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| <b>APPLICATION NO.</b>  | <a href="#">P22/S2640/O</a>  |
| <b>APPLICATION TYPE</b> | OUTLINE  |
| <b>REGISTERED</b>       | 18.7.2022  |
| <b>PARISH</b>           | CULHAM   |
| <b>WARD MEMBER(S)</b>   | Sam Casey-Rerhaye  |
| <b>APPLICANT</b>        | Mr and Mrs M Gilbert-Smith   |
| <b>SITE</b>             | 15 Tollgate Road Culham, OX14 4NE  |
| <b>PROPOSAL</b>         | Erection of detached two-storey dwelling with parking and amenity space. (As amplified by additional contamination information received 27 March 2023 and amended by revised application form removing 'layout' from the proposal and making it a reserved matter) |
| <b>OFFICER</b>          | Paul Bowers  |

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**1.0 INTRODUCTION AND PROPOSAL**

1.1 This report sets out the officer's recommendation that the application should be approved having regard to the material planning considerations relevant to the development and application and the development plan.

1.2 The application is referred to planning committee because the views of the parish council conflict with the officer's recommendation that outline planning permissions should be granted.

1.3 The application site is located on the eastern side of Tollgate Road and to the southeast of the junction with the High Street.

It comprises the northern part of the established residential curtilage of 15 Tollgate Road which is a detached, two-storey dwelling located on the southern section of the wider site.

The site is located in Flood Zone 1.

A plan identifying the site can be found at [Appendix 1](#).

1.4 The application seeks outline planning permission for the erection of a two storey dwelling. Only the access is to be considered as part of this application. The elements of the proposal relating to appearance, landscaping, layout and scale are matters reserved for a later application.

The site plan accompanying the application shows the position of a dwelling in the site. The plan is indicative and suggestive of a possible way a dwelling might be accommodated on the plot.

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](http://www.southoxon.gov.uk) under the planning application reference number

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

**2.1 Culham Parish Council** – Object to the development for the following reasons;

- The proposal is to develop the area around Kiln Cottage which is designated as a local heritage asset in the neighbourhood plan.
- The proposal does not constitute infill development.

**Neighbour representations** – 4 x letters of objection covering the following issues;

- No evidence to suggest that the house meets the carbon neutral or passive house standard.
- Concern over the architectural features of the house.
- Concern over the siting of the house.
- Concern over flooding.
- Concern over the loss of trees and hedges.
- Concern over the impact of ecology.
- Should not be permitted due to the location in the Green Belt.
- Concern over the additional vehicle movements using the access.
- Loss of sunlight to nearby properties.
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**County Archaeological Services** – No objection.

**South and Vale Countryside Officer** – Requested confirmation of the water course and whether the siting of the dwelling will need to be revised and the need for a preliminary ecological assessment.

**Drainage** – No objection subject to conditions relating to surface water and foul water drainage schemes being submitted.

**Forestry Officer** – No objection subject to a condition relating to tree protection.

**Highways Liaison Officer** – No objection subject to a condition relating to the provision of detailed plan for car parking spaces.

**Contaminated Land** – No objection following the preliminary risk assessment being submitted and subject to conditions.

**3.0 RELEVANT PLANNING HISTORY**

**3.1** [P22/S0475/HH](#) - Approved (24/06/2022)

Demolition of existing garage building and erection of replacement garage with associated works. (As clarified by foundations information received 25 April 2022) for the ground level works and corrected Covering letter received 28 April 2022) (As further clarified by Culvert statement received 20 May 2022 in response to Drainage engineer comments)

[P15/S2797/HH](#) - Approved (12/10/2015)

Demolition of existing garage and erection of a single and two storey rear extension with a new front porch and external alterations.

[P14/S1243/HH](#) - Approved (18/06/2014)  
Erection of gates, piers and fencing.

[P12/S2231/HH](#) - Approved (08/11/2012)  
Formation of new vehicle access, closure of two existing vehicle accesses, erection of new boundary wall, gates and fencing. As amended by drawing no. P121-1-1A accompanying Agent's email dated 11 October 2011.

[P78/W0099/O](#) - Refused (11/04/1978) - Appeal dismissed (02/11/1978)  
ERECTION OF ONE DETACHED DWELLING WITH GARAGE.

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

ENV4 - Watercourses

ENV1 - Landscape and Countryside

ENV2 – Biodiversity – designated sites, priority habitats and species

ENV3 - Biodiversity

ENV4 – Watercourses

ENV6 – Historic environment

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

H1 - Delivering New Homes

H8 - Housing in the Smaller Villages

H16 - Backland and Infill Development and Redevelopment

INF4 - Water Resources

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

**Culham Neighbourhood Plan** policies;

CUL5 – Design Code for Culham

CUL6 – Local heritage assets

CUL7- Nature recovery and climate change

CUL8 – Sustainable travel

CUL9 – Zero carbon buildings

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.

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

6.2 This outline application includes the access as a fixed matter to be considered as part of this application. All other matters are reserved i.e. siting, appearance, landscaping, layout, scale. These will be the subject of a future reserved matters application. These are not issues that can be considered in the scope of this application. This application is limited to considering the principle of whether a dwelling can be accommodated on this site and the access.

6.3 There will be other material issues that are relevant to the erection of a dwelling on this land, but they will not be pertinent to this initial outline application. These are however listed below in their entirety and where they are not relevant or cannot be fully assessed at this stage it is noted in the following sections of this report;

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

**6.4 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 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.

The neighbourhood plan does not include any specific policies in relation to the provision of new housing.

**6.5 Culham is defined as 'Smaller Village' in the SOLP settlement hierarchy.**

Policy H8 of the SOLP relates to housing in 'Smaller Villages' and is permissive providing that the development accords with Policy H16 of the SOLP.

**6.6 As referred to at a paragraph 6.1 planning applications must be assessed in accordance with the development plan unless material planning considerations indicate otherwise. In this case a material planning consideration is the planning history of the site. It is of note that planning permission was refused for a dwelling on the site in 1978 and a subsequent appeal was dismissed.**

**6.7 Outline planning permission was refused in 1978 under application reference P78/W0099/O. The subsequent Appeal Inspector concluded that the appeal site was outside of the eastern limit of the village and so in an area where infilling would not be acceptable.**

**6.8 In considering this proposal I am mindful that this decision is some 45 years old. In that time the development plan for the district has changed several times. In addition, the understanding and definition of infill development and what can be considered within and outside of a village has been tested a number of times**

**6.9 In my view it is necessary to consider how the site appears both on plan and how it is experienced on the ground, today.**

**6.10 The site is located on the eastern side of the Tollgate Road. There are properties to the north and the existing house to the south.**

At the point of the access and the application site there are buildings on both sides of the road. In my view it feels like part of the village as opposed to a site that is separated and outside of a defined built-up area. In my view the site is located within the village.

6.11 Once it is established if a site is within a settlement, it is then necessary to consider whether the proposal falls within the definition of infill.

6.12 Infill is defined with the development plan 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.**

6.13 Directly north of the site is a dwelling, 14 Tollgate Road. On the opposite side of the road is a Thames Water pumping station and the outbuildings located within the rear garden with 1 and 2 High Street. To the south is the existing dwelling at 15 Tollgate Road.

There are buildings on three sides of the application site.

6.14 Previous planning decisions and appeal decisions have made it clear that to qualify as infill development, a site does not have to be enclosed on four sides and have found enclosure on three sides to be sufficient to qualify as infill. Looking at the circumstances of this site I am of the view that the proposal meets the criteria of 'closely surrounded by buildings' and qualifies as infill development.

6.15 I acknowledge and give weight to the appeal decision for a house on this site. However, I am of the view that due to the passage of time, the weight attributed to the current development plan and the more clearly defined definition of infill development, that these factors outweigh that decision.

6.16 In your officers view the principle of erecting a dwelling on the site accords with the housing policies within the development plan.

6.17 **The principle of the development in terms of the Green Belt.**

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.

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.

- 6.18 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

- 6.19 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

- 6.20 The pertinent exception to consider this development against would be exception **e) limited infilling in villages**.

As discussed above the site is located within the village. The NPPF does not define infill development and therefore in the absence of a national definition it is appropriate to fall back on the local definition with the development plan. As concluded above the proposal does qualify as infill development. Consequently, the proposal can be considered within exception **e)**. The proposal is not therefore inappropriate development in the Green Belt.

- 6.21 The 1978 appeal decision denotes that residential development is very strictly limited. However, the NPPF makes it clear that this is not the case, and that

infill development is not inappropriate and one of the exceptions to building in the Green Belt.

6.22 Overall, the development is acceptable in the context of both national local Green Belt policy.

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

Policy DES1 seeks to ensure that all new development is of a high quality design subject to a series of criteria and Policy DES2 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.

6.24 Policy CUL5 of the neighbourhood plan requires that development proposals in Culham will be supported provided they have full regard to the essential design considerations and general design principles set out in the Culham Design Code.

6.25 At this stage the council cannot make the full assessment of how the design, scale and materials of the dwelling will impact the wider area.

However, a view can be taken as to whether a dwelling on a plot of this size and in this position, would be in keeping or not with the established character.

6.26 The properties to the north and the south differ in their design and position. Within the scope of the size of the site it is possible, in my view, for a dwelling to be accommodated that will sit between these properties without appearing at odds or harmful to the established character of the area and would comply with the development plan.

This will be fully considered when the subsequent reserved matters application will be submitted with the fixed full details of the development.

**6.27 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



- 6.28 The Council's Tree Officer has considered the development and concluded that it would be important for a tree survey and arboricultural impact assessment (AIA) to be submitted as a part of a reserved matters application.

In accordance with ENV1, DES1 and DES2 of the adopted, the AIA would need to demonstrate trees of importance to the landscape would not be harmed. However, at this stage it is important to establish the protection of trees during construction and as such a condition is proposed to ensure compliance with the development plan.

6.29 **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.

- 6.30 In the scope of this application, it is not possible to make such an assessment. The scale, position and overall impact of the building on the neighbours is not known. This will however be a key consideration in a reserved matters application. However, looking at the size of the plot it is entirely possible in my view to achieve a development that would not be harmful to the amenities of the occupants of nearby properties.

6.31 **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 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.

- 6.32 The one element of this proposal that is fixed and can be considered at this stage is the access that will serve the new dwelling.

- 6.33 Vehicular access would be taken via the existing verge crossover to Tollgate Road. The access benefits from a good level of visibility, in excess of relevant guidance in both directions, and allows for simple manoeuvring to and from the major road.

6.34 An indicative parking and manoeuvring area is included with the application. Such an arrangement could accommodate an appropriate level of parking and manoeuvring away from the public highway. It is however necessary to ensure that this will be the case and a condition requiring a plan demonstrating the parking should be provided is recommended. This will ensure the compliance with Policy TRANS5.

6.35 **Amenity space.**

Policy DES5 of SOLP relates to outdoor amenity space and 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 Joint South and Vale 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 of over development of the site.

6.36 The number of bedrooms is not defined within the application. Assuming that the eventual development will be for 3+ bedrooms then the council need to be confident that the site can accommodate 100 square metres of garden area.

6.37 The layout of the site is not fixed but I consider that the site is large enough to provide for at least 100 square metres would be possible. The development will be able to comply with Policy DES5.

6.38 **Carbon reduction.**

Policy DES10 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 or a 9% reduction on the 2021 Building Regulations 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.

6.39 Policy CUL9 of the neighbourhood plan relates to zero carbon buildings and requires that new development proposals that would be 'zero carbon ready' and proposals for pasivhaus or equivalent standard will be supported.

6.40 At the outline stage where a fixed design of the building has not been created this cannot be demonstrated. This will however inform the final design that the council can consider in relation to Policy DES10 and CUL9.

A planning condition requiring an energy statement including SAP calculations is proposed as part of this outline permission to ensure compliance with Policy DES10 at the reserved matters application.

**6.41 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.

6.42 The council's Drainage Engineers have considered the development in the context of both surface water and foul water drainage. They have not objected and have requested planning conditions be imposed at this stage that requires details of a scheme for surface water and foul water drainage to be submitted to and approved in writing by the council before development commences.

**6.43 Ecology.**

Policy ENV2 of the SOLP seeks to protect ecological receptors (designated sites, protected species, priority habitats, etc.). Where adverse impacts are likely to occur, development must meet the criteria outlined under the policy.

Policy ENV3 of the SOLP seeks to secure net gains for biodiversity and requires that applications are supported by a biodiversity metric assessment. Net losses to biodiversity will not be supported.

Policy ENV4 of the SOLP seeks to protect the district's watercourses and requires new development to be buffered from watercourses by a minimum of 10 metres. Culverting of watercourses is not supported and opportunities to deculvert sites should be explored.

Policy CUL7 of the neighbourhood plan relates to nature recovery. The Parish contains a variety of green and blue infrastructure that provides an environmental support system for the community and wildlife. The Neighbourhood Plan designates this as a Network. Development proposals that lie within or adjoining the Network are required to have full regard maintaining

and improving the functionality of the Network, including delivering a net gain to biodiversity, in the design of their layouts and landscaping schemes

6.44 The Council's Ecologist has noted the possibility that a water course may be located on the site however the applicants agent has confirmed this to be a water feature. In any event as the layout is not fixed and the position of the dwellings not yet confirmed the full assessment will be made as part of any reserved matter application. The Ecologist has however recommended that a preliminary ecological appraisal is submitted and this is confirmed by way of a planning condition. Thereby ensuring as far as is possible at this stage the compliance with the development plan.

**6.45 Heritage impact.**

Policy CUL6 of the neighbourhood plan relates to local heritage assets and identifies the application property, referred to in the neighbourhood plan as Kiln Cottage, as a non designated heritage asset.

6.44 Policy ENV6 of SOLP states that non-designated heritage assets, where identified through local neighbourhood plan-making, Conservation Area Appraisal or review or through the planning application process, will be recognised as heritage assets in accordance with national guidance and any local criteria. Development proposals that directly or indirectly affect the significance of a non-designated heritage asset will be determined with regard to the scale of any harm or loss and the significance of the asset.

6.45 The proposal does not include any works to the asset itself, rather the change of use of land within its setting for the erection of a separate dwelling.

The existing building will remain in its own well defined, generous plot following the erection of a new dwelling and the consequential sub division of the site. The distance between the location of the dwelling (wherever that maybe within the site area) is, in my view sufficient to mitigate any harmful impact to the setting of the asset. The subsequent design and scale of the building will be assessed in a future application as to these aspects of the development will affect its setting.

**6.45 Contamination.**

Policy ENV11 of SOLP relates to contamination and states that development proposals should be appropriate to their location and should be designed to ensure that the occupiers of a new development will not be subject to individual and/or cumulative adverse effect(s) of pollution. Proposals will need to avoid or provide details of proposed mitigation methods to protect occupiers of a new development from the adverse impact(s) of pollution.

6.46 The applicants have provided a Preliminary Risk Assessment . The Council's Contaminated Land Officer has considered its contents and concluded that the

content of the report satisfactorily addresses the requirements for submission of a Phase 1 contaminated land preliminary risk assessment.

6.47 Potential sources for land contamination have been identified which could present a significant risk to the proposed development. These include the former on site historical brick and lime works made ground associated with previous building or terrain profiling and adjacent sand pit and clay pit potentially contaminated with waste material. Intrusive investigations have been recommended in the above report to characterise any contamination and substantiate any risk to the proposed use.

6.48 To ensure that any contaminated land risks are addressed it is recommended that any planning permission should be subject to contaminated land conditions. In conjunction with the recommended conditions the proposal will comply with Policy ENV11.

**6.43 Community Infrastructure Levy.**

CIL will be liable for this development. This is based on floor space which at this outline stage we do not know. CIL will be payable on commencement and a liability notice would be issued with the subsequent reserved matters application that fixes the floor space.

**7.0 CONCLUSION**

7.1 The outline proposals show a development with all matters but access reserved for later consideration within an existing settlement that falls within the definition of infill development and is acceptable in the context of housing policy and Green Belt policy. Within the scope of this application the proposal accords with development plan.

**8.0 RECOMMENDATION**

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

**8.2 Standard conditions –**

**1 : Commencement - Outline with Reserved Matters**

**2 : Approved plans \***

**Prior to commencement conditions –**

**3 : Tree protection - detailed**

**4 : Surface water drainage works (details required)**

**5 : Foul Water Drainage**

**6 : Contaminated Land - Linked Conditions (1)**

**7 : Plan of Car Parking Provision (unspecified number of spaces)**

**Prior to occupation conditions -**

**8 : Contaminated Land - Linked Conditions (2)**

**9 : Electric charging point details**

**Compliance conditions -**

**10 : Unsuspected Contaminated Land Condition**

**11 : Energy Statement**

**12 : Preliminary Ecological Assessment**

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