

APPLICATION NO.	P22/S2788/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	18.8.2022
PARISH	TIDDINGTON
WARD MEMBER(S)	Tim Bearder Georgina Heritage
APPLICANT	Messrs Hall & Raymond
SITE	Brimpton Grange Access To Hotel From A40 Milton Common, OX9 2JW
PROPOSAL	Erection of six detached dwellings, creation of vehicular and pedestrian access and associated infrastructure and works. (As amplified by additional energy information received 31 August 2022 and drainage information received 1 November 2022 and amended by revised site plan showing right of way received 6 January 2023 and amplified by ecological information submitted on the 23 January 2023)
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 the material planning considerations relevant to the development and the policies contained within the development plan.
- 1.2 The application site comprises the western corner of The Oxford Belfry - an established hotel within Milton Common just north of the M40 and west of Junction 7.
- 1.3 The existing grassed area is accessed via a timber 5 bar gate in a hedge line running through the site separating the grassed area from the rest of the hotel complex. A public footpath (FP13) runs along the hedge line and through the eastern portion of the site.
- 1.4 To the north east of the site are a group of caravans used for staff accommodation for the hotel.
- 1.5 A plan identifying the location of the site can be found at **Appendix 1** to this report.
- 1.6 Planning permission was first granted in 2016 under application reference P16/S3603/FUL and in an amended form in 2017 under application reference P17/S0921/FUL for the erection of four dwellings on this site. That permission has been implemented with the discharge of the pre-commencement conditions and the digging of trenches for foundations. The scheme for four

units can be built out at any time. The approved layout plan can be found at **Appendix 2**.

- 1.7 This is a material planning consideration in the context of this current application.
- 1.8 In 2018 a further application was submitted for the erection of 6 dwellings on a larger site area extending further into the site to the north east. That application was refused planning permission for the following reasons;
1. **The proposed development is not acceptable in that it does not accord with the growth strategy for the smaller villages in the district. Owing to its location and scale, the proposed development would urbanise the appearance of the site to the detriment of local character and visual amenities of the area and would result in future occupants relying on the use of private vehicles to access local facilities and services. The proposed development is not considered to be environmentally sustainable and would therefore result in an unsustainable form of development. As such the development fails to comply with national policy and guidance and policies CSEN1, CSS1, CSR1, CS1 and CSM1 of the South Oxfordshire Core Strategy, 2012, and saved policies G2, T1 and H4 of the South Oxfordshire Local Plan, 2011.**
 2. **Insufficient drainage information has been submitted to demonstrate that a sustainable drainage strategy is achievable in conflict with Policy CSQ2 of the South Oxfordshire Core Strategy and Policy EP6 of the South Oxfordshire Local Plan 2011 and Government Guidance within the National Planning Policy Framework.**
- 1.9 The application was considered at appeal and the appeal was dismissed on the 15 April 2019. The site plan and layout can be seen at **Appendix 3**.
- 1.10 This application seeks full planning permission from the council to erect 6 dwellings within the same application site area as the approved scheme for 4 units.
- 1.11 The scheme provides for 1 x 5 bed, 1 x 4 bed, 4 x 3 bed dwellings with associated parking and garden areas in a cul de sac design taking a vehicular access off the A40.

1.12 A comparison between the approved layout, the refused layout and the proposed layout can be found below;

P17/S0921/FUL – Approved and commenced development



P18/S2573/FUL – Refused development



Proposed development –



1.13 Reduced copies of the plans accompanying the application are attached at **Appendix 4** 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 **Tiddington Parish Council** – Recommend that the application is refused and express concern about the size of the properties not being in keeping with other properties on Old London Road and concerns about impact on the footpath and road access.

Great Milton Parish Council (Adjoining parish) – No comments to make.

Countryside Officer – Following receipt of the additional information no objection subject to a condition requiring confirmation that the applicant has entered into agreement with a biodiversity offsetting provider and that a method statement relating to Great Crested Newts.

Drainage – No objection subject to conditions in relation to a surface water drainage scheme being submitted and approved, a surface water management plan being submitted and approved and condition requiring evidence to show that the sustainable drainage system has been installed and completed.

Forestry Officer – No objection subject to conditions requiring tree protection and a scheme for landscaping to be submitted and approved.

Highways Liaison Officer (Oxfordshire County Council) – No objection but express concern about the sustainability of the site given the lack of services and the likely reliance on the private car. Recommend conditions relating to the new access and the retention of the parking and manoeuvring areas.

Oxfordshire Public Rights of Way – No objection subject to the footpath being kept free of obstructions, no route alterations and no use by traffic during construction.

SGN Plant Protection Team – Making the applicant aware of the position of services.

Energy Assessor – No objection subject to a condition that requires evidence to show the energy saving measures have been incorporated in to the design of the building.

Third Party Representations –

- Neighbour responses – 1 x letter of concern over whether the footpath would be closed or affected by the development.

- Nature Space Partnership – Concerns that the development does not have enough information concerning the ecological impacts of the development.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P20/S0632/DIS](#) - Approved (12/03/2020)

Discharge of conditions 3 - Schedule of Materials, 8 - Construction Traffic Management and 13 - Landscaping Scheme of application P17/S0921/FUL.

Revised Scheme for the Erection of Two Detached and Two Semi-Detached Houses.

[P19/S2764/DIS](#) - Approved (06/12/2019)

Discharge of condition 10 - Ecology on applications: P17/S0921/FUL and P17/S1067/FUL.

[P18/S2573/FUL](#) - Refused (03/10/2018) - Appeal dismissed (15/04/2019)

Construction of 4 Detached and 2 Semi-Detached Dwellings.(as amended by drawings accompanying email from Agent dated 11 September 2018).

[P17/S0921/FUL](#) - Approved (19/05/2017)

Revised Scheme for the Erection of Two Detached and Two Semi-Detached Houses. (As amplified by Great Crested Newt Survey dated 8 May 2017 received 9 May 2017)

related to: P16/S3018/FUL, P16/S3603/FUL and P17/S1067/FUL

[P16/S3603/FUL](#) - Approved (21/02/2017)

Erection of Two Detached and Two Semi-Detached Houses. (As amended by Drawing 002a accompanying e-mail from agent received 21 December 2016 and letter to Tiddington Parish Council relating to visibility).

related to: P16/S3018/FUL, P17/S0921/FUL and P17/S1067/FUL

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

DES4 - Masterplans for Allocated Sites and Major Development

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

H1 - Delivering New Homes

H16 - Backland and Infill Development and Redevelopment

INF4 - Water Resources

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

5.2 Neighbourhood Plan

The Tiddington with Albury Neighbourhood Plan was the subject of a referendum on the 4 May 2023. The electorate voted in favour of adopting the plan. The plan now carries full weight. It will be the subject of a future council meeting where members will vote on whether to make the plan part of the district wide development plan.

The relevant policies contained within the plan are as follows;

Policy TwA1 – Nature recovery

Policy TwA2 – Village boundaries and infill development

Policy TwA5 – Housing mix

Policy TwA10 – Traffic management and transport

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

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.

In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Local Plan 2035 (SOLP) and The Tiddington with Albury Neighbourhood Plan (TwANP).

6.2 The main issues that need to be considered in relation to this proposal are;

- **The principle of the development in terms of housing policy.**
- **Drainage and flooding.**
- **Impact on the character and appearance of the area.**
- **Neighbour impact.**
- **Impact on trees.**
- **Impact on ecology.**
- **Access, parking and Highway Safety.**
- **Amenity space.**

- **Drainage.**
- **Carbon reduction.**
- **Community Infrastructure Levy.**

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

Policy STRAT1 of the SOLP 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, Policy STRAT1 seeks to protect and enhance 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 of the SOLP relates to delivering new homes and states that the Development Plan contains a range of site types and sizes that will be developed with different time scales and that are dependent on different infrastructure. The Council has developed a detailed development trajectory (shown at Appendix 8 in the SOLP) that will provide the annual delivery targets for this plan period.

The Policy goes on to state at paragraph 3 iv) that residential development that is not allocated in the plan will only be permitted where it is infilling or on brownfield sites within Smaller and Other villages.

6.5 Policy H16 of the SOLP relates to infill development and states that within ‘Smaller’ and ‘Other’ villages, development will be limited to infill development and redevelopment of previously developed land or buildings.

Infill is defined in Policy H16 as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location.

6.6 Milton Common is defined in Appendix 7 – Settlement Hierarchy in the SOLP as an ‘Other Village’ – the lowest level of the four classifications, which are Towns, Larger Villages, Smaller Villages and Other Villages.

6.7 There is no specific policy in relation to housing in ‘Other Villages’ as there is for ‘Larger’ and ‘Smaller Villages’ – Policy H4 and H8 respectively.

However, paragraph 4.38 of the SOLP does make reference to ‘Other Villages’ and states the following;

It is not generally expected that those settlements classified as “Other Villages” will provide a significant source of housing supply, However, it is possible that some development proposals may come forward over the plan

period in these villages, such as single dwellings, infilling and conversions from other uses. Such proposals will be considered against the relevant policies in this Local Plan.

- 6.8 It can be taken from this that small scale infill development will be permitted in 'Other Villages'.
- 6.8i Policy TwA2 of the TwANP defines the village boundary. It states that infill development within the boundaries and outside of the Green Belt will be supported provided they accord with other policies within the plan. The supporting map to the policy shows the application site outside of the defined settlement boundary for Milton Common. Residential development on this site would conflict with the neighbourhood plan.
- 6.9 The local highway authority has expressed concern to the development on sustainability grounds in terms of the accessibility, services within the settlement and public transport access. Highway matters are dealt with separately later in this report, but it is prudent at this stage, when considering the principle, to consider their comments.
- 6.10 The local highway authority has provided comments on the proposal on the basis that the location of the site is unsustainable in transport terms because they consider that the accessibility of the site is poor with future residents being highly dependent upon carborne transport due to the lack of any public transport.

By way of background the local highway authorities' comments have regard to the county's Local Transport and Connectivity Plan (LTCP), which sets out the County Council's aims, policies and objectives for more sustainable travel across the County. Whilst the LTCP is a material consideration it does not form part of SODC's development plan, and planning applications in South Oxfordshire have to be decided in line with the SOLP and any relevant neighbourhood plan, unless there is a very good reason not to do so.

Whilst the local highway authorities comments are noted, their concerns do not align with the relevant housing policies set out within the council's development plan and having regard to these the principle of the proposed development is acceptable. Policy STRAT1 is consistent with the rural housing policy in the NPPF, which states at Paragraph 79, 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

I acknowledge the points being raised by the highway authority; however the council's development plan is clear that this is a settlement where some housing is permissible. It is important to note that their concerns do not constitute an objection from the highway authority and that they recognise

that the council as the local planning authority will need to consider their comments as part of determining the application.

- 6.11 The matter of sustainability was key to the consideration of planning application P18/S2573/FUL for 6 dwellings on the site (see refusal reason 1 in para 1.8). The appeal inspector in the concluding remarks of their decision dated the 15th of April 2019 stated the following;

“The proposal would not harm the character and appearance of the area. However, it would conflict with the development plan in terms of the location of a development of this scale..”

- 6.12 The appeal inspector also had regard to the fact that planning permission had already been granted for development on this site for four dwellings commenting as follows;

“Whilst the extant permission could be implemented, the development now proposed is larger and would, therefore, lead to more travel by private car. The scale of development exceeds that set out in the development plan as appropriate for this location. The previous planning permissions in the area are important material considerations, but as the extant permission is less harmful than the appeal scheme in terms of the scale of development, this fallback position is of limited weight in the planning balance against the first main issue.”

- 6.13 This application is also for six dwellings on the site and the previously refused application and the comments made by the appeal inspector in dismissing the appeal are material planning considerations in the assessment of this current proposal.

I give this significant weight in the planning balance.

- 6.14 It is necessary to consider the differences between the refused scheme for six dwellings and the proposed scheme for six dwellings.

The starting point for this consideration should begin with the development plan. In the context of the refused scheme that application was considered under the policies contained within the South Oxfordshire Core Strategy 2027 (SOCS) and the save policies contained within the South Oxfordshire Local Plan 2011 (SOLP).

- 6.15 Policy CSR1 of the SOCS related to housing within settlements and was permissive providing that it was infill development and dependant on the size of the village. The policy put a maximum figure on the number of units and/or the size of the overall site.

Milton Common was classified in Appendix 4 of the SOCS as an ‘Other’ village where Policy CSR1 allowed for development on sites of up to 0.1 hectares (the equivalent of 2-3 houses).

This site comprised 0.58 hectares and proposed 6 dwellings. As such the proposed development was considered to conflict with Policy CSR1 because it was larger than the Council would normally look to permit for infill development.

6.16 At the time of the consideration of the refused scheme for 6 dwellings the approved scheme for 4 dwellings had not commenced.

6.17 There is a clear difference between how housing development in ‘Other Villages’ was considered in the superseded South Oxfordshire Core Strategy and the current South Oxfordshire Local Plan. The SOCS restricted development to a site area and the number of units. The SOLP is not so prescriptive, it states that

“some development proposals may come forward over the plan period in these villages, such as single dwellings, infilling and conversions”

It is important to emphasise that proposals for single dwellings is separate to the issue of infilling. Whilst a single infill dwelling may very well be acceptable in an ‘Other Village’ it does not mean that only single dwellings will be acceptable in other villages, in my opinion.

However, it is clear that the overall emphasis of this paragraph is that in ‘Other Villages’ the amount of housing is envisaged to be of a small and limited scale.

6.17i The neighbourhood plan carries full weight in decision making and the application site is outside the settlement boundary in the NP. This means that for a new development proposal the principle of housing on this site would be unacceptable and contrary to the neighbourhood plan.

6.18 Overall, I give the differences between the previous development plan and the current development moderate weight in the planning balance.

6.19 Another material planning consideration to weigh in the planning balance is the fact that the development of the approved scheme for four dwellings on this site has commenced lawfully. It can be built out at any point without any further need for permission from the council and would create 4 dwellings within the settlement of Milton Common.

This is a fall-back position for the applicant, and I give this significant weight in the planning balance.

6.20 A comparison between the approved, refused and proposed schemes can be seen at paragraph 1.10 of this report. It shows that the refused scheme for the six units had a larger site area than the approved scheme for four. It also extended further into the site.

When comparing the approved and the current scheme it is important to emphasise that the site area is exactly the same. The difference between the two is the change in layout to accommodate two additional dwellings.

The fact that the proposed site area for six dwellings is smaller than the area shown for the previous scheme for six but the same as the scheme for four means that the overall impact of the development is less in terms of visual amenity and loss of vegetation.

The proposal also makes a better use of land than the approved scheme.

I give this moderate weight in the planning balance.

- 6.21 The approved layout of four dwellings provided a housing mix of 2 x 3 beds and 1 x 4 bed and 1 x 5 bedroom dwelling.

The proposed layout of six dwellings will provide for 1 x 5 bed, 1 x 4 bed, 4 x 3 beds.

- 6.22 The proposed development provides for two additional 3 bedroom dwellings over and above the approved four dwellings on the same site. When considered against the objectives of Policy H11 of the SOLP which seeks to secure a mix of dwelling types and sizes to meet the current and future households. The current housing mix evidence (the Oxfordshire Strategic Housing Market Assessment 2014 (SMHA)) found a shortfall in smaller units and recommended for most units to be 2 and 3 bedrooms.

In this case the development provides for 50% 3 bedroom dwellings and increases the number of 3 beds from the approved scheme.

I give this limited weight in the planning balance.

- 6.23 *Summary -*

A scheme for six dwellings has been refused on this site previously and was also dismissed at appeal. This carries significant weight and should influence how this current application is considered.

- 6.24 The previously refused scheme was determined under the SOCS and the site size limitations and number of dwellings set out in Policy CSR1 for an 'Other Village. Under the new SOLP there is no size or number of dwelling limit for 'Other Villages' however it is clear that only small scale infill development would be considered appropriate.

- 6.24i The site lies outside of the defined settlement boundary for Milton Common in the neighbourhood plan.

- 6.25 The permission for 4 dwellings has lawfully been commenced and can be built out. Development on this site will happen. The proposed development would provide for two additional dwellings over and above what has been permitted.
- 6.26 The scheme for 6 units previously refused was over a larger application site area. The current proposal is contained within the same area that will be developed for the erection of 4 dwellings.
- 6.27 The proposed development provides for two additional units of three bedroom properties for which there is an identified need.
- 6.28 *Conclusion –*
- The starting point for the consideration of this proposal is heavily weighted towards refusal having regard to the previously refused scheme for six dwellings and its subsequent dismissal at appeal.
- The appeal inspector had regard to the fact that development had been permitted on this site for four units. In the context of the development plan at that point in time the inspector concluded this was not a sustainable form of development and dismissed the appeal.
- 6.28i In addition, since the previously refused scheme the neighbourhood plan has progressed which would resist the development of this site for dwellings.
- 6.29 Since the appeal, however the approved scheme for four dwellings on this site has been implemented lawfully but has not been completed. There has also been a change in the development plan that has removed the prescriptive upper size limit of site area and number of dwellings for this classification of settlement.
- 6.30 The development site is smaller than the refused scheme and the new houses will be accommodated within the same area that has been permitted for four dwellings. Consequently, the overall visual impact of this development will be less than the previous scheme for six dwellings across what was a larger site.
- 6.31 The development, which will provide a net gain of two dwellings over and above what has already been permitted, will create two additional 3 bedroom units addressing an identified need within the district. All of which will be contained within an area that has already been allowed for residential development. This makes a better use of land when compared to the approved and refused schemes.
- 6.32 The dismissed appeal carries significant weight in the planning balance as does the neighbourhood plan however in my professional judgment the cumulative weighting given to the change in planning policy between the South Oxfordshire Core Strategy and the South Oxfordshire Local Plan, the better use of land, the fact that the development is contained with the same site areas as the permitted scheme, the reduced visual impact from the appeal scheme and an increase in the number of three bedroom units tips the balance in favour of granting

planning permission for two additional dwellings in terms of the acceptability of the principle of development.

6.33 Drainage and flooding.

Policy EP4 of the SOLP relates to matters of flooding and aims to reduce the risk of flooding by;

- 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 of the SOLP 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.

6.34 The second reason for refusal in 2018 (see para 1.8) for the previous scheme for six dwellings on the site related to a lack of information on how a sustainable drainage strategy would be achieved. This position was also upheld by the appeal inspector.

6.35 This matter has been the subject of significant discussion between the applicant's drainage specialist and the council's drainage engineers on the current application. It has resulted in additional information being submitted for consideration.

6.36 At the request of the council's drainage engineer the applicants have agreed to restrict the surface water discharge to the Thames Water sewer to an acceptable level.

In conjunction with the details that have been submitted and in addition to planning conditions that require the following;

- the applicant to provide a full surface water drainage scheme;
- a management strategy for surface water to be submitted before 75% of occupations can take place;
- a report showing how the development has complied with sustainable urban drainage principles

the council's drainage engineers confirm that they do not object.

The imposition and compliance with the conditions will ensure that the proposal will accord with the development plan in this regard.

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

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

Policy DES2 of the SOLP requires all new development to 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.

6.38 The layout of the current scheme differs from the approved scheme for four dwellings with access directly from the A40 rather than from within the adjoining hotel site. The built form on the site whilst increased in terms of the number of units is broken up in a more appropriate way especially having regard to the amount of building facing onto the A40.

6.39 Concern has been expressed by the parish council in relation to the height of the buildings which are three storeys high. For clarification, the second floor is contained within the roof space of the dwellings with rooms lit by traditionally sized dormer windows. Their overall height is commensurate with the average height of normal two storey dwellings.

6.40 There is no uniform standard of design, siting or appearance of dwellings within the settlement of Milton Common. Whilst the dwellings now proposed may differ from some of the other nearby properties there is a mixture and palette of both design and materials in the wider area such that this development will add to the variety, rather than detract from the character of the area.

6.41 When this design and layout of the site is considered against the scheme for 4 dwellings, I am satisfied that the proposed plans achieve the high quality that the policies require and compliment surrounding buildings rather than detract from them. The development will, in my view, comply with policies DES1 and DES2.

6.42 **Neighbour impact.**

Policy DES6 of the 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.

6.43 The most affected property by this development will be Fairview to the northwest which will be most impacted by Plots 1 and 6.

- 6.44 In terms of distance and orientation, the dwellings on the two plots have been sited in such a way that neither will cause a materially harmful or overbearing impact to Fairview in my view.
- 6.45 The Plot 1 and Plot 6 dwellings have been orientated such that the first-floor windows will provide oblique views across parts of the garden area of Fairview. The juxtaposition of the buildings and limited views over an established high boundary will not in my view create a materially harmful level of overlooking.
- 6.46 Plot 6 includes first floor windows in the side elevations which serve ensuite bathrooms and a secondary window for a bedroom. Without obscure glazing they would provide an unacceptable degree of overlooking of Plot 1 and Plot 5. A condition is recommended that requires these windows to be obscure glazed and fixed shut above 1.7 metres from floor level.
- 6.47 Overall, I am satisfied that the development will not be unneighbourly and in conjunction with the proposed condition will accord with Policy DES6.

6.48 **Impact on trees.**

Policy ENV1 of the 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.

- 6.49 The trees within this site are not protected by a tree preservation order or within a conservation area.
- 6.50 The Council's Tree Officer has considered the development and has no objection to the development. This is however subject to three conditions; the first a general tree protection condition to secure details of measures to protected retained trees, a hedge protection condition to secure hedge protection measures and then a landscaping condition to secure tree and hedge planting to soften the proposed development and help assimilate it in to its surroundings. In conjunction with these conditions the proposal will comply with the development plan.

6.51 **Impact on ecology.**

Policy ENV2 of the SOLP relates to biodiversity and designated sites, priority habitats and species. It states that development likely to result, either directly or indirectly to the loss, deterioration or harm to legally protected species will only be permitted will only be permitted if the need for, and benefits of the development in the proposed location outweigh the adverse effect on the interests; it can be demonstrated that it could not reasonably be located

on an alternative site that would result in less or no harm to the interests; and measures will be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate or as a last resort, compensate for the adverse effects resulting from development.

Policy ENV3 of the 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.

6.52 Habitats on the site comprise amenity grassland, hardstanding, hedge, some larger ruderals (plants growing on waste ground or among rubbish) and trees. A mound of earth and wood chip, taller ruderals are present to the south of the site. These habitats are not priority habitats and will not be a constraint to the proposals.

6.53 Great Crested Newts (GCN) receive special protection under UK law and it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations) to deliberately or recklessly, destroy or damage their habitat, or disturb, kill or harm them without first having obtained the relevant licence for derogation from the regulations from the Statutory Nature Conservation Organisation (SNCO) – Natural England.

There are five ponds within 200m of the site. The ecology report states that small areas of taller habitat and the site boundaries, represent suitable terrestrial habitat for great crested newts and surveys carried out in 2011 concluded that the GCN were present in one of the ponds although surveys in 2017 found none.

6.54 Because GCN (a protected and priority species) spend most of their life on land up to 500m from their breeding ponds there is a risk that the works might harm GCN. The application site is within the Naturespace GCN District Licence (GCNDL) Red Zone. It is very likely that GCN will be affected by the proposals.

6.55 A condition is proposed that requires a GCN method statement to be submitted and approved in writing by the council before further development takes place on site. This condition follows on from discussions with the council's ecologist and takes into account the fact that the permitted scheme has lawfully commenced

6.56 Additional information has been submitted to support this application. The Biodiversity Impact calculation has been undertaken using the small sites matrix. The results show that the development will lead to a likely net loss of biodiversity of 1.0541 habitat units (-72.40%). This would conflict with Policy ENV3 which requires a biodiversity net gain as a minimum.

However, this can be mitigated by a condition that requires a Biodiversity Offsetting Scheme, totalling a minimum of 1.0541 habitat units to be agreed in writing by the Local Planning Authority.

6.57 Overall, the ecological impact of the development can be mitigated by conditions relating to biodiversity offsetting, a GCN method statement, landscaping, and ecological enhancements and the development will accord with Policy ENV2 and ENV3 of the SOLP.

6.58 **Access, parking and Highway Safety.**

With respect to highway safety matters the advice from Central Government set out in paragraph 111 of the National Planning Policy Framework (NPPF) is as follows:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Policy TRANS5 of the SOLP requires that proposals for all types of development will, where appropriate amongst other things provide for a safe and convenient access for all users to the highway network and provide for the parking of vehicles in accordance Oxfordshire County Council parking standards, unless specific evidence is provided to justify otherwise.

6.59 The Highway Authority have not objected to the development. However, they have raised comments in relation to the sustainability of the site. Accessibility and sustainability have been addressed earlier in this report. This section deals with matters that relate solely to highway safety.

6.60 The Highway Authority did not object to the previous applications on this site for residential development.

6.61 The highways officer has no objection to the scheme in terms of the access onto the A40, the manoeuvring areas within the site and the amount of parking provided. These matters are considered acceptable, and the Highway Officer has suggested conditions should the application be approved. These conditions relate to the means of access on to the A40 being laid out to OCC specifications and the provision of parking and manoeuvring are being retained.

6.62 In conjunction with these conditions, I am satisfied that the development will not have an adverse impact on highway safety and it accords with Policy TRANS5 of the SOLP.

6.63 **Amenity space.**

Policy DES5 of the SOLP relates to outdoor amenity space and requires that a private outdoor garden or amenity area 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 JSVDG sets out the minimum standard based on the number of bedrooms. For 3 bedroom properties and above, at least 100 square metres

should be provided, for 2 bedrooms 50 square metres and for 1 bedroom 40 square metres.

An inability to provide the minimum amenity space and or parking provision can be an indicator of an over development of the site.

- 6.64 I have considered the plans and they demonstrate that each dwelling meets or exceeds the council's minimum standards. Each dwelling provides for adequate garden and parking areas.

Although this is an increase in built form over and above the approved scheme, each plot provides for an acceptable area that does not in my view appear cramped or overdeveloped. Further demonstrating that the scheme makes a better use of land than the scheme for four units.

6.65 **Carbon reduction.**

Policy DES10 of the SOLP 2035 requires proposals for new build dwellinghouses to achieve at least a 9% reduction in carbon emissions compared with 2022 Building Regulations compliant base case. This reduction is to be secured through renewable energy and other low carbon technologies and/ or energy efficiency measures. An energy statement must be submitted to demonstrate compliance with this policy for all new build residential developments. The energy statement must include SAP calculations and include details as to how the policy will be complied with and monitored.

- 6.66 The application includes an energy statement. It demonstrates that the proposed dwellings would amount to a percentage reduction in line with the requirements of the policy.

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

6.67 **CIL.**

The development is CIL liable to the amount of £217, 880.

7.0 **PLANNING BALANCE AND CONCLUSION**

- 7.1 The previously refused scheme for 6 dwellings on the site carries significant weight. Balanced against that is the approved and lawfully commenced scheme for 4 dwellings. In addition, there has been a change in the development plan and combined with the proposed 6 dwellings being on a smaller site than the refused scheme and the same site as the approved scheme for 4 in conjunction with a reduced visual impact and the additional units being three-bedroom, for which there is an identified need, the balance tips in favour of approval.

- 7.2 The previously refused scheme also related to insufficient detail in terms of the of drainage which have now been provided and can be controlled by conditions..
- 7.3 The design, scale, appearance, access and parking is considered acceptable and policy compliant.
- 7.4 The ecological impact of the development can be adequately mitigated through the conditions and a scheme to secure biodiversity offsetting.
- 7.5 On balance I am of the view that this proposal for two additional dwellings over and above the approved and commenced scheme for four dwellings is acceptable in planning terms.

8.0 RECOMMENDATION

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

8.1 Standard conditions -

1 : Commencement 3 years - Full Planning Permission

2 : Approved plans *

Pre-commencement conditions -

3 : Great Crested Newt Method Statement

4 : Landscaping Scheme (trees and shrubs only)

5 : Tree Protection (General)

6 : Protect hedges during development operations

7 : Biodiversity offsetting certificate

8 : Surface Water Drainage Scheme

9 : Surface Water management strategy

Prior to occupation conditions -

10 : SUDS Compliance report

11 : Energy Statement Verification

12 : New vehicular access

13 : Parking & Manoeuvring Areas Retained

14 : Electric Vehicles Charging Point (implementation)

Compliance conditions -

15 : Materials as on plan

16 : Obscure glazing - Plot 6

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