

APPLICATION NO.	P23/S1578/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	15.5.2023
PARISH	WATERPERRY
WARD MEMBER(S)	Tim Bearder
APPLICANT	The School of Philosophy and Economic Science
SITE	Land to the north of nos 1 & 2 Spinney Cottages Waterperry Estate Waterperry, OX33 1JY
PROPOSAL	Development of land to the north of nos 1 & 2 Spinney Cottages into two 3-bedroom, semi-detached houses. (As amplified by energy statement and supporting information and amended by drawings showing air source heat pumps received 27 June 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 is referred to planning committee because the views of the Waterperry Parish Council conflict with the officers recommendation that planning permission should be granted.
- 1.3 The site is located within the built-up limits of Waterperry and it currently forms part of the garden belonging to 1 Spinney Cottages. A stone wall marks the front boundary of the site. The site lies within the Oxford Green Belt and an area of archaeological constraint. There are a number of listed buildings in the surrounding area including No’s 27, 28 and 29 Waterperry on the opposite side of the road.
- 1.4 A plan identifying the location of the site can be found at **Appendix 1** to this report.
- 1.5 Planning permission was granted under application reference P15/S4315/FUL in 2016 for a single, detached house on the site with parking.

Planning permission was also granted later in 2016 under application reference P16/S1878/FUL for a pair of semi-detached properties on the site as an alternative to the single dwelling.

Following the expiration of the permission for a pair of semi-detached properties a further application was submitted under planning application

P19/S4051/FUL for an identical scheme and again granted planning permission. That permission was not implemented and has now expired.

The decisions on the 2016 and 2019 applications were delegated to the Head of Planning. This was on the basis that the parish council did not object.

- 1.6 This application again seeks planning permission for a near identical scheme to the two previously approved applications for a pair of semi-detached houses on the site.

The scheme was amended to include an energy statement and the plans altered slightly to show an air source heat pump for each dwelling.

- 1.7 A direct comparison showing the similarities between what has been approved and what is proposed is shown below;

Approved P16/S1878/FUL and P19/S4051/FUL -



Proposed plans –



1.8 Reduced copies of the plans accompanying the application are attached at **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 **Waterperry Parish Council** – Object to the development for the following reasons;

- The application should not be considered in isolation and should be considered against a more comprehensive development plan for the Waterperry Estate.
- Fellowship of the School of Philosophy and Economic Science, have a history of piecemeal planning applications.
- In determining an earlier planning application, P18/S4154/HH, one of the key principles that SODC relied on in refusing the proposed development was that existing spaces within the village provided definition as to the built-up limits of Waterperry. It is the Parish Council's view that the space being considered for this development should be considered in the same way.
- The site is not within the village and therefore is inappropriate development in the Green Belt.
- Concern about on street parking.

Neighbour Responses –

2 x letters of objection covering the following issues;

- Infill development should be resisted.
- Poor design.
- Concern about the amount of parking on the frontages
- Reduction in privacy to adjoining properties.
- Concern over highway safety from the access.
- Risk of flooding.
- No services in the village.
- Loss of trees.
- The fact that the previous permissions have not been implemented demonstrates no need for the development.
- The houses should have a horticultural occupancy restriction.

1 x letter to the revised plans

- Concern that the conservatories increase impact to neighbours.

OCC - County Archaeological Services – No objection subject to conditions in relation to investigation and recording.

OCC Highways Liaison Officer – No objection subject to conditions.

Drainage – No objection subject to conditions.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P19/S4051/FUL](#) - Approved (02/01/2020)

Development of site adjacent entrance to Waterperry Estate into two new 3-bedroom semi-detached houses. This scheme is the same as that which was granted planning permission (P16/S1878/FUL) and similar to planning permission P15/S4315/FUL which was granted for the construction of a new detached house of the same volume.

[P16/S1878/FUL](#) - Approved (27/09/2016)

Conversion of proposed new 5-bedroom detached house into two 3-bedroom semi-detached houses. (Planning permission P15/S4315/FUL was granted for the construction of a new detached house). As amended by revised plans received on 09 August 2016 showing an increase in the number of off-road parking spaces and the omission of two first floor openings in the north elevation.

[P15/S4315/FUL](#) - Approved (09/03/2016)

New detached 5-bedroom house sited to the north west of Spinney Cottages at the entrance to Waterperry Estate. As amended by revised plans received on 5 February 2016 showing proposed revisions to existing front boundary wall. As clarified by Agent's e-mail dated 16 February 2016.

[P14/S1877/FUL](#) - Approved (15/08/2014)

Conversion of 'No 2 Spinney Cottages' from a 3-bedroom family unit to two self-contained 1-bedroom flats.

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:

STRAT1 - The Overall Strategy

STRAT6 - Green Belt

H1 - Delivering New Homes

H16 - Backland and Infill Development and Redevelopment

DES1 - Delivering High Quality Development

DES10 - Carbon Reduction

DES2 - Enhancing Local Character

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

ENV6 - Historic Environment

ENV9 - Archaeology and Scheduled Monuments

EP4 - Flood Risk

INF4 - Water Resources

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

Waterperry Parish Council are not progressing a neighbourhood plan at this time.

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.

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

- **The principle of development in terms of housing policy.**
- **The principle of development in terms of Green Belt Policy.**
- **Design and scale.**
- **Setting of listed buildings.**
- **Parking and access.**
- **Neighbour impact.**
- **Amenity space.**
- **Archaeology.**
- **Drainage.**
- **Ecology.**
- **Carbon reduction.**
- **CIL.**

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 Waterperry 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.
- 6.6 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.*

(Authors highlight)

- 6.7 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.

- 6.8 The site is located within the village and is an existing gap between buildings fronting on to a road. In your officer’s view this constitutes infill development. This approach has been accepted in the two previous planning permission for two dwellings on this site.
- 6.9 The principle of development has been previously accepted and remains acceptable in the context of housing policies within the development plan.

6.10 **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.

6.11 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

6.12 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.

- 6.13 As discussed in paragraph 6.8 the proposal falls within the definition of infill development in line with the councils' previous decisions. The development does not therefore constitute inappropriate development and is acceptable in the context of both national and local Green Belt policy.

6.14 Setting of listed buildings.

Paragraph 206 of the NPPF requires local planning authorities to look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

This is followed through into the development plan by Policies ENV6 and ENV7 of the SOLP

- 6.15 There are listed buildings opposite the site on the other side of the road to the application site some 22 metres away. They are a group of closely knit cottages which are read visually as a group. They are seen in their own setting and are not read in conjunction with the buildings on the opposite side of the road which are of a different appearance and character.

The impact of the development on their setting would be no greater than the previous schemes which were permitted. The development remains compliant with the heritage policies within the development plan.

6.16 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.

- 6.17 The relationship to the neighbouring properties is the same as that approved in 2016 and 2019. It is a typical side to side relationship seen widely across the district.

The properties each have a side first floor window which serve bathrooms and therefore can be obscured glazed and secured through a condition.

The sustainable measures to bring the development in line with Policy DES10 include the provision of an air source heat pump (ASHP) for each dwelling. A condition is proposed to ensure that the noise generated from the ASHPs will not cause an unneighbourly impact.

Your officers satisfied that the proposal accords with Policy DES6 of SOLP.

6.18 Amenity Space.

Policy DES5 of the 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 Joint South and Vale 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 40 square metres, 50 square metres for two bedroom units and for 3 bedroom units and above 100 square metres.

The distance from the rear of the building to the rear boundary should be at least 10 metres.

The inability to provide these minimum standards can be an indication of overdevelopment of the site.

- 6.19 The two properties demonstrate garden areas that are more than the councils' minimum standards. The properties do not appear cramped or out of keeping and are in accordance with Policy DES5 of SOLP and Design Guide.

6.20 Archaeology.

Policy ENV9 of the SOLP relates to archaeology. It states that applicants will be expected to undertake an assessment of appropriate detail to determine whether the development site is known to, or is likely to, contain archaeological remains. Proposals must show the development proposals have had regard to any such remains.

- 6.21 The site is located in an area of archaeological potential within the historic core of the settlement. The ruins of a possible medieval building are located 60m south of the application site, consisting of the Gable end of a demolished building. It has a pointed Gothic arch doorway which may be of medieval date although the rest of the remains appear to be C18th. Saxon and medieval remains were recorded during development at Waterperry House itself, 180m SE.

There is also a C17th listed building 60m to the west of the application. It is therefore possible that this development could encounter archaeological

deposits related to the development of the settlement, therefore the county archaeologist has recommended that a staged programme of archaeological investigation should be maintained during the period of construction. This can be ensured by condition and would ensure compliance with Policy ENV9 of the SOLP.

6.22 Drainage.

Policy EP4 of the SOLP 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 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.

6.23 The site lies within Flood Zone 1 but the front of the site is shown to be at risk from surface water flooding.

The drainage officer has no objections subject to conditions on surface water and foul drainage being imposed. This will ensure compliance with the policies.

6.24 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.

6.25 There are no recorded protected species on the site and this is not an issue that raised any concerns in the previous applications for development on the site.

A proposed landscaping scheme will ensure that through additional planting an overall biodiversity net gain can be ensured through this new planning permission.

6.26 Carbon reduction.

Policy DES10 of the SOLP states that planning permission will only be granted for new build residential development that achieves a 9% reduction in carbon emissions compared with 2022 Building Regulations compliant base and that this reduction is to be secured through renewable energy and other low carbon technologies.

- 6.27 An energy statement including SAP calculations has been submitted in support of the application. It demonstrates that the design of the two dwellings would exceed 10% reduction in carbon emissions compared to the 2022 Building Regulations. To assist in achieving that air source heat pumps have been included in addition to solar panels.

In conjunction with a planning condition which would seek to ensure the measures have been carried out, the application would be compliant with Policy DES10 of the SOLP.

- 6.28 It should be noted that the requirement set out in Policy DES10 came in with the adoption of the local plan in 2020 after the most recent planning permission was granted. Consequently, the proposed dwellings will be of a more sustainable construction than the two previous unimplemented planning permissions.

6.29 CIL

The development is CIL liable to the amount of £61,880.00.

7.0 CONCLUSION

- 7.1 Planning permission has been granted for a near identical scheme on this site on two separate occasions in 2016 and 2020. Neither the circumstances of the site nor planning policy have changed significantly to materially change the planning assessment of this development or to justify refusing planning permission.

The proposal constitutes infill development and is acceptable in terms of housing and Green Belt policy.

The development does not materially harm the amenities of the occupants of nearby properties, the setting of heritage assets, ecology or highway safety and in conjunction with the proposed conditions will be acceptable in terms of drainage and archaeology.

The development will create two new dwellings that will be of a more sustainable design than would have been built had the previous permissions been implemented resulting in a planning gain through this new application.

8.0 **RECOMMENDATION**

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

8.2 **Standard Conditions -**

1 : Commencement 3 years - Full Planning Permission

2 : Approved plans *

Pre-commencement conditions -

3 : Archaeological Written Scheme of Investigation

4 : Archaeological evaluation and mitigation

5 : Surface water drainage works (details required)

6 : Foul drainage works (details required)

7 : Schedule of Materials

8 : Landscaping Scheme (trees and shrubs only)

Prior to occupation conditions -

9 : Energy Statement Verification

10 : New vehicular access

11: Parking & Manoeuvring Areas Retained

Compliance conditions -

12: Vision splay protection

13 : Obscure glazing

14 : Air source heat pump – certification

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