

Uplands Area Planning Sub-Committee Monday 5 October 2020
Report of Additional Representations

Application Number	20/01808/FUL
Site Address	Shabbanoneuk Park Close Bladon Woodstock Oxfordshire OX20 1RN
Date	2 nd October 2020
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Bladon Parish Council
Grid Reference	444786 E 215016 N
Committee Date	5 th October 2020

Application Details:

Demolition of existing dwellinghouse and the erection of three new dwellings (1 detached and 2 semi-detached) with associated works including landscaping and formation of parking.

Additional Representations

1. Following the submission of additional information the Council's Ecologist has confirmed no objections to the application subject to the following conditions which should form part of the consent if granted:

- a) *The development shall be completed in accordance with the recommendations in Section 6 of the Protected Species Survey Report, dated 08/09/2020 prepared by Windrush Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.*

REASON: To ensure that the bats, birds, hedgehogs, reptiles and amphibians are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- b) *Before the erection of any external walls, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors will be minimised as much as possible.*

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- c) *Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, as well as hedgehog gaps/holes through the fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.*

REASON: To provide additional roosting for bats and nesting birds and ensure permeability for hedgehogs as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006

- d) *Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, hedgerow buffers sown with a shade tolerant wildflower meadow seed mix and tree planting) and a 5-year maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.*

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- e) *If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.*

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

Informative

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within a amber impact zone as per the modelled district licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

2. Following the submission of additional information the Council's Drainage Engineers have confirmed no objections to the application subject to the following condition which should form part of the consent if granted:

That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework, The West Oxfordshire Strategic Flood Risk Assessment and Planning Practice Guidance). If the surface water design is not agreed before works commence it could result in abortive works being carried out on site or additional works being required to ensure flooding does not result, which may result in changes to the approved site layout being required.

3. One further letter of objection has been submitted by Ridge on behalf of the owners of Toad Cottage as follows:

We have submitted an objection to this application on behalf of the owner of Toad Cottage that lies directly north of the site. It is disappointing the objections made have not been noted in full within the officer's report. There are several key points we'd be grateful if Members could consider summarised below.

The overbearing nature of the proposals is not accurately reflected in your officer's report at paragraph 5.9, where it is concluded there won't be an overbearing effect. This is disputed as the new properties will be built up to the boundary of Toad Cottage that lies 1.5m lower than the application site exaggerating the height of the new properties. The elevational difference means that the development will have an oppressive and overbearing impact on Toad Cottage contrary to Policy OS2 where it is clear that all development should "be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants." The development proposed fails to meet this policy requirement.

Photographs have been attached to the Agenda, which are very misleading as were evidently taken before Shabbanoneuk fell into disrepair with the hedge still in situ. The hedge has gone so there is no screen between the site and Toad Cottage which will accentuate the overbearing nature of the proposals.

In paragraph 5.5 of the report it is noted that the proposals design and form are contrived. If this is the case, the scheme should not be accepted. Planning policy strives to improve the design and layout of new properties and if the design and form of the proposals do not do this, it should be refused. Moreover, it can't be argued, as it has been, that the proposals would preserve the appearance of the conservation area. If the layout is contrived it won't preserve the appearance of the conservation area.

The proposals would have an overbearing effect on the neighbouring property; the scheme as proposed is too dense leading to an unacceptable form of development; and will fail to preserve the appearance of the conservation area.

In addition, it is considered that the proposal will take away light to Toad Cottage and it is considered that this should be fully explored before any decision on this application is made.

I appreciate a joint site visit can't be undertaken but given the inaccuracies of the submission and the report as highlighted, I would suggest Members individually take the opportunity to visit the site so the effect of the proposals on Toad Cottage can be fully explored. If the application is to remain as proposed I would urge Members to refuse the application for the reasons stated

4. A supporting letter has been submitted by the agent, Alex Creswell-JPPC, on behalf of the applicant. Your officers understand that a copy of this letter has been circulated to Members directly with a plan which outlines the relationship between the proposed development and neighbouring properties. The letter states the following:

Turning to the other comments made, largely by local residents, we feel that a number of unjustified comments have been made in respect of the scheme design, layout and how it assimilates into the streetscene and Conservation Area context.

I note within the letter sent by Ridge consultants that there is an attempt to play on select wording from Policy OS4, in respect of enhancement of local character. The application proposals are an appropriate response to the character of the area: the dwellings are an accurate reflection of local distinctiveness and respond to the clear character of the area. As you know, the site is within the Conservation Area and, consequently, it would bring into question the Council's rationale for including Park Close if a view was taken that the existing street character is not worth preserving. In this CA context it is important to note that the test is to either preserve or enhance; we feel the scheme achieves both these tests: providing a high quality, modern, sustainable construction in a sustainable location.

The scheme has been predicated on a desire to provide smaller but family appropriate units within the village. We can see no reason why, in principle terms, the offering of 3 dwellings (a net gain of 2), making more efficient use of land, would be unacceptable. Whilst we appreciate this is not a planning consideration per se, the decision to propose 3 no. units was partly informed by the ability to offer the dwellings at a lower market rate, thereby making them more affordable to young families etc. Furthermore, 3 bedroom dwellings are specifically identified within the Oxfordshire SHMA as falling within a bracket of high need.

As far as we are aware, neither WODC local plan nor design guide policy provides a prescriptive standard on either garden, plot or density standards. As set out in the Planning Statement the plot ratios have been appropriately informed with regards to the prevalent character of the street. The garden sizes are comparable to all neighbours and, if anything, the space between dwellings is actually better than either the Lincoln Grove or Park Close properties. If you refer to submitted site location plan I603_100p01, it becomes clear that the site can accommodate three houses when compared to its context: the properties benefit from side access and have more outdoor space to both the front and rear elevations. As a rule of thumb, it is generally accepted that a garden area of equal proportions to the footprint of the house is considered an appropriate provision. The submitted site layout plan shows that the garden area for each property exceeds that standard. The best example for direct comparison is the Park Close properties, and the proposal site overall provides larger gardens than those.

In the absence of internal space standards, the applicant has informed its internal layouts with regards to Government standards. In all cases the properties exceed the standard, which are used as a barometer to determine whether a property provides a good quality home for future occupants, allowing for bedroom sizes, circulation space etc.

At its shortest length (but bearing in mind more garden space exists to the side of the house) unit 1 has a garden length of circa 5.7m; when compared to, for example, Nos. 6, 10 and 11 Park Close these in fact have shorter, entirely enclosed garden lengths. The

proposed dwellings are also more comfortably set back from the road with good turning and parking space without appearing 'cramped'. In respect of Lincoln Grove, the layout of these gardens is deceptive as they appear larger by virtue of their length, however, in the absence of side space and reduced widths, we believe the proposal site offers better external amenity areas.

The dwellings, when measured from ground to ridge height, are 6.85 metres in height. This is by no means excessive and well within the accepted heights for two storey dwellings. Park Close is predominantly two storey in height and therefore the dwellings would comfortably assimilate into the streetscene. The proposals are informed by a topographical survey – when reference is made to this it becomes clear that the dwellings will actually sit to a lower level than the immediate neighbours (3 Park Close and 1 Lincoln Grove).

Reference is also made to parking concerns. The submitted layout plan is clear that 6 parking spaces – with ample turning space – can be achieved to the front of the dwellings. Using the County Council's parking standards, this equates to 2 no. parking spaces per dwelling; these are maximum standards and mean that all parking for dwellings can be accommodated off street. Regard has to be had to these standards and they are scientifically based on expected vehicular demand for houses. It would contradict the application of these standards if weight was given to parking overspill arising from this scheme. And given that the site has sufficient turning space, there is no need for cars from these houses to drive into the cul de sac beyond the access to the proposed houses.

More latterly, a number of comments have been made in respect of the neighbour impact upon 1 Lincoln Grove. The dwelling (unit 3) would be set off the boundary by circa 6 metres at its shortest point. Given most dwellings on Park Close are physically joined this is not considered to be an uncomfortable relationship. Unit 3 has been purposefully sited at a staggered angle off the boundary to offset any overbearing impact on No. 1 Lincoln Grove. There are no windows proposed at first floor level and ground level windows are minimal and boundary screening would negate any potential for harmful overlooking. In respect of the perception of being 'overbearing', the staggering of the dwelling means that it runs away from the mutual boundary as the depth extends to the rear; therefore the relationship with No.1 is not faced by a two storey massing running the boundary. We have also looked into the openings on the nearest elevation of No.1 Lincoln Grove and it transpires that any windows on that elevation are secondary and/or do not serve primary/habitable rooms.

I trust these updates will be of assistance and would be grateful if you could circulate them more widely with Councillors.