

APPLICATION NO.	P21/S2385/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	24.5.2021
PARISH	SOUTH STOKE
WARD MEMBER(S)	Maggie Filipova-Rivers
APPLICANT	Claude Fenton Ltd
SITE	Land at Woodcote Road, South Stoke, RG8 0JJ
PROPOSAL	Variation of condition 2 of application P19/S2865/RM for the removal of the detached carport to Plots 2 & 3, removal of the carport to Plot 1, omission of the bike store to Plot 3, a new window to Plot 3 (east elevation) and relocation of 2 parking spaces to Plot 2. (As amplified by tree protection and landscape information received 6 August 2021)
	Application for approval of reserved matters relating to appearance, landscaping, layout and scale following application P17/S3206/O for residential development (up to 5 dwellings), and associated works, including access.
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 and relevant policies of the development plan.

1.2 The application is referred to Planning Committee as the views of the South Stoke Parish Council differ from your officer's recommendation.

1.3 The site lies to the south of Woodcote Road on the edge of South Stoke

South Stoke is a small village between Wallingford and Goring and sits within the River Thames corridor that runs to the west of the village. The village and application site are washed over by the Chilterns Area of Outstanding Natural Beauty (AONB), but there are no other planning designations or constraints that affect the site.

A plan identifying the site can be found at **Appendix 1**.

1.4 Outline planning permission was granted by Planning Committee in January 2018 for the erection of up to 5 dwellings. All matters were kept in reserve except for details of the site access that were approved through the outline planning permission.

1.5 An application was made under reference P19/S0171/RM for the reserved matters that were outstanding from the outline planning permission and sought to discharge the various items which were the subject of planning conditions.

That application was refused for a single reason as follows;

Plot 4 of the proposed scheme, due to the scale, layout, appearance, inadequate separation distance to the neighbouring dwelling and lower ground level of the

neighbouring dwelling (Clogwyn Mawr to the west), would have an overbearing impact upon the outlook from east facing windows of the neighbouring property resulting in unacceptable harm on the residential amenities of neighbouring occupiers contrary to policy CSQ3 of the South Oxfordshire Core Strategy 2027 and policies D1, D4, G2 and H4 of the South Oxfordshire Local Plan 2011.

- 1.6 A second reserved matters application was submitted under application reference P19/S2865/RM to secure approval of the remaining reserved matters for appearance, landscaping, layout, and scale. Details were also submitted to discharge the conditions of the outline permission relating to drainage, tree protection, ecology and highway matters.

Much of the scheme remained very similar to the proposal which had been found to be acceptable to the Council in all but one regard. The application differed in ways to make improve the relationship of the proposed dwelling on Plot 4 with Clogwyn Mawr. The differences are:

- Swapping the fence and the hedge relationship between Plot 4 and Clogwyn Mawr (maintaining the post and rail boundary fence and including a vacant maintenance strip to the Clogwyn Mawr side and hedging outside the privacy fence for a softer outlook)
- Position of Plot 4 was moved to the east to allow 12m separation from Clogwyn Mawr, created by the removal of a single storey element
- The omission of windows facing Clogwyn Mawr
- The removal of fencing to the plot frontages of Plots 1, 4 and 5 to create a more open arrangement.

The application was granted reserved matters approval on the 4 December 2019.

- 1.7 A subsequent discharge application was submitted and approved relating to Condition 3 of the reserved matters permission which concerned the proposed materials.
- 1.8 An application was then made under Section 73 of the Planning Act to vary the approved plans condition to substitute new plans for some of the approved plans and to vary the materials condition. The differences between the approved and proposed plans are as follows;

- Changes to the surfacing materials for the driveway.
- Change from a glass balustrade to a metal balcony balustrade on Plot 5
- Substitute the approved external materials schedule with a new materials schedule.

- 1.9 This application seeks to make a further application under section 73 of The Act to make the following changes to the approved plans by varying Condition 2 of the reserved matters permission;

- Removal of the detached carport to Plots 2 & 3.
- Removal of the carport to Plot 1.
- Omission of the bike store to Plot 3.
- New window to Plot 3 (east elevation) and
- Relocation of 2 no parking spaces to Plot 2.

- 1.10 The changes to the layout of the site in terms of the deletion of the carports and movement of the parking spaces can be seen in the comparison below;

Approved plan -



Proposed plan -



- 1.11 Reduced copies of the plans accompanying the application are attached as **Appendix 2** to this report.

A larger plan showing the approved layout can be found at **Appendix 3** for a clear comparison of the changes to the layout.

All the plans and representations received 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 South Stoke Parish Council – Object to the development for the following reasons;

- Concern about the gradual move away from the originally permitted scheme.
- The loss of the car ports will result in the car being more visible from various points making the site look urban.
- Reduction in the central turning area within the development with the enlargement of the gardens for Plot 2 and 3.

Third Party Representations –

1 x letter of objection covering the following principle issues;

- Concentration of parking at the front of the site.
- Reduction in turning areas.

1 x letter of no objection however raises a concern about how the western boundary has been drawn.

County Archaeological Services – No objection.

Forestry Officer – No objection to the additional information submitted in relation to landscaping.

Highways Liaison Officer – No objection subject to a reworded condition to reflect the new layout and parking.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P21/S0388/FUL](#) - Approved (19/03/2021)

Variation of conditions - 2 (Approved plans) & 3 (Schedule of Materials) on application P19/S2865/RM - To seek a minor material amendment for the partial replacement of block paving with gravel and for the replacement of glass balcony balustrade with metal balcony balustrade (Plot 5). Substitute of approved external materials (ref P20/S2897/DIS).

Application for approval of reserved matters relating to appearance, landscaping, layout and scale following application P17/S3206/O for residential development (up to 5 dwellings), and associated works, including access.

[P20/S2897/DIS](#) - Approved (15/09/2020)

Discharge of condition 3 - Schedule of Materials on application ref. P19/S2865/RM

Application for approval of reserved matters relating to appearance, landscaping, layout and scale following application P17/S3206/O for residential development (up to 5 dwellings), and associated works, including access. (As amended by Site Plan PP1012-A, Soft Landscape Plan 0747.1.1 Rev D, Landscape Visual Impact Assessment V4 01.10.19 and Preliminary Ecological Appraisal Update 2019 and amended Construction Method Statement and visibility splays accompanying email from agent received 15 October 2019 and Arboricultural Method Statement updated October 2019 and Drainage Plan 003 Revision P10) Discharge of conditions 1-16 on application ref. P17/S3206/O. 1 - Submission of RM and commencement, 2 - Approved plans 3 - Dwellings not to exceed 5, 4 - Mix of dwellings. 5 - Landscaping scheme, 6 - Tree protection 7 - Biodiversity enhancement and mitigation 8 - Surface water drainage, 9 - Access 10 - Vision splay, 11 - Construction Traffic Management Plan 12 - No surface water drainage to highway 13 - Details of refuse and recycling storage, 14 - Fire Hydrants 15 - Hours of operation, 16 - Construction Method Statement.

[P19/S2865/RM](#) - Approved (04/12/2019)

Application for approval of reserved matters relating to appearance, landscaping, layout and scale following application P17/S3206/O for residential development (up to 5 dwellings), and associated works, including access. (As amended by Site Plan PP1012-A, Soft Landscape Plan 0747.1.1 Rev D, Landscape Visual Impact Assessment V4 01.10.19 and Preliminary Ecological Appraisal Update 2019 and amended Construction Method Statement and visibility splays accompanying email from agent received 15 October 2019 and Arboricultural Method Statement updated October 2019 and Drainage Plan 003 Revision P10) Discharge of conditions 1-16 on application ref. P17/S3206/O.

1 - Submission of RM and commencement, 2 - Approved plans
3 - Dwellings not to exceed 5, 4 - Mix of dwellings.
5 - Landscaping scheme, 6 - Tree protection

- 7 - Biodiversity enhancement and mitigation
- 8 - Surface water drainage, 9 - Access
- 10 - Vision splay, 11 - Construction Traffic Management Plan
- 12 - No surface water drainage to highway
- 13 - Details of refuse and recycling storage, 14 - Fire Hydrants
- 15 - Hours of operation, 16 - Construction Method Statement

[P19/S0171/RM](#) - Refused (05/07/2019)

Reserved matters application (for the appearance, landscaping, layout, and scale) following Outline approval P17/S3206/O for a residential development of up to 5 dwellings, and associated works, including access.

In addition to discharge conditions 5- landscaping, 6- tree protection, 7- biodiversity mitigation and enhancement strategy, 11- construction traffic management, , 13- refuse and recycling storage and 16- construction method statement.

[P17/S3206/O](#) - Approved (18/01/2018)

Residential development (up to 5 dwellings), and associated works, including access.(as amplified & amended by information received 13 November 2017).

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES3 - Design and Access Statements
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- ENV1 - Landscape and Countryside
- ENV3 - Biodiversity
- H8 - Housing in the Smaller Villages
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

N/A

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)
Developer Contributions SPD

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 When assessing section 73 applications the Council can only consider the original condition and the reasons for applying that condition; new conditions can be attached but only in so far as they apply to the original condition. If the Council decides that planning permission should be granted subject to differing proposed conditions, planning permission should be granted. If permission is required to be granted subject to the same conditions as those to which the previous permission was granted, they should refuse the application.

6.2 Paragraph 015 of NPPG notes where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. Furthermore, to assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. A section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

6.3 This report does not repeat all the planning issues that were assessed in connection with the principle of development on the site, given that this has recently been considered and determined to be acceptable. Given the context of the changes, the conditions being varied and the reasons for applying them, it is necessary to consider the impact of the changes on the character and appearance of the site and surrounding area and the impact on neighbouring properties.

6.4 Therefore the main issues to consider in relation to this proposal are;

- **Whether there has been any material change in site circumstances or planning policy in the intervening time between the grant of planning permission and now.**
- **Impact of the changes to Plot 3.**
- **Impact of the changes to the layout on the character and appearance of the area and the AONB.**
- **Impact on highway safety.**
- **The conditions that are now relevant**

6.5 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.

Since the grant of planning permission there has been a change in the development plan with the adoption of the South Oxfordshire Local Plan 2035.

The introduction of this new plan has not resulted in a significant change in policy that would materially affect the outcome of this application. There has been a stepped change in terms of policies that relate to reduction in carbon emissions and the requirement of an energy statement to demonstrate how the design would address in reduction of 40% relative to the building regulations. However, the parent permission remains extant in this case and a dwelling can be built without having to conform to this policy. As such it would not be reasonable to require full compliance with policy DES10 of the SOLP.

6.6 Impact of the changes to the surface and Plot 5 on the amenities of the occupants of nearby properties.

Policy DES6 relates to residential amenity and requires that development 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 the following factors:

- i) loss of privacy, daylight or sunlight;
- ii) dominance or visual intrusion;
- iii) noise or vibration;
- iv) smell, dust, heat, odour, gases or other emissions;
- v) pollution, contamination or the use of/or storage of hazardous substances; and
- vi) external lighting

The new window being added to Plot 3 is on the eastern elevation looking toward the site boundary and the open countryside beyond. It has no impact on adjoining property. The proposed changes therefore accord with Policy DES6.

6.7 Impact of the changes to the layout on the character and appearance of the area and the AONB.

Policy ENV1 of SOLP states that the highest level of protection will be given to the landscape and scenic beauty of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs). It states, amongst other criteria, the following;

- Development in an AONB or affecting the setting of an AONB will only be permitted where it conserves, and where possible, enhances the character and natural beauty of the AONB;
- Development in an AONB will only be permitted where it is appropriate to the economic and environmental wellbeing of the area or promotes understanding or enjoyment of the AONB

6.8 The overall built form on the site is reduced with the loss of the car port building serving Plot 2 located at the rear of that plot and adjacent to the eastern boundary and also the reduction of the car port for Plot 1.

This has meant that the garden areas for Plot 2 and 3 have increased. The parking for Plot has been relocated in front of the building adjacent to the boundary with the road.

6.9 The main visual impact from this change will be the new parking spaces. The area that is being dedicated to this is 25 square metres. The width of the site along the road frontage is the 46 metres. The proposed parking spaces take up 5 metres. The spaces are also located 6 metres back into the site from the boundary with the road.

This is, in my view, a relatively small area. It provides a formal solution to what could have been an informal parking area for ease of access to the front of Plot 2 and creates a similar impact of parked vehicles in this location.

6.10 From wider and long views this change will not in my opinion cause material harm. The vehicles will not be totally screened but they will be seen in the context of the back drop of the proposed houses.

- 6.11 The changes to the layout have some implications for the approved tree protection and approved landscaping. These have been considered in detail and additional information in this regard has been provided with the application. The Council's Tree Officer is happy with the extent of planting shown on the landscape plans and the conditions of the original permission have been updated to reflect these new plans.
- 6.12 Your officers are satisfied that the scheme in this amended form, in conjunction with the proposed landscaping and tree protection, does not give rise to any additional material harm. The development continues to conserve the landscape of this part of the AONB in line with national and local planning policy.
- 6.13 **Impact on highway safety.**

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

Policy TRANS5 seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.

- 6.14 The changes to the plans involve the omission of a number of carports previously approved namely for Plots 1, 2 and 3. Along with the relocation of the allocated parking spaces for Plot 2.

After reviewing the proposal, the loss of the carports does not significantly alter the parking allocation for the development. All the dwellings have parking in accordance with standards which is considered acceptable. The changes to the plans will not therefore increase the pressure to park on the public highway.

The development therefore continues to accord with Policy TRANS5 of SOLP.

- 6.15 **Conditions.**

The conditions attached to the parent reserved matters permission remain similar to those recommended with this new application and the changes it proposes. However, the wording has been updated to reflect the new local plan policies.

For clarity the changes to the approved plans have had the following knock on effect to the conditions;

Condition 1 has been altered to reflect the expiration of the reserved matters permission later this year.

Condition 2 which sets out the list of the approved plans has been altered to reflect the new plans and also notes the previously approved plans.

Condition 4 which relates to landscaping now reflects the plans accompanying this application and importantly requires the scheme to be implemented prior to the occupation of Plots 2, 3 and 5 which are the most prominent units in the development.

Condition 9 relates to tree protection and this has been amended to reflect the updated survey report submitted with the application. Usually such a condition would be worded to the effect that the approved protection measures should be in place prior to the commencement of development. However, development as a whole has already commenced in line with the previous permission and the conditions of that permission still bite. Therefore, the new tree protection condition is triggered by the carrying out of the development shown in this application.

7.0 CONCLUSION

7.1 The changes to the approved development do not result in a materially harmful impact to residential amenity of nearby properties or to highway safety. The special landscape character of this part of the AONB is conserved. The changes to the surface and the materials for the buildings, in conjunction with the attached conditions, ensure the development accords with the provisions of the development plan.

8.0 RECOMMENDATION

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

- 1 : Time Limit - Variation of Condition**
- 2 : Approved plans**
- 3 : Schedule of Materials**
- 4 : Landscaping implementation**
- 5 : External Lighting - General**
- 6 : No additional windows, doors or other openings**
- 7 : Withdrawal of Permitted Development Rights**
- 8 : Wildlife Protection (mitigation as approved)**
- 9 : Tree protection (implementation as approved)**
- 10 : Surface water drainage works (details required)**
- 11 : New vehicular access**
- 12 : Vision splay protection**
- 13 : Parking & Manoeuvring Areas Retained**
- 14 : Construction Traffic Management (details required)**
- 15 : No Garage conversion into accommodation**

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