issues of overlooking as any views are likely to be blocked by boundary fencing etc.

The dwelling will sit to the side of both numbers 14 and 12 Elm close. The relationship is such that in my view the new building will not cause material loss of light or overshadowing or become oppressive or overbearing to either property.

In your officers view the proposed development is not unneighbourly and accords with Policy DES6 of SOLP.

6.11 **Impact on the character and appearance of the area.**

Policy DES1 of SOLP seeks to ensure that all new development is of a high-quality design subject to a series of criteria.

Policy DES2 of SOLP requires 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.

Policy H1 of WNP supports development proposals, provided they complement, enhance and reinforce the local distinctiveness of the village and goes on to say that proposals must show clearly how the scale, mass, density, layout and design of the site, building or extension fits in with the character of the immediate area and wider context within the village.

6.12 The proposed building is single storey like the others in close proximity on Elm close.

The nearby properties are not identical in size or design and the addition of a smaller bungalow set back from the street frontage ensures that it will not be intrusive or out of keeping with the established character of the area.

In conjunction with a planning condition that requires details of the materials to be used on the new building your officers are satisfied that the proposed development will reflect the area is established character and surroundings and accord with Policies DES1 and DES2 of SOLP and H1 of the WNP.

6.13 **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 amount of private amenity space (i.e. rear garden) based on the number bedrooms. For 1 bedroom units they should be providing for 35 square metres, 50 square metres for two bedroom units and for 3 bedroom units and above 100 square metres.

The inability to provide these minimum standards can be an indication that what is being proposed is an overdevelopment of the site.

6.14 The proposed dwelling has 2 bedrooms and should therefore have no less than 50 square metres. The plans show that the new dwelling will achieve over 100 square metres. In addition, the existing dwelling will retain in excess of 100 square metres.

6.15 The two properties have adequate garden areas and as discussed below also provide for adequate parking provision. Given the space around the buildings in addition to meeting these minimum standards your officers are satisfied that the proposal does not result in an overdevelopment of the site and accords with Policy DES5 of SOLP.

6.16 **Parking and highway safety.**

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 seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas. It also requires that development provides for facilities to support the take up of electric and/or low emission vehicles.

Policy P1 of WNP states that new development proposals should provide off road parking to meet the County Council's car parking standards.

A revised site plan has been submitted to clarify points raised within the previous Highway Authority response.

Two parking spaces have been demonstrated for the proposed and for the existing unit, which meets parking guidance.

Given the characteristics of the carriageway, vehicular traffic and speeds are considered to be relatively low. The proposal is unlikely to have a significant adverse impact on the highway network and accords with Policies TRANS5 and P1.

6.17 **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.

6.18 An energy statement including SAP calculations and monitoring afterwards has been submitted and considered by the council's appointed assessor.

In conjunction with the proposed planning condition which seeks to ensure the measures have been carried out, the application is considered compliant with Policy DES10 of SOLP.

6.19 **Drainage.**

Policy INF4 requires that all 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.

6.20 The council's Drainage Engineer has considered the proposal, the submitted information and the site circumstances and has concluded that in relation to both surface water and foul water drainage the development will be acceptable and accord with Policy INF4 providing that a condition requiring details relating to surface water is attached to the planning permission.

6.21 **Ecology.**

Policy ENV3 of SOLP requires that development should not result in a net loss of biodiversity and should result in a net gain. This is also reflected in WNP Policy EN1.

6.22 This proposal results in the loss of some garden land. In ecological terms the impact is not likely to be significant. However, a condition is proposed to ensure the provision of a bird box on the new dwelling providing the net gain required by Policy ENV.3

6.23 **Impact on trees.**

Policy ENV1 of SOLP aims to protect South Oxfordshire's landscape, countryside and rural areas against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular trees (including individual trees, groups of trees and woodlands), hedgerows and field boundaries

6.24 There is an oak tree located to the East of the proposed dwelling. It is not the subject of a tree preservation order.

The proposed building is located at an appropriate distance from the tree. However, the ground within the root protection area (RPA) of this tree is currently much higher than the proposed foundation level and therefore a retaining structure such as wooden sleepers, similar to those already used to retain the levels behind the existing dwelling,

will be required to be installed to the East of the dwelling, to ensure that the levels in the RPA of this tree are retained as existing. This is achievable and the applicants have confirmed that they will undertake this. This is also secured through a condition requiring it to be installed and thereafter retained.

6.25 In addition, any drainage, such as a soakaway for the building will have to be constructed in the drive, to ensure the RPA of the oak is protected. Details relating to drainage and tree protection are proposed as part of this recommendation. Therefore, in conjunction with these conditions the proposal accords with Policy ENV1 of SOLP in my view.

6.26 **Community Infrastructure Levy.**

The development is CIL liable to the amount of £11, 7770.91.

7.0 **CONCLUSION**

7.1 The development provides for a single storey, two-bedroom property within one of the larger villages in the district and in a sustainable location. It provides for adequate levels of amenity space and parking both for the new dwelling and the existing. The juxtaposition of the new dwelling to the rear gardens of adjoining properties will create an impact on amenity but this is limited due to the single storey nature and height of the proposed building to the extent that it does not create material planning harm.

Overall, the proposal accords with the development in conjunction with the attached conditions.

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 : Schedule of Materials

4 : Tree Protection (General)

5 : Surface Water Drainage

6 : Contaminated Land - Linked Conditions (1)

7 : Contaminated Land - Linked Conditions (2)

Prior to occupation conditions -

8 : Parking & Manoeuvring Areas Retained

9 : Electric Vehicles Charging Point (implementation)

10 : Unsuspected Contaminated Land Condition

11 : Energy Statement Verification

12 : Ecology – Bird Box

13 : Tree protection – retaining structure

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