

<b>APPLICATION NO.</b>	<a href="#">P23/S1925/O</a>
<b>APPLICATION TYPE</b>	OUTLINE
<b>REGISTERED</b>	6.6.2023
<b>PARISH</b>	GARSINGTON
<b>WARD MEMBER(S)</b>	Sam James-Lawrie
<b>APPLICANT</b>	Mr Michael Sackey
<b>SITE</b>	81 Oxford Road Garsington, OX44 9AD
<b>PROPOSAL</b>	Outline application for subdivision of residential garden and erection of new dwelling (as amended by drwgnos 002a and 004 to provide access details received on 04/07/23) .
<b>OFFICER</b>	Will Darlison

**1.0 INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out the officer’s recommendation that outline planning permission should be granted having regard to the material planning considerations and the development plan.
- 1.2 The application is referred to planning committee because the recommendation of approval conflicts with the views of Garsington Parish Council.
- 1.3 81 Oxford Road is a detached two-storey unlisted dwelling set back and up from the road. It is located within the built-up limits of the village of Garsington.
- 1.4 The application site is washed over by the Oxford Green Belt but does not fall a conservation area.
- 1.5 A plan identifying the site can be found at **Appendix 1** to this report.
- 1.6 The application seeks outline planning permission for the erection of a 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 reserved matters application.
- 1.7 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.
- 1.8 The application has been amended over the course of the determination period to provide access details and amplified with the submission of a contaminated land questionnaire.
- 1.9 Reduced copies of the plans accompanying the application can be found at **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 **Garsington Parish Council – Objection**

- Please refer to neighbour comments from E McDowall and F Caldwell

**Drainage** – No objection subject to conditions

**Highways Liaison Officer (Oxfordshire County Council) – Holding Objection**

- No details have been given in terms of the visibility splays for the alterations to the existing access. It is considered that these splays are likely to be substandard. This would be a risk to highway safety.

Objection withdrawn upon submission of amended plans

- Following previous comments, the existing access is to be used for the proposed dwelling whilst a new access will be used for the existing dwelling.
- Turning and parking provision for the existing dwelling will need to be demonstrated for considerations, this however appears to be achievable within the curtilage of the site.
- Structural calculations for the new access required to ensure no subsidence onto the carriageway.
- Further details required for demonstrating the separation of the drive within the vicinity of the existing dwelling.

**Contaminated Land** – Holding objection

- Contaminated Land Questionnaire required

Objection withdrawn following submission of questionnaire, subject to contaminated land conditions

**Oxfordshire Public Rights of Way** – No response received

**Crime Prevention Design Adviser** – No response received

**Neighbour representations** - Neighbour objections x (3)

- Means of access cannot be appropriately secured. The new driveway into 81 would be unsafe and increase traffic volume into Oxford Road.
- The new access would undermine the structural stability of the existing retaining wall.
- Contravenes Oxfordshire Green Belt Policy.
- It does not relate to a specific housing need.
- Detrimental to tackling climate change by removal of existing mature trees.
- It would result in loss of amenity space to 81 by subdivision of the plot

- Loss of privacy for existing and future owners by overlooking from 81 into new dwelling.
- Increase vehicles on the existing plot by 3.
- 3 new vehicle parking spaces is excessive for a 2/3 bed bungalow.
- Forces existing vehicles from 81 to park on the main road.
- New driveway will require removal of mature trees.
- Light pollution from additional vehicle use at night.
- Increase in pollution from the movement of vehicles.
- Loss of privacy for 68 residents from car headlights shining into bedrooms.
- Loss of privacy to 75.
- Dominance and visual intrusion as the land behind 81 and 83 rises steeply so the new dwelling will sit on higher ground and look into my garden and will have visual contact with my first-floor bedroom windows.
- It would result in loss of wildlife habitat.
- The previous application (P04/W0088) included a condition stipulated a maximum of one dwelling on the site as per Policies G1, G9, GB2 and H4. There has been no change in local planning policy to support the proposals.
- Adequate planting under P04/W0088 (condition 8) was not carried out under Policies G1, G9, GB2 and H4.
- 3 parking spaces illustrated on the new dwelling suggests an intention to build a second storey in the future.
- The gap between the side of 81 and the east boundary is stated as 3.3-3.5 metres. This is incorrect it is 2.7 metres and is thus insufficient for safe vehicle access.
- Concern about encroachment of development beyond the site boundary onto a public footpath to accommodate the driveway.
- No parking layout for 81 provided.
- The driveway would cut across passenger waiting area for bus stop.
- The building referred to in the application is a garage, not a shed.
- The plot is not brownfield as stated on the application.
- The drawings do not show 68 and the impact on this property.
- There is insufficient access for safe emergency vehicle egress

Neighbour comments x (1)

- We would like to ensure that the current hedge and fence between the driveway and the public footpath remains in situ.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P23/S0744/PEM](#) - Advice provided (05/04/2023)

Erection of a new bungalow

[P04/W0088](#) - Approved (23/06/2004)

Demolition of existing bungalow and erection of two storey dwelling(as amended by drawing nos.0243/15E, 17E, 18E and 19E accompanying letter from Agent dated 27 March 2004.

[P52/M0077](#) - Approved (15/03/1952)  
BUNGALOW

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

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

5.2 **South Oxfordshire Local Plan 2035 (SOLP) Policies:**

DES1 – Delivering High Quality Development

DES2 – Enhancing Local Character

DES6 – Neighbour Amenity

DES8 – Promoting Sustainable Design

DES10 – Carbon Reduction

ENV1 – Landscape and Countryside

ENV3 – Biodiversity

ENV11 – Pollution (Receptors)

ENV12 – Pollution (Sources)

EP4 – Flood Risk

H1 - Delivering New Homes

H8 - Smaller villages

H16 – Infill Development

INF4 – Water Resources

STRAT1 – The Overall Strategy

STRAT6 – Green Belt

TRANS5 – Consideration of Development Proposals

5.3 **Supplementary Planning Guidance/Documents**

5.4 South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.5 **Other Relevant Legislation**

5.6 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.

5.7 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.

6.2 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.

- 6.3 Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.
- 6.4 This outline application includes the access as a fixed matter to be considered as part of this application. All other matters are reserved, such as 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.
- 6.5 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;
- **Principle of development.**
  - **Principle of the development in terms of the Green Belt.**
  - **Impact on neighbours.**
  - **Design, appearance and impact on the character of the area.**
  - **Impact on drainage.**
  - **Impact on trees.**
  - **Impact on ecology.**
  - **Impact on highway safety and parking.**
  - **Amenity space.**
  - **Carbon reduction.**
  - **Land contamination.**
  - **Other issues.**
- 6.6 **Principle of development.** The spatial strategy in Policy STRAT1 of SOLP establishes a settlement hierarchy where the amount and location of new housing is related to the availability of facilities and services in order to achieve a sustainable pattern of development. Policy H1 of SOLP also deals with the delivery of new homes, allowing new housing on allocated sites (including Neighbourhood Plan (NP) allocations). The relevant part of Policy H1 is as follows:
- 3. Residential development on sites not allocated in the Development Plan will only be permitted where:**
- iv) it is infilling, and brownfield sites within Smaller and Other Villages as defined in the settlement hierarchy; or**
- 6.7 Policy H8 of the SOLP goes on to specifically set out that for housing in smaller villages, such as Garsington, proposals will be supported as long as it is in accordance with Policy H16. That policy, as set out below, allows for backland development to be supported subject to complying with H16 (3)(iii).

## Policy H16: Backland and Infill Development and Redevelopment

1. **Within Smaller Villages and Other Villages, development should be limited to infill and the redevelopment of previously developed land or buildings.**
2. **Infill development is defined 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.**
3. **Where a proposal encompasses residential development of land behind an existing frontage or placing of further dwelling/s behind existing dwelling/s within the existing site, the proposals should demonstrate that:**
  - i) **the privacy of existing and future residents will be protected;**
  - ii) **means of access can be appropriately secured; and**
  - iii) **development would not extend the built limits of the settlement.**

6.8 Therefore, on the basis that the proposed location would be within Garsington and be situated between 81 and 89 Oxford Road, I consider that the development comprises infill and the principle of residential development is acceptable.

6.9 Neighbour objections have raised that a planning permission in 2004 set out via a condition that only one dwelling should occupy the site and that anything otherwise would be contrary to Policies: G1, GB2 and H4 of the local plan. Firstly, it must be stated that the planning policy landscape has changed significantly since 2004 with the introduction of the NPPF, neighbourhood planning and South Oxfordshire Local Plan 2035. Therefore, the policies quoted are no longer part of the development plan. Secondly, the condition being referred to related to specific onsite circumstances that existed at the time and was not intended to act as a moratorium for future proposals being put forward on the site.

6.10 **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. This is set out in Section 13 of the advice from Central Government in the National Planning Policy Framework and supported in Policy STRAT6 of the SOLP.

6.11 The five purposes of the green belt are;

- 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.

6.12 In addition, there is a general presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. 'Very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other circumstances.

6.13 The NPPF 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

6.14 The positioning of the proposal would mean that neighbouring dwellings would be located to the north, south and east. This spatial relationship within the village would in my view constitute limited infilling. It is therefore considered that the development would be appropriate in Green Belt terms and would comply with policy STRAT6 and H16 (3)(iii) of the SOLP and paragraph 149 of the NPPF.

- 6.15 **Impact on neighbours.** Policy DES6 of the SOLP sets out that development should demonstrate that there would not be significant adverse impacts on the amenity of neighbouring uses with respect to loss of light, dominance or visual intrusion, noise, emissions, pollution or external lighting.
- 6.16 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 appears possible in my view to achieve a development that would not be materially harmful to the amenities of the occupants of nearby properties.
- 6.17 The access element of the proposal however is being considered at this stage and neighbour objections have raised matters relating to harm to amenity from car head lights shining into habitable rooms as well as pollution from cars. These comments are noted but it is not considered that the volume of vehicle movements associated with a single dwelling would be to the extent to constitute material harm to amenity.
- 6.18 **Design, appearance and impact on the character of the area.** Policy DES1 of the SOLP states that all new development must be of a high-quality design with DES2 requiring 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.
- 6.19 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.
- 6.20 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.
- 6.21 Within the scope of the size of the site it is possible, in my view, for dwelling to be accommodated that will sit between the surrounding properties without appearing at odds or harmful to the established character of the area and would comply with the development plan.
- 6.22 This will be fully considered when the subsequent reserved matters application will be submitted with the fixed full details of the development.
- 6.23 **Impact on 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.



- 6.24 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.
- 6.25 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.
- 6.26 **Impact on trees.** Policy ENV1 relates to both landscape and countryside. It 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.
- 6.27 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 application site does not fall within a conservation area and according to our records there are no trees subject to a tree preservation order. Therefore, the trees on site do not benefit from a protected status. Trees do however contribute to the rural character of the area and it is important for a tree survey and arboricultural impact assessment (AIA) to be submitted as a part of a reserved matters application. It would also be at the reserved matters stage where landscaping of the site as a whole would be considered.
- 6.29 **Impact on ecology.** Policy ENV3 of the SOLP relates to biodiversity and states that development that will conserve, restore and enhance biodiversity in the district will be supported. All development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity. All proposals should be supported by evidence to demonstrate a biodiversity net gain using a recognised biodiversity accounting metric.
- 6.30 This will be fully considered when the subsequent reserved matters application will be submitted with the fixed full details of the development.
- 6.31 **Impact on highway safety and parking.** 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.

- 6.32 Policy TRANS5 seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.
- 6.33 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.
- 6.34 As amended the application proposes that the existing access onto Oxford Road is to be used for the proposed dwelling, whilst a new vehicular access is proposed for the existing dwelling. The Highway Liaison Officer at Oxfordshire County Council has reviewed the submitted amended information and confirmed that they have no objection on highway safety grounds subject to conditions being imposed. These would ensure the new access is constructed in accordance with the local highway authority specification, adequate vision splays are provided, turning and parking areas are provided, and no surface water drains to the highway.
- 6.35 Neighbour objections have raised that parking for 3 vehicles would be excessive from a 2/3 bed bungalow. The precise level of appropriate parking for the dwelling will be informed by the specifics that will be established as part of a reserved matters application and approved through the recommended parking condition. It is therefore not considered a legitimate reason at this stage to resist granting planning permission on the basis of what has been shown on the submitted plan.
- 6.36 Parking for 81 Oxford Road has been raised as a concern by neighbours. It is my view that the proposed new access to the existing house would allow for the retention of a more than adequate area of hardstanding to accommodate off-street parking in accordance with OCC standards. This however shall be secured through the recommended parking condition, which shall apply to not only the proposed dwelling but the existing one as well.
- 6.37 The width of the existing side vehicular access that leads to the garage, which is to become the access to the new dwelling has been challenged. It is asserted that the width is only 2.7 metres as opposed to the stated 3.3-3.5 metres on plan. No concerns with regards to the accuracy of the plan has been raised by the Highways Liaison Officer and as such the absence of an objection from the specialist officer the proposal is considered to comply with Policy TRANS5 of the SOLP.
- 6.38 **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.
- 6.39 The Joint South and Vale Design Guide sets out the minimum areas based on the number of bedrooms and for 2 bedrooms 50 square metres should be provided. For a property with 3+ bedroom it would be 100 square metres
- 6.40 An inability to provide the minimum amenity space and or parking provision can be an indicator of over development of the site.

- 6.41 The layout of the site is not fixed but I consider that the site is large enough to provide for at least 200 square metres for the new dwelling. The subdivision of the site also would leave the existing dwelling with adequate space with 235 square metres retained. The development will therefore in my opinion be able to comply with Policy DES5.
- 6.42 **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.
- 6.43 The policy also requires that an energy statement will be submitted to demonstrate compliance with this policy.
- 6.44 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.
- 6.45 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. In addition a condition shall be imposed requiring the installation of an electric vehicle charging point.
- 6.46 **Land 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.
- 6.47 The applicants have provided a Contaminated Land Questionnaire. The Council's Contaminated Land Officer has considered its content and confirmed that it sets out there are no potential sources of land contamination that could impact development. This caused concern for them as historical records indicate that land on or adjacent the application site was formerly quarried for clay. It is unknown if the clay pit was infilled and if so, what material was used. They recommend that in order to address this that a package of contaminated land condition be imposed to ensure that any risk from land contamination is fully addressed. This is in my view appropriate and ensures development would be compliant with development plan policy.
- 6.48 **Other issues.** 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 Officers recommend that outline planning permission is granted. 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, Green Belt policy and in terms of highway safety and parking. Within the scope of this application the proposal accords with the development plan.

**8.0 RECOMMENDATION**

**8.1 Outline Planning Permission**

**8.2 1 : Commencement - Outline Planning Permission**

**2 : Approved plans \***

**3 : New vehicular access \***

**4 : New Access – Structural Calculations**

**5 : Vision splay dimensions \***

**6 : Turning Area & Car Parking**

**7 : Cycle Parking Facilities**

**8 : No Surface Water Drainage to Highway**

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

**10 : Foul drainage works (details required)**

**11: Contaminated Land – Linked Conditions (1)**

**12 : Contaminated Land – Linked Conditions (2)**

**13 : Unsuspected Contaminated Land Condition**

**14 : Energy Statement**

**15 : Electric Vehicles Charging Point (implementation)**

**Author:** Will Darlison

**E-mail:** [will.darlison@southandvale.gov.uk](mailto:will.darlison@southandvale.gov.uk)

**Contact No.:** 01235 422600