

APPLICATION NO.	P23/S0767/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	13.3.2023
PARISH	STOKE ROW
WARD MEMBERS	Jo Robb James Norman
APPLICANT	Crest Estate Developments Ltd
SITE	Land to the east of Crest Estate Stoke Row
PROPOSAL	Erection of 2 new dwellings and double garage (site area extended, size, position and detail of dwellings adjusted, drainage repositioned as shown on amended plans and additional arboricultural report, ecology report and highways technical note and updated energy and planning statements received 14th July 2023 and ecological information updated as shown on amended landscape plan and supporting documents submitted 11th August 2023 and amended drainage details received 10th October 2023 and additional section received 17th November 2023).
OFFICER	Paul Lucas

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out the justification for officers' recommendation to grant planning permission having regard to the development plan and any other material planning considerations.
- 1.2 The application site is shown at **Appendix A**. It comprises 0.23 hectares of undeveloped land within the built-up area of the village of Stoke Row. The site is on the southern side of Main Street and is surrounded by buildings on the other three sides. The site's topography is uneven, where it generally falls away from Main Street to the south of the site, but also rises to the western end of the site. The site is lawned throughout with trees lining the eastern and northern boundaries. The site and the settlement are washed over by the Chilterns National Landscape (CNL) designation. The Environment Agency's flood maps also identify that the site is at risk from surface water flooding.
- 1.3 The application seeks full planning permission for the erection of 2 new dwellings and double garage, as shown on the current plans and supporting documents submitted with the application. The application was amended to address amenity, arboricultural, ecological, highway and drainage issues with the original submission.
- 1.4 Copies of the current plans are provided at **Appendix B** whilst other documentation associated with the application can be viewed on the Council's [website](#).

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Stoke Row Parish Council – Objects on the following material planning considerations:

Large gap – outside village built-up envelope – not infill.
Unsafe access – risk to highway and pedestrian safety.
Loss of 30mph road-calming sign.
Increased on-site flood risk and not addressing flooding on the highway.
Limited bus service makes site unsustainable.
Both houses should have a brick and flint finish.

South and Vale Countryside Officer – No objection subject to ecological mitigation and long term management plan conditions.

Drainage - (South&Vale) – No objection subject to surface and foul water drainage conditions.

Forestry Officer (South and Vale) – No objection subject to tree protection and landscaping conditions.

South -Highways Liaison Officer (Oxfordshire County Council) – No objection subject to access and parking conditions.

Energy Assessor (ESE Ltd) – No objection subject to verification condition.

Environmental Protection Team – No objection.

Third Parties – One representation of concern to the original plans relating to creation of ribbon development and increased flood risk.

These representations can be viewed in full on the council's [website](#).

3.0 RELEVANT PLANNING HISTORY

3.1 On the application site:

[P22/S1646/FUL](#) - Withdrawn (04/10/2022) – following officers' concerns about the visual impact of the development and objections from specialist consultees. Erection of two new dwellings with associated access and landscaping.

On the adjacent site to the west:

[P22/S3301/S73](#) - Approved (07/11/2022)
S73 application to vary conditions 2 (approved plans) - minor alterations to internal layouts and elevations & condition 7 (ecology mitigation) on application ref. P22/S0177/FUL

[P22/S0177/FUL](#) - Approved (17/03/2022)

Variation of condition 2 (approved plans) on application P21/S2371/FUL. Relocation of Plot 2 footprint 500mm further away from South Western boundary and minor ground floor side extension to living room of Plot 2. Provision of sliding/folding doors to living room rear elevation in lieu of French doors & side panels. Minor layout changes to internal ground floor layout & front parking layout.

[P21/S2371/FUL](#) - Approved (25/11/2021)

Proposed erection of two dwellings with new landscaping following the granted planning permission P18/S3286/FUL.

[P18/S3286/FUL](#) - Approved (04/03/2019)

Demolition of a derelict concrete block building and replacing it with a two storey 4-bedroom house.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Whilst located in a sensitive area, the proposal is not of a scale that would require an Environmental Statement.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development
DES2 - Enhancing Local Character
DES5 - Outdoor Amenity Space
DES6 - Residential Amenity
DES7 - Efficient Use of Resources
DES8 - Promoting Sustainable Design
DES10 - Carbon Reduction
ENV1 - Landscape and Countryside
ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
ENV3 - Biodiversity
EP3 - Waste collection and Recycling
EP4 - Flood Risk
H1 - Delivering New Homes
H11 - Housing Mix
H16 - Backland and Infill Development and Redevelopment
INF4 - Water Resources
STRAT1 - The Overall Strategy
STRAT5 - Residential Densities
TRANS2 - Promoting Sustainable Transport and Accessibility
TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan - None**

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022
Chilterns Buildings Design Guide – Chapter 3

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 The relevant planning considerations are the following:

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Flood risk**
- **Other material planning considerations**

6.2 Principle of development

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. The development plan in respect of this site currently comprises the South Oxfordshire Local Plan 2035 (SOLP 2035). The SOLP 2035 Policy STRAT1 sets out the overall strategy for the district. It seeks to focus major new development at the growth point of Didcot with Henley, Thame and Wallingford also being a focus for development and regeneration.

6.3 The SOLP 2035 Policy H16 states that within smaller villages and other villages, development should be limited to infill and the redevelopment of previously developed land or buildings. Appendix 7 of the SOLP 2035 classifies Stoke Row as a “smaller village”. Policy H16 Criterion 1 explains that “development should be limited to infill and the redevelopment of previously developed land”. Criterion 2 states that “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” and that “the scale of infill should be appropriate to its location. “Criterion 3 supports redevelopment of previously developed land within settlements.

6.4 Officers consider that the proposal would fall within the infill definition of Policy H16. This is because the site lies within the built-up area of the settlement and is closely surrounded by buildings on three sides. Officers also consider the introduction of two dwellings onto this site would fit within the Policy H16 definition and would represent an appropriate scale of infill in a smaller village. Officers are also mindful of the planning permissions for two dwellings on the adjacent site to the west, which have now been constructed. Those dwellings were found to represent an acceptable redevelopment of that site within the village boundary.

- 6.5 The Highway Liaison Officer (HLO) has commented that in their view the accessibility of the development is poor and future residents would be highly dependent on the private motor car to access essential services, employment, and shops. The site has no pedestrian (or cycle) infrastructure provided to connect it to the rest of the village. In addition, they also consider that there are limited local facilities in the village. Stoke Row Parish Council have also raised the limited nature of the local bus service. The Local Planning Authority is advised to give due consideration to this matter when evaluating the overall sustainability and environmental, economic, and social merits of the proposed development.
- 6.6 By way of background, the HLO's comments have regard to OCC's Local Transport and Connectivity Plan (LTCP), which sets out OCC's aims, policies, and objectives for more sustainable travel across Oxfordshire. Whilst the LTCP is a material consideration it does not form part of the council's development plan, and planning applications in South Oxfordshire must be decided in line with the SOLP 2035 and any relevant neighbourhood plan, unless there is a very good reason not to do so.
- 6.7 It is important to note that the HLO's comments do not constitute a formal objection from the Local Highway Authority and that they recognise that this is a matter on which the Local Planning Authority should form a view. The HLO's concerns do not align with the relevant housing policies set out within the SOLP 2035, particularly Appendix 7, which identifies Stoke Row as a smaller village, capable of accommodating some housing growth. Furthermore, 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.' Based on the above assessment, officers consider that the principle of the proposed development is acceptable.
- 6.8 **Design and character**
The SOLP 2035 Policy DES1 seeks to ensure that all new development is of a high-quality design subject to a series of criteria. The SOLP 2035 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. The SOLP 2035 Policy ENV1 aims to provide the highest level of protection to designated landscapes, such as the CNL. Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act) sets out the duty to conserve and enhance the natural beauty of the National Landscapes. The SOLP Policy STRAT5 Criterion 2 explains that amongst other things the density of a development should be informed by the need to achieve high quality design that respects local character and local circumstances and site constraints, including the need to protect or enhance the local environment, National Landscapes, and heritage assets. These policies are supplemented by advice contained within Section 5 of the JDG 2022.

- 6.9 Although the CNL washes over the settlement, in officers' opinion the site is clearly within the built-up confines of the village. This is because there are two-storey dwellings located approximately 23 metres to the east (The Beeches) and north-east (Apple Trees) and 12 metres to the west (Lily Cottage) of the site boundaries. Commercial buildings (Unit 3 Crest Estate and 9A The Beeches) lie 12 metres to the north-west of the site boundary and 22 metres to the south of the site boundary, respectively. Notwithstanding the undeveloped condition of the land, it is enclosed by established built form. There are other dwellings located to the east of The Beeches and the west of Lily Cottage.
- 6.10 Officers recognise that the undeveloped condition of the site contributes positively to the character and appearance of the village. The development has responded to this by siting the dwellings in the rear half of the site, so that they would be set back by around 20 metres from the road frontage, a comparable distance to The Beeches. Officers consider that the dwellings would not be unduly prominent in the street scene. This is because in public views from the west, they would be largely obscured by other buildings in the foreground or on higher ground and in public views from the north and east, they would be seen against the backdrop of Lily Cottage and Olive Tree Cottage on higher ground to the west. The appearance of the dwellings would be relatively simple with some traditional features. Stoke Row Parish Council consider that both dwellings should have a brick and flint finish. However, from observations on site, neither The Beeches, nor Unit 3 have any flintwork. Apple Trees does have flintwork, but only ground floor panels. Lily Cottage has flintwork to first floor level, but Olive Tree Cottage positioned in front of it in views from the street has no flintwork. Officers therefore consider that the variety in external materials, which could be secured by planning condition, would conform to the local vernacular.
- 6.11 The front part of the site would contain an oak-framed garage to provide parking for both dwellings. This would be set back from the road frontage by at least 6 metres, which would be further back than either Unit 3 Crest Estate or Unit 2A The Beeches. This means that most of the front part of the site would remain open, with a wildflower meadow to be established behind the garage and crucially, much of the front boundary would be retained. The exception to this would be where the proposed vehicular access would be formed, requiring the removal of two trees. The council's forestry officer has confirmed that the arboricultural quality of those trees means that they are not a constraint to development and that replacement planting in the form of two trees and hedging, as shown on the submitted landscaping plan is acceptable through a planning condition. The forestry officer is also satisfied with the proposed tree protection details to secure the retention of other trees during the development process. In overall terms, officers consider that the development of the site in the manner proposed would conserve the appearance of the site in this part of the CNL and provide enhanced boundary planting and meadow land. As such, it would comply with the above policies and guidance.

6.12 Residential amenity

The SOLP 2035 Policy DES6 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, daylight and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution, and external lighting. The SOLP 2035 Policy DES5 requires satisfactory outdoor amenity space in line with the guidance under Section 4 of the JDG 2022.

6.13 The proposed dwellings would be relatively close to the rear boundary with Lily Cottage and Olive Tree Cottage. However, the proposed south site section reveals that the closest proposed dwelling Plot 1 would be built about 2 metres lower than those adjacent dwellings. The footprint of the dwellings would be located to the south of the rear aspect of Olive Tree Cottage. The rear aspect of Lily Cottage is angled away from the side elevation of Plot 1. The first-floor windows and rooflights in the side elevations of the proposed dwellings could be subject to obscure glazing and minimum cill height conditions, respectively. There would be no discernible impact on any other nearby residential properties. As such, the proposal would not result in any significant loss of light, outlook, or privacy.

6.14 The proposed outdoor amenity space would exceed the recommended minimum of 100 square metres area for dwellings of this size and the 10 metres garden depth as set out in Section 4 of the JDG 2022. Based on this assessment, the proposed development would accord with the above policies and guidance.

6.15 Access and parking

The SOLP 2035 Policy TRANS5 seeks to ensure that development would not be prejudicial to highway and pedestrian safety. Concerns have been expressed by Stoke Row Parish Council about the unsuitability of the proposed access and that this would present a highway and pedestrian safety risk. However, the HLO has commented that the proposal would provide a new vehicular access onto the adopted highway where the carriageway is relatively straight in its alignment. The visibility splays demonstrated at this access are considered acceptable. The proposal provides ample parking and turning provision and it is unlikely that vehicles will be displaced onto the adopted highway to cause an obstruction. The construction of the access, formation and maintenance of vision splays, formation, and retention of car parking and provision of cycle parking to standards could be secured through planning conditions. The village speed sign would have to be relocated to achieve the proposed visibility splays, however, this would be secured separately by OCC.

6.16 Flood risk

The SOLP 2035 Policy EP4 criterion 1. states that the risk and impact 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.

6.17 Criterion 2 requires the suitability of development proposed in Flood Zones to be strictly assessed using the 'Sequential Test'. Although Flood Zones relate to fluvial flooding, the NPPG explains that it should take all sources of flooding and climate change into account. The council's Flood Risk and Drainage Engineer (FRDE) considers that the site is at a moderate risk of surface water flooding.

6.18 The proposal is accompanied by a detailed surface and foul water drainage scheme, which has met with the FRDE's approval, which would meet criterion 1 (ii) and (iii). The applicant has not submitted a sequential test. Mitigation of on-site flood risk is normally insufficient to avoid the requirement for a sequential test. However, in this instance, officers are aware of an existing flooding issue on the road in the front of the site, where surface flood water has been collecting on Main Street for many years during periods of heavy rainfall. The proposed site access would be formed adjacent to the lowest datum point (167.44) where this water collects. The submitted site section through the road and Plot 2 shows that the level of the highway boundary would be lowered by removal of the verge from 167.62 to a driveway level of 167.36. This would allow flood water that otherwise becomes trapped on the highway to slowly drain onto the site and be captured by the cattle grid at 167.27 forming part of the on-site mitigation.

6.19 The FRDE is satisfied that this element of the proposal would effectively act as a flood alleviation scheme, thereby complying with criterion 1 (iv). On this basis, officers consider that the proposed development would result in a significant benefit to the wider community in reducing the impact of flooding, sufficient to outweigh the lack of a sequential test. It would therefore comply with the aims and objectives of the above policy and national guidance.

6.20 Other material planning considerations

The SOLP 2035 Policies DES8 & DES10 seek to ensure that all new development minimises the carbon and energy impacts of their design and construction and should be designed to improve resilience to the anticipated effects of climate change. The Energy Statement submitted in support of the development has been vetted and a verification planning condition would be imposed to require implementation details. A planning condition is necessary to ensure that the specification of the Air Source Heat Pumps conforms to standards. A planning condition to secure EV charge points is also recommended in accordance with the SOLP 2035 Policy TRANS5 ix).

6.21 Matters relating to SUDS could be dealt with by a pre-occupation planning condition, as confirmed by the FRDE. The council's Countryside Officer is also content that ecological mitigation measures and a long-term management plan for scrub and wildflower meadow habitat creation could be secured through planning conditions. Exceptionally, a condition removing permitted development rights for various forms of householder development is considered necessary to allow the council to exercise control over any future additions to the dwellings that might otherwise result in visual or neighbour harm, damage to/loss of retained trees, reduction in off-street parking capacity or increased flood risk.

6.22 Community Infrastructure Levy

The proposal is CIL liable, 15% of which would go to Stoke Row Parish Council due to the absence of a made Neighbourhood Plan.

6.23 Pre-commencement conditions

None

7.0 CONCLUSION

7.1 Officers consider that the proposed development would be acceptable in principle, would be in keeping with the character and appearance of the surrounding area, including conserving the Chilterns National Landscape. It would not detract from the living conditions of adjoining residents or be prejudicial to highway safety and would provide on-site flooding mitigation and alleviation of off-site flooding. Subject to the following conditions, it would be in accordance with Development Plan Policies, Supplementary Planning Guidance and Government Guidance.

8.0 RECOMMENDATION

Grant Planning Permission subject to the schedule of conditions attached at Appendix C

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