

<b>APPLICATION NO.</b>	<a href="#">P13/V1627/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	18.7.2013
<b>PARISH</b>	MILTON
<b>WARD MEMBER(S)</b>	Margaret Turner Reg Waite
<b>APPLICANT</b>	Mrs L Marlow
<b>SITE</b>	87 High Street Milton Abingdon Oxon, OX14 4EJ
<b>PROPOSAL</b>	Erection of two semi-detached dwellings with parking and access.(as amended by drawing No 12069-P02A and revised arboricultural report received 31 July 2013.)(as amplified by ecology survey report received 9 October 2013.)
<b>AMENDMENTS</b>	Yes
<b>GRID REFERENCE</b>	448548/192149
<b>OFFICER</b>	Miss S Green

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## 1.0 INTRODUCTION

- 1.1 This application is referred to committee as the parish council view is different to the recommendation by your officers.
- 1.2 The application site is situated on the eastern side of the High Street in the middle of the village, as shown on the OS Extract **attached** at Appendix 1. The site includes the existing dwelling, No 87 which fronts the High Street and the land to the rear and side of it. Immediately to the rear of the dwelling is a small, more enclosed garden area. Various old outbuildings are located towards the northern boundary with a number of fruit trees in the rear of the site and along the southern boundary. To the north and south of the site are residential properties.
- 1.3 The whole of the site is within the Milton Conservation Area.

## 2.0 PROPOSAL

- 2.1 The application seeks planning permission for the erection of 2 additional dwellings on the land to the side of the No 87. No 87 would remain. An access driveway would be created between No 87 and the new dwellings, to a parking area to the rear which would serve both the new dwellings and also No 87. The rear half of the site would be retained as an orchard with additional tree planting. The plans have been amended to now retain the tree known as the 'Milton Wonder' (labelled as T5 in the tree survey). Copies of the application plans are **attached** at Appendix 2.

## 3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 3.1 County
- No objection
- Archaeologist
- Drainage Engineer (Vale of White Horse District Council)
- No objection subject to conditions
- Forestry Team (Vale of White)
- No objection subject to conditions – see detailed response in section 6 below

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Horse)

- |  |   |
|--|---|
| Health & Housing -<br>Env. Protection<br>Team                          | <ul style="list-style-type: none"><li>• No objection</li></ul>  |
| Health & Housing -<br>Contaminated Land                                | <ul style="list-style-type: none"><li>• No objection</li></ul>  |
| Highways Liaison<br>Officer (OCC)                                      | <ul style="list-style-type: none"><li>• No objection subject to conditions</li></ul>  |
| Countryside Officer<br>(South Oxfordshire<br>& Vale of White<br>Horse) | <ul style="list-style-type: none"><li>• No objection subject to conditions – see detailed response in section 6 below</li></ul>   |
| Conservation<br>Officer  | <ul style="list-style-type: none"><li>• General approach taken is acceptable in this prominent site in the conservation area so long as the detailed implementation of the scheme reflects the local vernacular. Suggest conditions requiring details</li></ul>   |
| Milton Parish<br>Council   | <ul style="list-style-type: none"><li>• Believes plans are overdevelopment of the site and the poor design of the houses does not fit with the character of the conservation area;</li><li>• Destruction of 'The Milton Wonder' tree would also be a great loss;</li><li>• Concerned that the applicant herself does not appear to have knowledge of the application and would certainly not sanction the removal of the tree.</li></ul>  |
| Berwode Fruit<br>Trees   | <ul style="list-style-type: none"><li>• Applicant, Mrs Marlow, named on the application is not the applicant and the application can't proceed;</li><li>• 200years old Milton Wonder tree has provenance of its age, possibly unique; Any development would lead to the loss of this tree, of national importance;</li><li>• Conservation area status is held in low regard;</li><li>• Arboricultural report submitted is insufficient and wrong in its conclusions</li><li>• Lead to loss of important traditional orchard which should be protected by the UK Biodiversity Action Plan. no possibility of adequate mitigation or compensation with development.</li></ul> |
| Neighbours -<br>Adjacent – No 95                                       | <ul style="list-style-type: none"><li>• Development will greatly affect the amenity of No 95 with reduced views, significant noise increase due to car parking; windows in the new housing will directly overlook our kitchen, conservatory and rear patio area.</li><li>• Proximity of proposed dwelling to boundary fence seems very tight; overshadow garden, reduce view into High Street, result in a loss of amenity</li></ul>  |
| Opposite – No 70   | <ul style="list-style-type: none"><li>• Destruction of historic orchard; layout suggests future development of site; Not reflect of any building types within the conservation area; proposal completely dominates the</li></ul>  |

current cottage; houses bigger relative to neighbours

- No 76
  - The positioning of the development would change Milton Village High Street significantly due to the loss of the front part of the orchard and the historic trees within; the proposed buildings do not appear to have any features that would allow them to blend into the High Street; appears to leave room at the back from additional development;
  - We live opposite and are worried by the thought of extra traffic turning onto the High Street on such a dangerous bend. It is also difficult to turn out of our driveway safely.

- No 78
  - Worried by the thought of extra traffic turning onto the High Street on such a dangerous bend. Already difficult to turn out of our drive safely. Object to 200 year old apple tree being cut down; is it not possible for the proposed development to be relocated behind the 'Milton Wonder'.

Other objections -  
(16)

*Character*

- Is not in line with character of the village. The two dwellings will alter the face of the High Street and the village. Will also set a precedent for future development.
- Milton High Street will lose one of its most attractive open spaces
- This orchard with its accompanying attractive cottage forms an important feature in the High Street. Could also be described as sacrilege to destroy this scene which forms the centre piece of the conservation area.

*Orchard/Milton  
Wonder*

- Object to removal of Milton Wonder Tree to make way for more houses. Can the area not be fenced off as a potential food source for future residents
- The tree is the last known mature survivor of that variety; may prove to be a very valuable source of genetic material for future apple breeding;
- Would mean the destruction of a traditional orchard including a 200 year old apple tree; a traditional orchard such as this is a UK Biodiversity Action Plan priority habitat;
- It is a rare and very old tree; apples trees should be treasured and nurtured to enable continuation of the varieties; are hosts to a diminishing wildlife population
- Refuse permission to fell Milton Wonder apple tree. tree represents our cultural heritage and is no less important than a listed building
- Keele Parish Council have just planted a heritage orchard; it was hard to find apple trees local to Staffordshire. It will be a heritage lost forever if you allow this application to proceed, at the very least there should be an insistence on a mitigating condition
- Although the reports show that most of the trees in this orchard are aging and that recently it has been mown rather than grazed, this merely means that in future it needs to be sensitively managed not that it can now be destroyed. Urge council to consider historic value and visual amenity of site.

- By granting this application it would demonstrate a thorough lack of appreciation of the history and significance of this tree
- Do not believe that profit for a property developer should be put before maintaining such a valuable piece of English history

*Highway*

- Access onto the road feels very close to the bend with limited visibility at that end of the High Street. Careful consideration taken for the traffic around that bend.

**4.0 RELEVANT PLANNING HISTORY**

**4.1** [P11/V2844](#) - Approved (06/01/2012)

Erection of two storey extensions to front and rear and internal alterations. (Re-submission of withdrawn application 11/01249/FUL)

**5.0 POLICY & GUIDANCE**

**5.1** Vale of White Horse Local Plan 2011 policies;

DC1 - Design

DC5 - Access

DC9 - The Impact of Development on Neighbouring Uses

GS1 - Developments in Existing Settlements

HE1 - Preservation and Enhancement: Implications for Development

NE4 - Other Sites of Nature Conservation Value

H11 - Development in the Larger Villages

National Planning Policy Framework

Residential Design Guide

**6.0 PLANNING CONSIDERATIONS**

**6.1** The main planning considerations are the following:

**6.2** Principle

Milton is classified as a larger village under policy H11 of the Local Plan. This sets out new housing will be permitted within the built up area of villages provided it would not materially harm the form, structure or character of the settlement. Under the updated village hierarchy, Milton is still classed as a larger village.

**6.3** The district does not have a 5 year supply of housing, therefore in accordance with the NPPF, its housing policies have limited weight in decision making, and new housing should be considered in the context of the presumption in favour of sustainable development set out in the NPPF. As Milton is a larger village it is classified as one of the more sustainable settlements within the district. The site can be considered as being within the built up area of the village and therefore the principle of development on the site would be acceptable, subject to the consideration of the other planning considerations as set out below.

**6.4** Character and Conservation Area

The High Street is characterised by properties facing the street interspersed with green boundaries. Buildings are generally traditional in form and material. No 87 is a one and a half storey dwelling which contributes positively towards the street scene. The land to the side is relatively open and is prominent within the conservation area. There is a line of apple trees along the southern boundary with the land to the rear being less open with more tree coverage, along with a number of small outbuildings. The dwellings have been designed to be one and half storey dwellings with traditional pitched roofs and red

brick and slate, which are found along the High Street. The dwellings have been orientated to face the street to reflect the more traditional siting of dwellings which are generally at right angles.

- 6.5 The site is within the Conservation Area and therefore in accordance with the NPPF the impact on the significance of the heritage asset should be assessed. The Council's conservation officer assessed the scheme and did not have an objection to the principle of the scheme and considered that such a development would not have an adverse impact upon the significance of the conservation area subject to ensuring the development is appropriately designed. His advice prior to the submission of this formal application were to have the dwellings relatively close to the street on a similar building line to No 87 to more closely reflect the traditional siting of dwellings. The visual success of the scheme will be dependent upon the materials and details of the development, which can be controlled by the suggested conditions.
- 6.6 The development proposes a vehicular access to the rear of the site. Other vehicular accesses exist along the road and there is frontage parking within the vicinity of the site. There is currently a dropped kerb and a gate in the boundary fence to the land to the rear, indicating that there is an existing access to this land from the High Street, even if it is not currently used. Details of the access such as its materials can be requested by condition to ensure it respects the character of the conservation area.
- 6.7 Impact on neighbours  
No 87 will remain and an access road will be created alongside the property. The proposed dwellings will not have any windows in their side elevation and therefore there will be no direct overlooking into the first floor side window of No 87. The dwellings are also roughly in line with No 87 and given the separation distance will not feel overbearing on this property in your officers view.
- 6.8 No 95 is the property directly to the south of the site. This property is 3m from the boundary of the site and is a relatively modern property set back from the High Street. Its garage building sits forward of the dwelling close to the road and boundary of the application site. The proposed dwellings would be at an angle to this property and further forward than it. The dwellings would at the closest point be 3.8m from the side elevation of No 95. The occupier of this property has expressed an objection against the closeness of the proposed building to the boundary and its orientation. The building has been orientated and sited in this position such that it reflects the existing traditional built form which fronts the street, rather than be set further back into the site. Officers accept that the view of the site will change from No 95, but given the separation distances it is not considered that it will feel overbearing or oppressive on this neighbour. No 95 has a first floor side which is obscure glazed towards the site. Officers have considered the position and distance of the proposed rear first floor windows in relation to No 95. Any views out of the windows would be oblique across the boundary. The windows closest to the boundary would be around 10m from the rear elevation of No 95, with the windows in the rear projection around 7m. Given these distances and that the views would be oblique, officers do not consider that the development would give rise to a level of overlooking that would be harmful to the amenity of the neighbouring occupiers. A condition is suggested to prevent first floor side windows in either dwelling to protect the amenity of both No 95 and No 87.
- 6.9 Opposite the site is a terrace of dwellings. The front of the proposed building will be around 24m from the front of these properties which is considered acceptable. The issue of headlights shining into these properties as they leave the site has been raised. There are many access points along the street where cars enter or exit parking bays. The access is to serve only 3 dwellings, the level of activity from which is not likely to be

excessive or detrimental.

6.10 Highways and parking

The highway officer is satisfied that the proposed access has appropriate visibility and that the number of car parking spaces has been provided in accordance with the district's parking standards. The officer therefore has no objections subject to the suggested condition requiring the access and parking to be provided prior to the occupation of the development.

6.11 Trees

There are 2 aspects to this issue, 1) the visual amenity of the trees; and 2) ecology and habitat status.

6.12 *1) visual amenity*

The council's forestry officer has assessed the application and visited the site. The application originally included the removal of 6 fruit trees (one of which is already dead). The application has been amended to now retain the one known as the 'Milton Wonder' apple tree which is said to be over 200 years old. Therefore one dead tree and four alive apple trees will be lost as a result of this proposal.

6.13 A tree survey has been carried out and the forestry officer notes that one of these trees has been categorised as being of moderate value and the remainder as low, although the categorisation is based largely on their visual amenity. In the forestry officer's opinion the loss of four fruit trees could be satisfactorily mitigated by planting at the front and within the remaining site to the rear. There is sufficient space for replacement trees to become established in the front gardens and these will offer the opportunity of enhancing the street scene. Comprehensive information on the species and exact location of the replacement trees can be ensured by the suggested condition.

6.14 The forestry officer has also commented in relation to comments from Berwode Fruit Trees that the development would be detrimental to the root system of the Milton Wonder tree. The forestry officer states that the third party has referred to an American 2008 publication to support his claim whilst dismissing the British Standard 5837, Trees in Relation to Design, Demolition and Construction 2012. The BS is widely used and is the appropriate guidance to apply for planning proposals. The forestry officer has considered this and his own experience in making his assessment. The proximity between the Milton Wonder and the parking area exceeds that of the distance required in the BS without altering the root protection area. He is therefore satisfied that the Milton Wonder can be successfully retained if the development is constructed. The proposal shows the Milton Wonder would be included as part of the retained orchard to the rear of the site.

6.15 *2) habitat*

The site contains a number of old fruit trees and as such it is right to assess whether it would fall under consideration as being a 'traditional orchard' and hence be a UK Biodiversity Action Plan Priority Habitat. The description for traditional orchards gives a relatively open description of its characteristics. Generally the minimum size is defined as five trees with crown edges less than 20m apart and prime orchard habitat consists of grazed grassland beneath. An ecology survey has been carried out at the request of the countryside officer and this has concluded that whilst the site would fall under this definition of traditional orchard, the amenity grassland beneath the trees has been managed as part of a garden, and is more typical of well maintained lawns. Taken in isolation it states the amenity grassland is not considered to meet the criteria for any valued grassland habitats with the UK Biodiversity Framework.

- 6.16 A similar view has also been shared by both the council's professional countryside and forestry officers. From their research of historical photos it may be that the trees within the site were planted within a garden. There was clearly a much larger orchard directly to the east of the site in the past but which has been lost. The land on which the trees are situated is not species rich meadow and has not been managed by grazing for many years. The species that have been found to be present are those which you may typically find in a garden lawn rather than those characteristic of a traditional orchard.
- 6.17 Paragraph 117 of the NPPF states that local authorities should seek to minimise the impacts on biodiversity and promote the preservation, restoration and re-creation of priority habitats. Paragraph 118 states that when determining planning applications if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.18 It is accepted that there will be some harm to the orchard with the loss of 4 trees. 7 trees, including the Milton Wonder, are shown to be retained and new trees would be planted within the orchard to the rear of the site as well as within the frontage. The species and size of tree can be approved by the council by condition and a condition is suggested that requires a management plan to be submitted and approved for the remaining orchard area, which the agent has indicated would likely remain with No 87. Officers consider that this will adequately mitigate and compensate for the loss of the four trees, in accordance with paragraph 118 of the NPPF.
- 6.19 Other  
Comments have been raised that the proposal will lead to future development of the site to the rear. This application has to be assessed based on the proposal that has been submitted and cannot predict future proposals. However the fact that there will be a condition attached to this proposal to ensure that this area will be managed as an orchard and that this application is only acceptable on the basis of this area being retained as an orchard should provide assurance to councillors.
- 6.20 Comments have also been raised with regard to the name of the applicant stated on the forms and relevant ownership certificate submitted with the application. Officers have sought clarification from the agent and have been provided with 2 letters from a solicitor stating he is acting on behalf of Mrs Marlow and that she is the applicant behind the application. Officers are satisfied that the application paperwork is valid.

## 7.0 CONCLUSION

- 7.1 The application seeks two new dwellings within the built up area of one of the larger villages. It is considered by officers that the proposal would not be harmful to the character and appearance of the Milton Conservation Area nor to the amenity of neighbouring occupiers. It is accepted that there will be harm to the existing orchard. Officers have applied the principles set out in the NPPF and this harm can be mitigated and compensated for by replacement tree planting and a securing a management plan for the orchard. Officers therefore recommend that the application is approved.

## 8.0 RECOMMENDATION

**Grant Planning Permission subject to the following conditions:**

- 1 : Commencement 3 yrs - Full Planning Permission**
- 2 : In accordance with approved plans**
- 3 : Access, parking and turing area in accordance with approved plan**
- 4 : Samples of materials to be submitted**
- 5 : Joinery details to be submitted**
- 6 : Submission of landscaping scheme for dwellings**

- 7 : Implementation of landscaping scheme for dwellings**
- 8: Submission and implementation of Management Plan for orchard**
- 9: Implement in accordance with recommendations of ecology survey report**
- 10: Implement in accordance with approved tree protection details.**
- 11: Submission of surface water and foul drainage**
- 12 : No first floor side windows in dwellings**

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