

# Planning

Head of Service: Adrian Duffield



Listening Learning Leading

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**Ref: P23/S1145/PEM**

Dear Mr Kennedy,

**Location: The Park: Land adjacent to the Village Hall, South Stoke, Oxon  
Proposal: School Outdoor learning area. Community garden including rental plots. Community garden shed approx. 15' x 30'. Community garden polytunnel approx. 12' x 30'. Graveyard extension**

Thank you for the pre application advice request which was registered on 6 April. I understand that you wish to obtain an officers' opinion as to whether the proposed community garden would be supported and to gain clarification on which aspects of the proposal require planning permission. The application also relates to a graveyard extension which I will deal with separately within this letter.

The site lies immediately north of the village hall and west of the railway line. A public right of way runs along part of the south west side of the site. The entire site lies within the Chilterns Area of Outstanding Natural Beauty. It is currently open and undeveloped. There are a number of existing trees around the boundary of the site. The site lies outside but immediately adjacent to an area of archaeological constraint.

The proposal for the community garden/park must be considered within the context of the relevant Development Plan policies and Government advice. These are set out below.

## **The South Oxfordshire Local Plan 2035 (SOLP)**

CF2 Provision of Community Facilities and Services  
DES1 Delivering High Quality Development  
DES2 Enhancing Local Character  
DES6 Residential Amenity  
DES9 Renewable Energy  
EMP10 development in rural areas  
ENV1 Landscape and Countryside

ENV2 Biodiversity, designated sites, priority habitats and species  
ENV3 Biodiversity  
ENV9 Archaeology and Scheduled Monuments  
EP3 Waste Collection and Recycling  
STRAT1 The Overall Strategy  
TRANS5 Consideration of Development Proposals

### **The National Planning Policy Framework (NPPF)**

The key considerations in assessing this proposal are:

- Whether the principle of a change of use of the land is acceptable
- Impact on the special character of the AONB
- Impact on residential amenity
- Highway issues
- Existing trees
- Biodiversity
- Archaeology
- Management of the site

### **Principle**

The site lies within the Chilterns AONB. The NPPF advises that great weight should be given to conserving and enhancing the landscape and scenic beauty in such areas which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas

Policy ENV1 of the SOLP reiterates the advice within the NPPF and seeks to minimise development within an AONB to those which conserves, and where possible enhances the character and natural beauty of the AONB.

Policy CF2 allows for the provision of new or extended community facilities particularly where they are located within or adjacent to the built-up area of an existing settlement; they would meet an identified local need and are accessible for all members of the community and promote social inclusion. National Guidance recognises the important role that the planning system has in facilitating healthy communities through providing access to high quality facilities for sport and recreation.

Policy EMP10 of the SOLP supports the diversification of agricultural and other land based rural businesses

It is my opinion that the proposed community park/garden has the potential to conserve and enhance the landscape with the additional planting of trees, hedges etc and is in accordance with policies ENV1, CF2 and EMP10 of the SOLP.

It should be noted at this pre application advice stage, that these comments relate to the layout plan which has been submitted with this application. If the layout changes, for example, by the erection of buildings or the retail elements are introduced into the

scheme such as a shop, then further advice from the Local Planning Authority should be sought.

### **Impact on the character of the AONB**

Based on the information submitted at this stage, I am of the opinion that the proposal is unlikely to result in unacceptable harm to the character and appearance of the AONB.(policy ENV1 of the SOLP)

### **Impact on residential amenity**

Policy DES6 of the SOLP seeks to ensure that development will not result in significant adverse impacts on the amenity of neighbours by way of, for example, loss of privacy, noise or visual intrusion.

There are residential properties to the south and west of the site. I note that the layout plan proposes structures such as the polytunnels, solar panels, composting toilets etc away from residential boundaries. I therefore consider that the proposed development is unlikely to result in significant adverse impact on neighbour amenity. I note that there is no external lighting proposed. External lighting is unlikely to be acceptable given the adverse impact on the character of the area and on neighbour amenity.

If a planning application is submitted, a consultation to the council's Environmental Protection team and drainage engineer would be carried out in relation to the potential for odour and/or pollution from the proposed composting toilets.

### **Highway Issues**

Policy TRANS5 seeks to ensure that all new development has a safe access and exit onto the highway network with adequate parking and turning within the site. I have consulted the county highway authority in relation to this proposal and set down their comments below:

- *It is unclear how construction traffic will access/park for the proposal, especially given the access geometry and the characteristics of 'Cross Keys Road'*
- *Details on the pedestrian access gate to 'Ferry Road' will this include gradient works so as to allow all users to access (mobility impaired)? Provision of hardstanding? The proposal will likely increase users accessing the site at the 'Ferry Road' access, furthermore these improvement works are likely to result in indiscriminate parking occurring within the vicinity of the bridge.*
- *Vehicular tracking diagrams will need to be provided given the provision of gates adjacent the proposed turning circle*

If a formal planning application is submitted, the issues raised above will need to be addressed.

### **Trees**

There are existing trees around the boundary of the site. These trees make a positive contribution to the special character of the AONB and should be retained and protected (policy ENV1 of the SOLP). Any planning application should include a tree

survey showing these trees accurately plotted on a plan and details of how the trees would be protected in accordance with BS 5837: "Trees in relation to design, demolition and construction"

The proposed site plan which has been submitted includes the planting of trees around the site. This is welcomed as it will increase the biodiversity within the site and positively contribute to the character of the area. I have spoken informally to the council's forestry officer about this proposal. He very much welcomes the proposed tree planting. He has suggested that a wider variety of trees are planted to ensure the resilience of the landscape. He has also suggested that large canopy trees such as oak, beech or lime are planted within the site.

The forestry officer has recommended that you look at the following link, if you have not already done so, as some trees may be available free for community projects such as the one you are proposing.

<https://www.woodlandtrust.org.uk/plant-trees/schools-and-communities/>

### **Biodiversity**

Policy ENV3 of the SOLP seeks to ensure that all new development result in a net increase in biodiversity. The proposed tree and hedge planting on the site together with the planting strips and creation of a wildlife pond will result in a net increase in biodiversity on the site, in my opinion.

### **Management of the site**

Any formal planning application should include details of how the site will be managed. For example, who will be responsible for keeping the hedges trimmed, cutting the grass and ensuring that the site is used only for the purposes for which it is intended. What would the electricity generated by the solar panels be used for? What would happen to any surplus produce grown on the site – flowers, fruit, vegetables etc. The Local Planning Authority will need to be reassured that the site would remain for community use in perpetuity.

In relation to the proposed park, you have specifically asked for clarification on which elements require planning permission. You have set down, within your covering letter those elements which you believe require planning permission and those which do not.

The use of the land to a community park/garden requires planning permission as it would be a change of use of the land from agriculture. I would, therefore, include all the features proposed within a formal planning application as they are intrinsically linked.

I do, however, agree with your assessment of which elements require planning permission. In addition, the creation of a wildlife pond and provision of a borehole would, in my opinion, also require planning permission as they constitute engineering works.

### **Graveyard extension**

The key considerations in assessing a proposal for the extension to the existing graveyard are:

- Principle
- Impact on neighbours
- Impact on the setting of the listed building
- Impact on the character and appearance of the AONB
- Archaeology
- Drainage

### **Principle**

The NPPF advises that Local Planning Authorities should make effective use of land. In this case the proposed extension to the graveyard would help meet a requirement of the local community in the future.

Policy CF2 of the SOLP supports proposals which would result in the provision of the facilities and services in rural areas particularly where they are located within or adjacent to the built-up area of an existing settlement; would clearly meet an identified need and are acceptable for all members of the community and promote social inclusion. I am of the view that this proposal complies with this policy.

### **Impact on neighbours**

The nearest neighbours to the proposed extension of the graveyard are Perch House and Pike House. Their rear gardens would abut the northern boundary of the site. It is my opinion that this proposal would not result in an unacceptable impact on neighbour amenity (policy DES6 of the SOLP)

### **Impact on the setting of the listed church**

The NPPF advises that proposals which preserve the setting of heritage assets should be treated favourably. Policy ENV7 of the SOLP seeks to ensure that the setting of listed buildings are conserved and enhanced and that any development which would adversely affect the setting of a listed building should be resisted.

In this case, the proposed change of use from agricultural land to a burial ground would not harm the setting of the grade 1 listed church, in my opinion.

### **Impact on the character of the area**

The proposed development is modest and would not, in my opinion, result in any material adverse impact on the character and appearance of the area or the AONB. There is an existing graveyard behind the church and the proposal would be a relatively modest extension to this.

### **Archaeology**

The site lies outside but immediately adjacent to an area of archaeological constraint. The county archaeologist would be consulted on any formal planning application which is submitted. I have received the following comments from the archaeologist in relation to this proposal.

*The proposal site occupies an area of archaeological interest and potential within the historic core of the village and adjacent to the 13th church of St Andrews. The site*

*further lies adjacent to the Manor at South Stoke, this documented from Domesday, the current buildings of which date from the late 17th century, a dovecote associated with which is designated as a scheduled ancient monument. The site also lies in proximity to the course of the prehistoric ridgeway with a Neolithic arrowhead being recorded to have been recovered from the churchyard of St Andrews Church. It is therefore possible that this proposed development could therefore encounter archaeological deposits related to these periods. An archaeological desk based assessment will need to be submitted along with any planning application for the site in line with the National Planning Policy Framework (NPPF 2021) paragraph 194. This assessment will need to be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for desk based assessments including the submission of an appropriate written scheme of investigation to agree the scope of the assessment. This assessment will specifically need to consider the nature and extent of past and proposed impacts arising from development on any below ground archaeological remains. A programme of archaeological investigation may be required ahead of the determination of any planning application for the site. This investigation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.*

## **Drainage**

The Environment Agency would be consulted on this proposal. They have guidance on their website relating to graveyards. A summary of this is listed below

- Must be at least 250m from any borehole, well or spring used for potable supply, or directly in food production.
- Must be at least 30m from any spring or watercourses.
- Must be at least 10 metres from any field drain, including seasonally dry ditches.
- All graves must have at least 1 metre clearance between the base of the grave and the top of the water table – they shouldn't have any standing water in them when dug
- All graves must not be dug in unaltered or unweathered bedrock
- All graves must not be dug in areas susceptible to groundwater flooding
- All burials must be deep enough so at least 1 metre of soil will cover the top of the coffin.

I trust you find the advice in this letter useful. You will appreciate that the views which have been expressed are officers' opinions only for your guidance and are not binding on the council. If you wish to obtain a formal opinion, you should submit a full planning application with associated supporting documentation, plans and fee. Such applications will take approximately 8 weeks to determine.

Please note that requests for pre-application advice will be made public once a subsequent relevant planning application is made. The submitted documents, our response and any interim correspondence will be made public. We will endeavour to ensure that all personal information such as telephone numbers and e-mail addresses are removed from the documentation.

Yours sincerely,

*Kim Gould*

Kim Gould  
Planning Officer

## **BUILDING OVER GAS MAINS AND SERVICES**

Please note before you plan to dig, or carry out building work within the SGN gas network, you must:

1. Check your proposals against the information held at <https://www.lineearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact the SGN Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone SGN with general plant protection queries. See SGN details below: Phone 0800 912 1722 or email [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk)

For further information please refer to:

<https://www.sgn.co.uk/damage-prevention>  
<https://www.sgn.co.uk/help-and-advice/digging-safely>