APPLICATION NO. APPLICATION TYPE REGISTERED PARISH WARD MEMBER(S)	P15/V1858/FUL FULL APPLICATION 3.8.2015 GREAT FARINGDON Roger Cox Mohinder Kainth
APPLICANT	Dr (and Mrs) Scott-Brown
SITE	Linden House, 20 Market Place, Faringdon, SN7 7HU
PROPOSAL	Erection of a 3-bedroom dwelling on land associated with 20 Market Place, with access via Regent Mews. Demolition of section of wall to gain access into site (resubmission). (as amended by drawings and Design & Access Statement accompanying email from agent dated 23-03-16)
AMENDMENTS OFFICER	None Piotr Kulik

#### SUMMARY

This application is referred to committee as the Great Faringdon Parish Council objects and two neighbours object to the proposal.

The proposal is for the erection of a 3-bedroom detached dwelling on the land forming part of the garden of no. 20 Market Place in Faringdon.

The main issues are:

- The impact on the character and appearance of the Faringdon Town Conservation area
- The impact upon trees and biodiversity
- The impact on parking provision and highways safety
- The impact upon the drainage system

The recommendation is to grant planning permission

### 1.0 **INTRODUCTION**

- 1.1 The site is located in Faringdon to the north of the town centre. It currently forms part of the garden of No 20 Market Place. The site is enclosed by walls to the south and west where it bounds the car parking. To the north east the site bounds the rear garden of Astley House. There are some relatively significant level changes between the site and the lands surrounding it.
- 1.2 There are listed buildings to the north of the site; The Lodge, Astley House and the Church of All Saints, and the site is within the conservation area. A site location plan is **attached** at Appendix 1.

### 2.0 **PROPOSAL**

2.1 The application seeks full permission for a 3-bedroom detached dwelling. Parking is provided on site. Access would be via the existing access to Regent Mews and through the rear car park for this development. The works will also involve the demolition of a

section of wall to gain access into site.

- 2.2 A previous planning proposal for three detached dwellings (ref. P14/V2892/FUL) on this site was refused in February 2015 on serval grounds, mainly design. This application addresses some previous concerns, for instance, a reduced number of dwellings, reduced ridge height, more garden space, parking provision rearrangement and more trees on site.
- 2.3 The current plans have been submitted after several months of an intensive negotiation process between the applicant and the District Council. A final scheme for one dwelling only with a reduced footprint was submitted and re-consulted at the end of March 2016. The application plans are <u>attached</u> at Appendix 2.

# 3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Below is a summary of the responses received to both the original plans and the amendments. A full copy of all the comments made can be viewed online at <u>www.whitehorsedc.gov.uk</u>.

Great Faringdon Town Council	<ul> <li>Object.</li> <li>Access currently proposed through a neighbouring property would increase traffic flow through a narrow passage and result in limiting parking on that site</li> <li>Site is of environmental importance</li> <li>Proposed building is within the conservation area and would have a negative impact on that area</li> <li>Poor consultation with surrounding neighbours on the proposed plans</li> </ul>
Neighbours	<ul> <li>2 letters of objection have been received.</li> <li>Convenant on land; fence should be 2m south so signficant trees along border are protected.</li> <li>Loss of parking and increased traffic in Regent Mews. Limited parking in area. Increase in vehicles in very narrow road is very danagerous.</li> <li>Unsuitable for housing, no unmet housing need in vale. Would be bottom of list of any potential sites</li> <li>No consultation with neighbours beforehand</li> <li>Outside Fraingdon neighourhood plan area</li> <li>Views of the site will be significantly affected</li> <li>Access route will be awkward at best. Large vehicles using access for prolonged period will cause issues with residents.</li> <li>Cuts through green corridor</li> </ul>
County Archaeologist (OCC)	No objection subject to the watching brief
Countryside Officer(South Oxfordshire & Vale of White Horse)	No protected species on site, however site has local value to species. Suggests a condition to require recommedations in ecology carried out.

Highways Liaison Officer (Oxfordshire County Council)	No objection, suggest conditions
Waste Management Officer (District Council	No objection
Conservation Officer Vale	Objection to design
Drainage Engineer (Vale of White Horse District Council)	No objection. Suggest condition
Forestry Team (Vale of White Horse)	No objection, subject to conditions
Faringdon House Estate	<ul> <li>Object.</li> <li>Settings of the adjacent gardens of Faringdon House, a grade 1 listed property and borders the gardens of Astley House and Church View, both grade 2 listed properties</li> <li>Impact upon the on-site trees</li> </ul>
Health & Housing – Contaminated Land	No objection
Health & Housing – Environmental Protection Team	No objection
Thames Water Developemnt Control	No objection, subject to conditions

### 4.0 **RELEVANT PLANNING HISTORY**

4.1 P14/V2892/FUL - Refused (27/02/2015)

Erection of three dwellings on land associated with 20 Market Place, with access taken via Regent Mews. Demolition of section of wall to gain access into site.(amended by site plan C4962.14.050G)

<u>P13/V0945/PEM</u> - Other Outcome (29/05/2013) Erection of four dwellings with access to Regent Mews.

<u>P10/V2401/LB</u> - Approved (16/03/2011) Proposed remodelling and erection of outbuilding.

P10/V2363 - Approved (16/03/2011) Proposed remodelling and erection of outbuilding.

#### P92/V0342/LB - Approved (10/09/1992)

Change from stone slab to clay tile on east slope of rear wing roof and replacement of machine made tiles with handmade tiles to north slope of main roof.

P88/V1358 - Approved (28/11/1988)

Demolition of unused slaughter house, meat cold storage/hanging buildings and miscellaneous sheds and erection of 1 house and 2 flats. Formation of vehicular access to rear.

<u>P83/V0680/COU</u> - Refused (06/02/1984) Change of use from part office and part dwelling to office accommodation. (Floorspace

# 2,700 sq ft).

<u>P76/V0450/O</u> - Refused (18/10/1976) Erection of a new Parsonage House. (0.64 acres site area).

## P74/V0642 - Approved (29/11/1974)

Proposed extension to form bar, car park layout and store. Regal Social Club (Cinema), Gloucester Street, Faringdon

### P84/V1038 - Approved (24/08/1974)

Regent Social Club. Demolition of existing cinema and derelict outbuildings. Erection of 6x1 bed flats and 6x2 bed maisonettes together with access road and for 15 parking spaces. (site area 0.13 hectares)

### 5.0 **POLICY & GUIDANCE**

### 5.1 Vale of White Horse District Council Local Plan 2011

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

Policy No.	Policy Title
GS1	Developments in Existing Settlements
DC1	Design
DC5	Access
DC6	Landscaping
DC7	Waste Collection and Recycling
DC9	The Impact of Development on Neighbouring Uses
DC13	Flood Risk and Water Run-off
DC14	Flood Risk and Water Run-off
H10	Development in the Five Main Settlements
H13	Development Elsewhere
HE1	Preservation and Enhancement: Implications for Development
HE4	Development within setting of listed building

### 5.2 Emerging Local Plan 2031 – Part 1

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. Whilst the plan has been through Examination the Inspector's has not been received and the objections to it remain unresolved. At present it is officers' opinion that the emerging Local Plan housing policies carry limited weight for decision making. The relevant policies are as follows:-

Policy No.	Policy Title
Core Policy 1	Presumption in favour of sustainable development
Core Policy 3	Settlement hierarchy
Core Policy 4	Meeting our housing needs
Core Policy 20	Spatial strategy for Western Vale Sub-Area
Core Policy 33	Promoting sustainable transport and accessibility
Core Policy 37	Design and local distinctiveness
Core Policy 38	Design strategies for strategic and major development sites
Core Policy 39	The historic environment
Core Policy 44	Landscape

Core Policy 46 Conservation and improvement of biodiversity

# 5.3 Supplementary Planning Guidance

Design Guide – March 2015
 The following sections of the Design Guide are particularly relevant to this

application:-

Responding to Site and Setting

- Character Study (DG6) and Site appraisal (DG9) Establishing the Framework

- Existing natural resources, sustainability and heritage(DG10-13, 15, 19)

Built Form

- Scale, form, massing and position (DG51-54)
- Boundary treatments (DG55)
- Building Design (DG56-62)
- Amenity, privacy and overlooking (DG63-64)
- Refuse and services (DG67-68)

### 5.4 National Planning Policy Framework (NPPF) – March 2012

#### 5.5 National Planning Practice Guidance 2014 (NPPG)

#### 5.6 **Neighbourhood Plan**

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

The **Faringdon Neighbourhood Plan** has been subject to a referendum and received support from the majority of the community. Considerable weight can be given to its policies.

### 5.7 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Natural Environment and Rural Communities (NERC) Act 2006

The Conservation of Habitats and Species Regulations 2010

### 5.8 Human Rights Act

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.

### 5.9 Equalities

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 in the determination of this application are:
  - 1. Principle of the development
  - 2. Locational Credentials
  - 3. Design and Layout
  - 4. Residential Amenity
  - 5. Traffic, Parking and Highway Safety
  - 6. Ecology and Biodiversity
  - 7. Historic Environment
  - 8. Other issues

#### The Principle of Development

- 6.2 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. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 6.3 Other material planning considerations include national planning guidance within the NPPF and NPPG and the emerging Vale of White Horse Local Plan: Part 1-Strategic Sites and Policies and its supporting evidence base.
- 6.4 Paragraph 47 of the NPPF expects local planning authorities to *"use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area"... The authority has undertaken this assessment through the April 2014 SHMA which is the most up to date objectively assessed need for housing. In agreeing to submit the emerging Local Plan for examination, the Council has agreed a housing target of at least 20,560 dwellings for the plan period to 2031. Set against this target the Council does not have a five year housing land supply.*
- 6.5 Paragraph 49 of the NPPF states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". This means that the relevant housing policies in the adopted Local Plan are not considered up to date and the adverse impacts of a development would need to significantly and demonstrably outweigh the benefits if the proposal is refused. In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles.
- 6.6 Under the current local plan Faringdon falls under policy H10. However the application site falls outside the town development boundary where policy H10 applies. Consequently policy H13 would normally apply which permits 1-2 small new dwellings as infill within the existing built up area of the settlement. However, as the district does not have a 5 year housing land supply, this policy is not fully consistent with the NPPF. The NPPF therefore takes precedent, which has a presumption in favour of sustainable development.
- 6.7 The relevant housing policies of the adopted and emerging local plan hold very limited material planning weight in light of the lack of a 5 year housing supply. Consequently the proposal should be assessed under the NPPF where there is a presumption in favour of sustainable development. Sustainable development is seen as the golden thread running through the decision making process. Having a deliverable 5 year housing supply is considered sustainable under the 3 strands. Therefore, with the lack of a 5 year housing supply, the proposal is acceptable in principle unless any adverse impacts can be identified that would significantly and demonstrably outweigh the benefits of meeting this objective.

### **Locational Credentials**

- 6.8 The NPPF requires the need to travel to be minimised and the use of sustainable transport modes to be maximised (paragraph 34).
- 6.9 The Faringdon Neighbourhood Plan proposes residential development within the development boundary. It proposes residential development beyond the development boundary will be permitted where consistent with the exception policies set out in the development plan. Any additional development within the Parish that adversely affects the setting of the Town or the green corridors leading to nearby villages will be resisted. All development in Faringdon should be carefully planned to respect the special character of the town.
- 6.10 Officers however accept that the site is close to and has good access to the town centre, and its services and facilities. In terms of location, the site would be deemed sustainable in terms of its accessibility.

#### **Design and Layout**

- 6.11 The NPPF provides that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 60). It gives considerable weight to good design and acknowledges it is a key component of sustainable development.
- 6.12 A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (Policies DC1, DC6, and DC9). In March 2015 the council adopted its design guide, which aims to raise the standard of design across the district. The assessment below is set out in logical sections similar to those in the design guide.
- 6.13 The height of the proposed dwelling has been reduced from previously submitted schemes to overcome the harmful impact on neighbouring properties, particularly Astley House. Given the site topography it results in reduced views from Astley House. Given the distances and differences in levels this proposal would not intrude with these important views of the listed building.
- 6.14 Officers are of opinion that the proposed design preserves the local conservation area setting and the proposed architectural features are considered to be vernacular in design concept and appropriate to the site. A new dwelling will have a traditional appearance to fit well into the local area character. Moreover, public views into and out of the site are limited because of an existing tree planting that is to be retained.
- 6.15 The layout of the development has improved and adequate garden space, over 100 sq. metres, is to be provided. This meets guidance criteria.
- 6.16 The site contains a number of trees many of which make a substantial contribution to the visual amenity of the area, principally the two mature limes and mature sycamores located adjacent to the southern boundary and are visually prominent within the site when viewed from the nearby car park. Other trees that can readily be seen include a group of maturing hazel and hawthorns that are within the site and form a dense screen to the site along the boundary.
- 6.17 This revised scheme shows a significant improvement compared to the previous proposal ref: P14/V2892/FUL. The tree belt to the south is to be retained and some of the low-grade trees on site are to be impacted. A no-dig method of construction will be introduced while providing a new driveway. There is also the opportunity for further planting on site.

- 6.18 From the above, the current scheme clearly addressed the previous concerns highlighted by the local Tree Officer. The impact upon trees and planting is limited on site and fairly maintained while introducing a new dwelling on site.
- 6.19 The Tree Officer commented that the proposed construction works could be implemented and to a specification that takes into account the presence of the root protection areas. Followed the Tree Officer's recommendation and support, a site specific arboriculture method statement has been conditioned.

#### **Residential Amenity**

- 6.20 Adopted local plan policy DC9 seeks to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment. Protecting amenity is a core principle of the NPPF. Design principles DG63-64 of the Design Guide pertain to amenity, privacy and overlooking.
- 6.21 This proposal shows reduced building height with a house located down the slope, and a simple roof with no roof lights facing the neighbours. Windows at first floor level are mostly positioned away from Astley House towards the wooded south west boundary. Therefore, the proposed dwelling is less conspicuous and would have limited impact upon the nearby neighbours. Officers are satisfied that there would be no significant or demonstrable harm to adjacent residential amenity to recommend refusal in this instance.

#### Traffic, Parking and Highway Safety

- 6.22 Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. The NPPF (Paragraph 32) requires plans and decision to take account of whether:-
  - the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

Paragraph 32 goes on to state: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

- 6.23 The county highways officer has no objection to the scheme from a highway safety perspective concluding that it would be unlikely have significant adverse impact on the existing highway network. The liaison officer states that given the characteristics of the carriageway, vehicular traffic and speeds are likely to be low thereby reducing potential harm.
- 6.24 The site sits within a short walking distance from the centre of Farringdon. Part of the boundary wall within a modern development through Regent Mews would be demolished to provide access to the site. Parking is provided on site in accordance with council standards which the OCC Highways standards.
- 6.25 The County Highways Liaison Officer requested a Construction Traffic Management plan for the site. Officers are of an option that such a request cannot be justified due to the small scale construction works related to this application and so have not attached this as a condition. Officers are however satisfied that the proposal would accord with Policy DC5 of the Local Plan.

### **Ecology and Biodiversity**

- 6.26 Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 118 states that "…*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…"*
- 6.27 The countryside officer has assessed the application particularly the Baseline Ecology Survey. No legally protected species have been identified on the site that would be significantly impacted by the proposals. The habitats present would not be considered as a constraint to development. However the site does have local value to a variety of species and as a result it is considered appropriate that the recommendations in the submitted ecologist's report are placed on as a condition of any planning permission to ensure that the local value of the site is protected as far as possible.

#### **Historic Environment**

- 6.28 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight should be given to this requirement.
- 6.29 Paragraph 132 of the NPPF confirms that *"When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be".* The NPPF adds at paragraph 133 that proposals causing substantial harm to or total loss of significance of a designated heritage asset should be refused unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 of the NPPF explains that less than substantial harm to the significance of the heritage asset should be weighed against the public benefits of the proposal.
- 6.30 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In this case considerable importance and weight is given to the desirability of protecting or enhancing the character or appearance of the conservation area.
- 6.31 Policy HE1 states that that proposals for development within a conservation area will not be permitted unless they can be shown to preserve or enhance the established character or appearance of the area. Development will only be permitted on areas where it can be shown that these areas do not make a positive contribution to the conservation area's special interest, including its relationship within its landscape setting, and where views within, into or out from the conservation area would be lost or damaged were the development to be permitted.
- 6.32 Policy HE4 requires development to respect the characteristics of listed buildings in their setting including any visual, functional, historic or architectural relationships it has. In addition, the NPPF paragraph 137 states that new development within conservation areas and within the setting of heritage assets should look for opportunities to enhance or better reveal their significance.
- 6.33 This site is within the Faringdon Conservation Area and is surrounded by numerous listed buildings including, Astley House (Grade II), the Church of All Saints and

Faringdon House (both Grade 1) and the garden setting of Faringdon House.

- 6.34 This is a sensitive site and is within a key heritage location. Any development on the site would need to integrate and respond to the conservation area, views from surrounding listed buildings and retain the informal character this site makes to the area.
- 6.35 It is officers' opinion that the proposal would be well screened from prominent views and its topography allows for the new dwelling to be set down and not prominent. Therefore the setting of the nearby listed buildings, in particular *Astley House and the setting of the Grade I Farringdon House gardens*, will not be significantly harmed by an overwhelming or dominant presence.
- 6.36 The Conservation Officer disagrees that the proposal would preserve and enhance the character and appearance of the Conservation Area. Nevertheless, the Conservation Officer stated that the revised scheme for a single dwelling only would in fact '*mitigate harm to the setting of the listed buildings and the conservation area, most notably limiting views of the new development from the church and Astley House*'.
- 6.37 Moreover, the limited views, mostly from a modern development at Regent Mews, and a proposed traditional character and appearance of this proposal, shows that the local Conservation Area would not be impacted to the level that could secure refusal of planning permission.
- 6.38 The current scheme only proposes a single dwelling on site. The overall housing development footprint has been significantly reduced, the ridge height has been dropped by at least 0.2 metre compared to the previous proposals on site. Building details and materials to be used would be conditioned to further ensure that appropriate materials were applied to this site. Also, the traditional appearance of the proposed dwelling creates a well-balanced scheme which has evolved through extensive negotiation process between the District's authority and the developer. Given the negotiations that have been had, the traditional design and materials proposed, the reduction in height within a contained site and limited external views Officers consider that there would be no significant or demonstrable harm to the setting of the conservation area and its character is preserved by the inclusion of one additional dwelling.

#### **Other Issues**

- 6.39 There are no objections from the Drainage Officer, subject to the Sustainable Drainage Scheme being implemented on site. Nevertheless, the Thames Water suggested a 'Grampian Style' condition being imposed.
- 6.40 To protect the local area characteristics, a restriction for the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order) has been conditioned. There are several Listed Buildings nearby, as well as a Conservation Area settings or protected trees on site are of special interest. Therefore, such set of planning conditions can be justified.
- 6.41 An archaeological field evaluation has demonstrated the presence of medieval features and activity within the application area. Various features including walls and ditches were revealed. The County's Archaeologist asked for the appropriate implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. Such request has been conditioned.

6.42 A neighbour has commented on a covenant on this land. This is a separate civil issue and does not have a bearing on the determination of this planning application.

# 7.0 CONCLUSION

7.1 For the reasons outlined in this report officers consider the proposed construction works would not harm the locality, neighbouring amenities, or highways safety. As such, the proposal is considered to be in line with Policies GS1, DC1, DC5, DC6, DC7, DC9, DC13, DC14, H10, H13, HE1 and HE4 of the Local Plan. This application would be also in line with the National Planning Policy Framework provision.

### 8.0 **RECOMMENDATION**

To grant planning permission subject to the following conditions:

- 1. Time limit.
- 2. Approved plans.
- 3. Sustainable drainage scheme.
- 4. Permitted development restriction single dwelling, extensions, outbuildings.
- 5. Access (details not shown).
- 6. Car parking.
- 7. Turning space in accordance with plan.
- 8. Submission of details of new ventilation and extraction.
- 9. Submission of details of external lighting.
- 10. Materials (samples).
- 11. Building details.
- 12. Hard and soft landscaping details.
- 13. Archaeological watching brief.
- 14. The written scheme of archaeological investigation.
- 15. Wildlife protection (mitigation as approved).
- 16. An arboricultural method statement.
- 17. No development shall commence without drainage strategy.

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