

APPLICATION NO.	P22/V2978/S73
SITE	Dragon Hill Uffington Faringdon, SN7 7RE
PARISH	UFFINGTON
PROPOSAL	Variation of condition 2 (approved Plans) of application P22/V1141/FUL and removal of condition 7
WARD MEMBER(S)	Proposed erection of 2no 4 bed detached (self-build) dwellings.
APPLICANT	Nathan Boyd
OFFICER	Mr Matthew Rosier Nathaniel Bamsey

RECOMMENDATION

Officers recommend that planning permission is granted subject to the following conditions:

Standard

1. Approved plans

Compliance (during construction)

2. Tree Protection as Approved
3. Wildlife Protection (mitigation as approved)

Prior to creation of new access

4. Revised Tree Protection Measures

Prior to first use

5. Watercourse Enhancement
6. Implementation of Biodiversity Enhancement Strategy
7. Development in Accordance with Flooding Mitigation
8. Access, Parking and Turning in Accordance with Plan.
9. Closure of Existing Access
10. Landscaping Scheme (Submission)
11. Landscaping Scheme (Implement)
12. Boundary Details
13. Drainage as Approved (Surface and Foul)

Compliance

14. Materials in Accordance with Application
15. PD Restriction in Flood Risk Area

Informatives

- 16 . Works within the Highway Informative
- 17 . CIL- Planning permission or reserved matters approval (Vale)
- 18 . List of Relevant Uffington and Baulking Neighbourhood Plan Policies

1.0 **INTRODUCTION AND PROPOSAL**

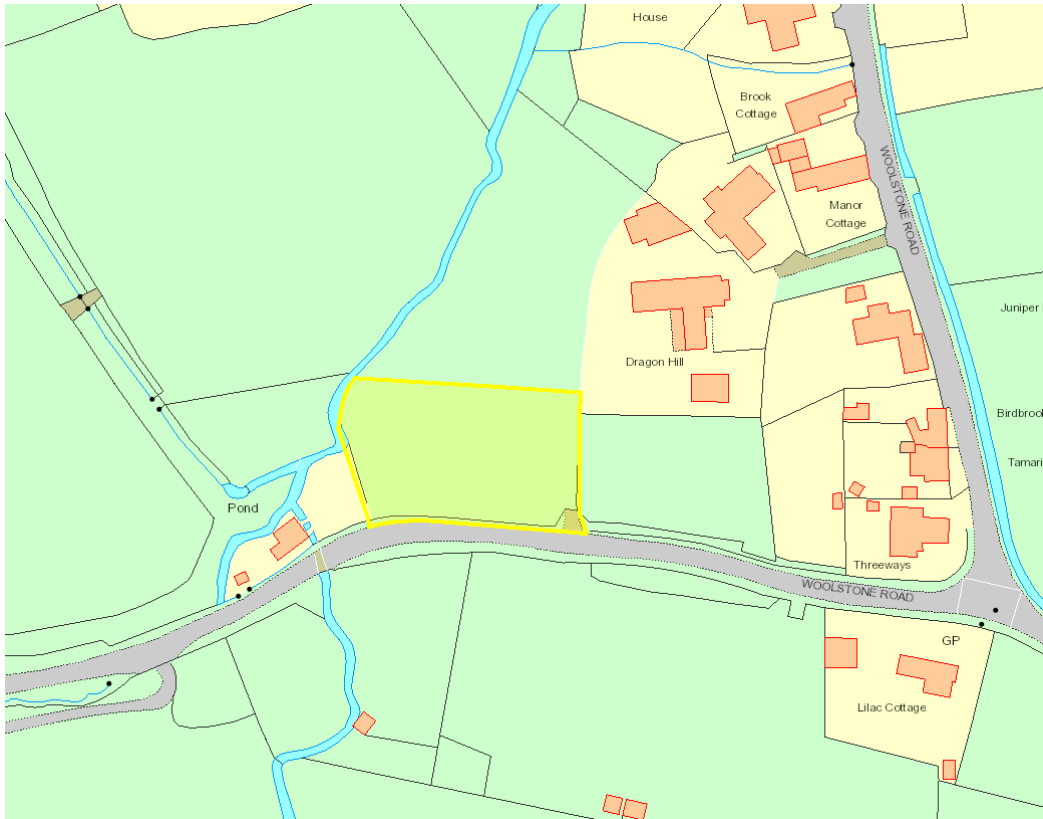
1.1 This application is referred to committee following a call-in by the local member, Councillor Nathan Boyd.

1.2 The application site is a field approximately 0.2ha in area located south west of the existing bungalow known as Dragon Hill in the south western edge of the village of Uffington. The site is currently accessed from the south, the Woolstone Road, by a track which serves Dragon Hill. The nearest existing neighbouring properties are Bridge Cottage to the west, the existing dwelling at Dragon Hill to the north and the new dwelling constructed to the east known as Border Meadows. A stream runs along the western border of the site and there is currently hedging along the border with the highway to the south.

1.3 In 2019 outline planning permission for two dwellings was allowed on appeal due to the site being considered by the inspector to be inside the limits of Uffington (P18/V003/O). In 2022 full planning permission was granted for two detached houses (P22/V1141/FUL). This current application is made under Section 73 of the Town and Country Planning Act 1990, and it seeks to make minor material amendments to the 2022 permission. The amendments proposed are:

- The creation of a separate new vehicular access from the road to serve the approved Plot 2 (the permitted scheme had one shared new access for both dwellings)
- The retention of the existing eastern access for the use of the neighbouring dwelling Boarder Meadows (this existing access was due to be closed in the permitted scheme under condition 7)
- The insertion of three rooflights into the west roof of the approved detached garage of Plot 1.

A site location plan is provided below, and the plans are **attached** at Appendix 1.



2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Full versions of the representations can be found on the planning application pages on the council's website www.whitehorsedc.gov.uk

Uffington Parish Council	Objection on the following grounds: <ul style="list-style-type: none"> • The changes are fundamental and should not be made via a Section 73 application. A fresh application should be made. • The new access will not be safe • The eastern access should be used to serve both new dwellings and the other accesses should be stopped up • Loss of hedgerow will be harmful to the street scene of Woolstone Road • Additional accesses will erode rural character
Neighbours	<p>Two objections have been submitted on the following grounds:</p> <ul style="list-style-type: none"> • The new access will be unsafe due to poor visibility and the speed of vehicles • The loss of hedgerow will harm the character and appearance of the area <p>One neighbour has written with observations</p>
Conservation	No heritage objection

officer	
Highways Liaison Officer	No objection, subject to condition
Forestry officer	No arboricultural objection

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P22/V2948/NM](#) - Approved (01/02/2023)

Non material amendment to P22/V1141/FUL to add solar PV's to roof (as amended by plans received on 20 January 2023).

[P22/V1141/FUL](#) - Approved (02/12/2022)

Proposed erection of 2no 4 bed detached (self-build) dwellings.(amended Plans received 25 & 26 May 2022 & as amplified by additional information & amended plan received 13 June 2022, as amplified by additional information received 15 June 2022 & 25 July 2022 & amended by plan received 04 August 2022).

[P21/V0467/FUL](#) - Approved (07/07/2021)

Proposed erection of a self build dwelling with new access (Amended plans received 25th May 2021)

[P20/V2007/DIS](#) - Other Outcome (03/09/2020)

Discharge of conditions 1 - appearance, landscaping, layout and scale, 5 - visibility splays, 6 - parking and 7 - turning space for motor vehicles on application ref. P18/V0003/O (Appeal Ref: APP/V3120/W/18/3212955)

[P18/V0003/O](#) - Refused (11/05/2018) - Appeal allowed (14/06/2019)

Erection of 2 self build dwellings

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

5.0 **MAIN ISSUES**

5.1 **The main material planning considerations are the following:**

- **Principle of the development**
- **Access and parking**
- **Design and character**
- **Landscape**
- **Heritage**
- **Residential amenity**
- **Ecology**
- **Flood risk/drainage**

5.2 **Principle of the development**

The principle of the development has been agreed due to the extant permission for the two houses.

5.3 Access and parking

Policies CP33, CP35, and CP37 of LPP1 and policy DP16 of LPP2 require development to provide safe and convenient access, sufficient car and cycle parking in line with Oxfordshire County Council standards and adequate provision for loading, unloading, circulation, servicing and vehicle turning. Policy S3A of the Neighbourhood Plan requires all new developments to provide appropriate off-road car parking that is integrated into the landscape, and which complies with OCC's Residential Road Design Guide.

5.4 The application originally proposed to retain the existing access in the eastern corner of the site, which was due to be closed in the permitted scheme, for use by Plot 2. This was proposed because the legal rights to use this access by the neighbour at Boarder Meadows meant it could not be closed as originally intended. However, the Highways Officer did not support the use of this access by an additional dwelling as the required vision splays could not be secured. Amended plans were submitted which propose a new additional access for Plot 2, more central to the site, and the retention of the eastern access for the use of third parties who have lawful rights to use it only. The approved new western access would be used by Plot 1 only.

5.5 Objectors consider this new access for Plot 2 will be dangerous. However, the Highways Officer is satisfied that it would be safe as vision splays have been demonstrated which exceed the minimum distances recommended by Manual for Streets. He is also content with the eastern access being retained for occasional access by the neighbour, Border Meadows, for maintenance of their boundary given its infrequent use. A revised wording of condition 7 is recommended which makes clear that the existing eastern access shall be used only by Border Meadows and that no vehicular access shall be created from it to Plot 2.

5.6 The introduction of incidental accommodation within the roof of the detached garage of Plot 1 will not increase the parking requirement and this will continue to accord with standards.

5.7 Subject to the recommended conditions, and in the absence of an objection from the Highways Officer, it is considered that the application accords with policies CP33, CP35, CP37, DP16 and S3A.

5.8 Design and character

Policy CP37 of LPP1 requires development to be of high quality, visually attractive design that responds positively to the site and its surroundings with appropriate scale, height, details and materials.

5.9 Policy D1 of the Neighbourhood Plan requires all new development to be of a high-quality design which takes account of its location and reflects its particular local identity, taking account of the Vale's Design Guide.

5.10 Policy D2 of the Neighbourhood Plan supports new buildings or extensions where they are proportionate to their plot sizes, where they do not dominate

neighbouring buildings and where they do not close important gaps or otherwise impede public local views, in accordance with the Joint Design Guide.

- 5.11 Policy D3 of the Neighbourhood Plan supports boundary treatments which are wildlife friendly, reflective of the traditional, rural context of the villages and defined by walls, post-and-rail fencing or hedges consisting of native species at a height which preserves the open views within the villages.
- 5.12 The proposed change to the design of the approved scheme, the introduction of three rooflights into the detached garage serving Plot 1, will result in little change to the overall scheme, and no harm to the appearance of the building, It will continue to have an ancillary appearance. No other changes are proposed to the appearance of the dwellings and their design, siting and scale are as approved. Therefore, officers consider the proposal continues to accord with the requirements of policies CP37, D1 and D2.
- 5.13 The new access in the centre of the site will result in the loss of 4.2m of the existing hedge along the border with the highway. This means there will be some loss of the existing enclosure and the break in the hedge will mean the new houses are likely to be more visible from the road. However, officers consider the amount of loss of hedge is relatively small, and the retention of the remaining hedge and the degree to which the new houses will be set back into the site should prevent the change being harmful to visual amenity.
- 5.14 The previous application was supported by a plan showing the proposed boundary treatments. As these cannot be implemented as shown a condition is recommended requiring revised details of the boundary treatments to be submitted to ensure they accord with policy D3 of the Neighbourhood Plan.
- 5.15 **Landscape**
The impact of development on the landscape is assessed against policy CP44 of LPP1. This policy requires key features of the landscape to be protected or enhanced including trees and hedgerows, and requires appropriate new landscaping.
- 5.16 Policy L1 of the Neighbourhood Plan states that development proposals should take account of the landscape within their immediate locality and its ability to accommodate the development proposed.
- 5.17 As the siting and design of the dwellings is unchanged other than the insertion of rooflights into the detached garage of Plot 1, the siting, design and scale of the dwellings themselves is considered to continue to accord with policy CP44 and L1 in terms of its impact on the wider landscape.
- 5.18 The council's Forestry Officer has confirmed that there is no objection to the loss of the section of hedgerow to be removed subject to the remaining hedgerow being protected during construction of the dwellings. Conditions are recommended requiring the previously approved tree protection measures to be put in place during construction and for additional hedge protection

measures to be submitted and approved prior to the commencement of the works to create the new access. With these conditions attached the trees and remaining hedge will be protected during construction, in accordance with policies CP44 and L1.

- 5.19 As the previously approved landscaping scheme for the site could not be implemented a condition is recommended requiring the submission and agreement of revised landscaping details to ensure compliance with policies CP44 and L1.

5.20 Heritage

Section 66(1) 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. Section 72(1) states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 5.21 Applications that affect conservation areas and their settings are controlled by policy DP37 of LPP2. Policy DP38 concerns applications that affect listed buildings and their settings. Policy DP37 requires development to preserve or enhance the character of the conservation area. Policy DP38 requires development to respect, preserve or enhance features within the setting that contribute to the special interest and significance of the building. Policy H4 of the Neighbourhood Plan states that housing development within the Conservation Areas, or within the setting of the Conservation Areas or listed buildings in the Plan area, will only be supported provided the proposed development conserves or enhances the special interest and significance of the Conservation Area or listed building.

- 5.22 The site is within the setting of the Uffington Conservation Area. The site also offers views to the Grade I listed Church of St Mary. The siting and scale of the dwellings themselves are unchanged by the proposed amendments and, as such, there is no change in the impact on the views to the Church when compared to the approved scheme.

- 5.23 The loss of a small section of the hedgerow will reduce the sense of enclosure to the approach to the Conservation Area but given only a small section is to be lost and the remaining hedge will be protected this is not considered to result in harm to the setting of the Conservation Area. The Conservation Officer has no objections to the application.

- 5.24 Therefore, officers consider that the application accords with policies DP37, DP38 and H4, and with the duties placed on the council by the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.25 Residential amenity

The impact of development on neighbouring properties is controlled by policy DP23 of LPP2. This policy requires development proposals to demonstrate that they will not result in significant adverse effects on the amenity of neighbours

from impacts including loss of privacy, daylight or sunlight and dominance or visual intrusion.

- 5.26 The introduction of an additional access will have no impact on neighbour amenity, so officers consider that the assessment of the impact of the amendments on the neighbour amenity rests on the impact of the rooflights in the west roof slope of the garage to Plot 1
- 5.27 The rooflights will be approximately 24m from the boundary with Bridge Cottage, the western neighbour, and the cottage itself is approximately 18m further away from this boundary. This significant separation will prevent the rooflights causing harmful overlooking.
- 5.28 As neighbours will not be harmed the amendment officers consider the application accords with policy DP23.
- 5.29 **Ecology**
Policy CP46 of LPP1 states that development that conserves, restores and enhances biodiversity will be permitted whilst net loss of biodiversity will be avoided.
- 5.30 Development of land that contains or is adjacent to a watercourse must comply with policy DP30. This policy requires there to be no detrimental impacts on the function or setting of the watercourse or its biodiversity that cannot be appropriately mitigated. A minimum 10m buffer zone along both sides of the watercourse should be included to create a corridor of land and water favourable to the enhancement of biodiversity.
- 5.31 Policy S1 of the Neighbourhood Plan supports the provision of new green infrastructure where they are stocked with native tree, plant and grass species.
- 5.32 There is a watercourse on the west boundary of the site. The proposed amendments will not bring the houses any closer to the watercourse. The previous conditions requiring this watercourse to be protected during construction is recommended again together with the condition requiring the submission of a watercourse enhancement strategy to create a habitat suitable for water voles which have been recorded in the area. A further condition is recommended requiring the biodiversity enhancement measures outlined in the original application to be implemented.
- 5.33 The conditions outlined above will ensure there is a net gain in biodiversity from the amended proposal. The conditions will also ensure there will be no impact on protected species. As such, officers consider that the application accords with policies CP46, DP30 and S1.
- 5.34 **Flood risk/drainage**
Policy CP42 of LPP1 seeks to minimise the risk and impact of flooding by directing new development to areas with the lowest probability of flooding, ensuring that all new development addresses the effective management of all sources of flood risk and does not increase the risk of flooding elsewhere.

- 5.35 Policy S2 of the Neighbourhood Plan requires developers to demonstrate that their proposals do not create or exacerbate risk of flooding or drainage overflow to existing properties in the Plan area, whether from fluvial, pluvial or ground water.
- 5.36 The amendments do not change the position of the dwellings and as such the flood risk is unchanged.
- 5.37 The previous approval was subject to several conditions in relation to drainage and flooding. The previously approved foul and surface water drainage details will be unaffected by the proposed amendment and as such a condition is recommended requiring these to be implemented as agreed. The previous conditions restricting permitted development rights for extensions and outbuildings in Flood Zone 3 and requiring the development to be implemented in accordance with mitigation measures of the flood risk assessment are also recommended.
- 5.38 The recommended conditions will ensure that the development would not be at risk from flooding and that there would be no increase in flood risk elsewhere, in accordance with policies CP42 and S2.
- 5.39 **Community Infrastructure Levy (CIL)**
The development is CIL liable. A self-build exemption may be sought but this must be agreed prior to commencement.
- 5.40 **Pre-commencement conditions**
The development has commenced under the previous planning permission so no pre-commencement conditions can be recommended.
- 6.0 **CONCLUSION**
- 6.1 The principle of the development is given by the existing planning permission and officers consider that, subject to the recommended conditions, the proposed amendments are unharmed. Therefore, it is concluded that the application accords with the development plan, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1900 (as amended) and as such permission should be granted.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 (LPP1):

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP39 - The Historic Environment
- CP40 - Sustainable Design and Construction
- CP42 - Flood Risk

CP43 - Natural Resources
CP44 - Landscape
CP46 - Conservation and Improvement of Biodiversity

Vale of White Horse Local Plan 2031 Part 2 (LPP2):

DP01 - Self and Custom-Build
DP16 - Access
DP23 - Impact of Development on Amenity
DP28 - Waste Collection and Recycling
DP30 - Watercourses
DP36 - Heritage Assets
DP37 - Conservation Areas
DP38 - Listed Buildings

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Joint Design Guide SPD (2022)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

This application has been assessed against the obligation to preserve listed buildings or their setting or any features of special architectural and historic interest and/or to preserve or enhance the character and appearance of conservation areas as required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The officer recommendation is considered to be consistent with these obligations.

Equalities Act 2010

The proposal has been assessed against section 149 of the Equalities Act. It is considered that no identified group will suffer discrimination as a result of this proposal.

Human Rights Act, 1998

The application has been assessed against Schedule 1, Part 1, Article 8, and against Schedule 1, Part 2, Article 1 of the Human Rights Act, 1998. The harm to individuals has been balanced against the public interest and the officer recommendation is considered to be proportionate.

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