

APPLICATION NO.	P19/S1648/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	30.5.2019
PARISH	BRIGHTWELL CUM SOTWELL
WARD MEMBER(S)	Anne-Marie Simpson Jane Murphy
APPLICANT	Mr & Mrs Farrand
SITE	Lawrence House Brightwell-Cum-Sotwell, OX10 0RQ
PROPOSAL	Proposed erection of a three bedroom cottage-style dwelling house with detached carport/garage structure and amenity space provision.
OFFICER	Paul Bowers

1.0 **INTRODUCTION**

- 1.1 The application is recommended for approval subject to planning conditions.
- 1.2 The application is referred to planning committee because the officer recommendation of approval conflicts with the views of the Brightwell cum Sotwell Parish Council which objects to the development.
- 1.3 The application site comprises part of the existing residential curtilage of the property known as Lawrence House which is located at the southern end of the unmade track which extends south westerly from Slade End, Brightwell cum Sotwell.

The existing house is located to the western end of the site with a large lawned area to the east.

The building is not listed and the site is not located in an area of any special designation.

- 1.4 A plan identifying the site is **attached** as Appendix 1.

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission from the council to erect a 1.5 storey, 3 bedroom, detached dwelling on the lawned area of the curtilage of Lawrence House. The plot will be sub-divided and a detached pitched roof garage is proposed to the front of the house. Access will be taken from the existing vehicular access for Lawrence House and a new driveway will come off the existing driveway within the site.
- 2.2 Reduced copies of the plans accompanying the application is **attached** as Appendix 2 to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Brightwell-cum-Sotwell Parish Council** – Object for the following summarised headline reasons;

- The proposal does not meet the definition of infill development.
- The proposal fails to demonstrate a safe and convenient access.

- Concern about the size of the house in comparison to the existing dwelling on the site.
- Concern about refuse collection.
- The site should be part of the master planning process for the three allocated sites adjacent to this site and should be required to contribute toward improvements to the junction.

Neighbour Responses – None received.

County Archaeological Services - No objection subject to the imposition of two planning conditions.

Drainage - No objection subject to conditions relating to surface and foul water details to be submitted.

Highways Liaison Officer - No objection subject to conditions.

Countryside Officer - No objection.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P18/S3864/PEM](#) – Pre-App Response (19/12/2018)

Proposed erection of a new detached dwelling house with associated garaging and amenity space provision.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

National Planning Policy Framework Planning Practice Guidance (NPPG)

South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

CON7 - Proposals in a conservation area

CON11 – Protection of archaeological remains

CON13 - Archaeological investigation recording & publication

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

EP1 - Adverse affect on people and environment

EP4 - Impact on water resources

EP6 - Sustainable drainage

EP7 - Impact on ground water resources

G2 - Protect district from adverse development

H4 - Housing on sites within the built up areas of towns and villages

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

Brightwell cum Sotwell Neighbourhood Plan (BcSNDP) policies;

BCS1 – Brightwell cum Sotwell Village Boundary

BCS7 – Landscape character and the villages

BCS9 – Design principles

BCS10 – Design principle and the conservation areas and their settings

South Oxfordshire Design Guide 2016 (SODG 2016)

Paragraph 48 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.

Emerging South Oxfordshire Local Plan 2034

The council has submitted the Local Plan 2034 to the Planning Inspector for an independent examination following public consultation. It holds limited weight in the determination of planning applications.

6.0 PLANNING CONSIDERATIONS

6.1 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.

In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Core Strategy 2027 (SOCS) which was adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP) and the adopted Brightwell cum Sotwell Neighbourhood Plan (BcSNDP).

The main issues that need to be considered in relation to this proposal are;

- **The principle of the development.**
- **Impact on the setting of the conservation area.**
- **Neighbour impact.**
- **Highway impact.**
- **Amenity space.**
- **Archaeology.**
- **Ecology.**
- **Drainage.**
- **Community Infrastructure Levy.**
- **Other issues.**

6.2 The principle of the development.

Policy CSR1 of SOCS permits infill development within villages subject to the size of the site or equivalent number of houses depending on whether the village is a defined within SOCS as a 'Larger', 'Smaller' or 'Other' village.

Infill is defined as being the filling of a small gap in an otherwise built frontage or on sites which are closely surrounded by buildings.

Brightwell cum Sotwell is categorized at Appendix 4 of SOCS as a 'Smaller Village' where Policy CSR1 would allow for up to 5-6 houses on sites of up to 0.2 hectares.

Policy BCS1 of BCSNDP echoes Policy CSR1 by stating that infill development within the defined village boundary, as set out on the proposals map, will be supported provided that the development accords with the design and development management policies of the development plan and other neighbourhood plan policies.

- 6.3 The first step of the assessment is to consider whether the site is within or outside of the settlement.

The BCSNDP policies map shows the application site within the defined village boundary.

The second step is to assess whether the proposal constitutes infill development.

This will be an edge of settlement development but within the built confines. There will be a dwelling to the west and north west and permission exists for a dwelling directly north. There are also buildings to the north east at Slade End Farm. On the basis that the site has development on almost three sides **and** is located within the defined village boundary it is my view the proposal does constitute infill development.

The development is therefore acceptable in principle in my opinion and accords with policies CSR1 and BCS1.

- 6.4 If a proposed housing development is acceptable in principle, then the detail of the proposal must be assessed against the criteria of Policy H4 which deals with new housing. These are;

- (i) An important open space of public, environmental or ecological value is not lost, nor an important view spoilt.'**
- (ii) states 'the design, height, scale and materials of the proposed development are in keeping with its surroundings.'**
- (iii) states that the 'character of the area is not adversely affected.'**
- (iv) there should be no overriding amenity or environmental or highway objections.**

The following sections of this report cover the various aspects of the Policy H4 criteria.

6.5 **Impact on the setting of the conservation area.**

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides:

In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 72 (1) must also be considered alongside relevant policies contained in the NPPF.

Paragraph 192 states that in determining applications LPA's should take account of the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable use consistent with conservation, the positive contribution that conservation deals within the impact of a proposed development on the "significance" of a heritage assets can make to sustainable communities including their economic

vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

This is followed through in to the development plan in SOCS Policy CSEN3 and Policies CON1-CON16

In this case the designated heritage asset is the Brightwell cum Sotwell Conservation Area.

Policy CON7 states that proposals for development outside a conservation area which would have a harmful effect on the conservation area will not be permitted. Policy BCS0 is the most relevant policy within the neighbourhood plan and relates to design principles in the conservation area and their setting but does not include anything specific in terms of how it would consider development that affects the setting of the conservation area.

- 6.6 The application site is not within the conservation area. The issue to consider is whether the location, design and scale of the proposed dwelling affect its setting.

The conservation area is located to the north east of the site. The vehicular access is directly opposite the border of the conservation area with the gap of the carriageway separating the two.

The nearest part of the new dwelling house is some 67 metres away from the nearest part of the conservation area. There is significant planting in the form of trees and hedging between the two. In my view the physical distance between the new house and conservation area and separation created by the carriageway is such that the setting of the conservation area will not be adversely affected by this development.

The proposal accords with Policy CON7 in my view.

- 6.7 **Neighbour impact.**

Impact on residential amenity is normally considered in terms of whether a development results in material harm by way of overlooking, loss of sunlight or being so large and close that it is considered oppressive and overbearing.

Policies H4 and D4 of the SOLP seeks to protect the amenities of the occupants of nearby properties.

- 6.8 The distance between the existing and the proposed dwelling and the property to the north west at Malthouse Orchard is so great that the impact from the mass and form of the building is sufficiently mitigated to the extent that the proposal is not unneighbourly in my opinion.

There is a window in the side elevation facing toward the existing Lawrence House which serves a bathroom. A planning condition is proposed which seeks to ensure that this obscure glazed to avoid issues of overlooking.

The development accords with policies D4 ad H4 in this respect.

6.9 **Highway impact.**

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.

Policies T1 and T2 of SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.

- 6.10 Given the characteristics of the carriageway, vehicular traffic and speeds are considered to be relatively low.

No change is proposed to the existing access arrangements. The proposal is unlikely to have a significant adverse impact on the highway network.

There is no technical objection from the Oxfordshire County Council's Highway Officer and conditions have been suggested and form part of this recommendation which seek to ensure that the parking and manoeuvring areas are retained and that the garage accommodation is not later converted without the need for planning permission.

6.11 **Amenity space.**

Policy D3 of SOCS seeks to ensure that new dwellings should provide adequate private outdoor space. The amount of land to be used for garden or amenity space will be determined by the size of the dwelling and the character of surrounding development

The South Oxfordshire Design Guide advises that as a minimum a 3+ bedroom property should provide for at least 100 square metres.

- 6.12 I am satisfied that both the existing and proposed dwelling far exceed the council's minimum standards in this respect and given the size and shape of the two plots of land do not appear cramped or overdeveloped in accordance with Policy D3.

6.13 **Archaeology.**

Policy CON11 states that there will be presumption in favour of physically preserving nationally important archaeological remains.

Policy CON13 states that wherever practicable and desirable, developments affecting sites of archaeological interest should be designed to achieve physical preservation in situ of archaeological deposits. Where this is not practicable or desirable, conditions will be imposed on planning permissions, or planning obligations sought, which will require the developer to provide an appropriate programme of archaeological investigation, recording and publication by a professionally-qualified body.

- 6.14 The site is located in an area of archaeological interest on the south eastern edge of the medieval settlement. A number of Roman coins have been found 180m southeast of the site and Roman archaeological features were identified during a pipeline 380m south of the proposed site. Neolithic, Bronze Age and

Iron Age settlement has recently been recorded to the south east of the site and further artefacts from these periods has been recorded 550m east of the proposed site. A Bronze Age beaker burial was also recorded 560m east of the site.

It is therefore possible that further archaeological deposits related to these periods could survive on the site.

The Oxfordshire County Archaeologist has suggested two planning conditions be imposed on any forthcoming planning permission. The first requires that the applicant organises and implements an archaeological watching brief which is to be maintained during the period of construction and carried out by a professional archaeological organisation in accordance with a written scheme of investigation that must first be approved in writing by the council. The second condition follows on from the approval of the written scheme of investigation that no development can commence without the appointed archaeologist being present and once completed all findings shall be reported to the council.

In conjunction with the proposed conditions the development will accord with policies CON11 and CON13 of SOLP.

6.15 Ecology.

The Council's Ecologist has considered the development in the context of Policy CSB1 of SOCS which seeks to ensure that there is no net loss of biodiversity and Policy C8 of SOLP which seeks to ensure that there is no adverse effect on a site supporting specially protected species. In the context of the site and these policies the proposal is not considered to conflict with the policies and there is no objection on ecological grounds.

6.16 Drainage.

The site is located within Flood Zone 1 which is area that is least likely to be affected by flooding.

The site is shown to be at a medium (1 in 100) to low (1 in 1000) risk of surface water flooding. This would however appear to be attributed to the adjacent watercourse.

The Council's Drainage Engineers have considered the development in the context of the impact from surface water and foul water.

Policy EP1 of SOLP seeks to prevent development which would have an adverse effect on people and living organisms, the atmosphere, land and underground watercourses unless measures are in place to mitigate the impact.

Policy EP6 requires developers to demonstrate that the surface water management system accords with sustainable drainage principles.

- 6.17 There is no objection to the development on either foul water or surface water drainage grounds of impact to the watercourse. This is however subject to planning conditions which require the applicant to provide details of the surface water and foul drainage systems.

6.18 **Other matters.**

The Brightwell cum Sotwell Neighbourhood Plan allocates sites for housing within the settlement boundary defined in the document. Three of those sites are near to the application site the subject of this proposal and accessed via the same lane from Slade End. These are sites A, B and C as shown below.



6.19 Policy BCS5 of the BcSNDP supports the redevelopment of land shown on sites A-C providing that all three sites come forward in a single planning application and that they adhere to a previously approved master plan. Each development should contribute toward a fund to improve Green Lane from Slade End to the access of the sites to the minimum adoptable standard.

6.20 A single planning application was submitted under application reference P18/S2517/FUL at the land adjoining the pumping station shown as site C above.

Because the application came in without the other two sites and was not following an approved master plan the district council refused planning permission because of this conflict with the development plan.

6.21 Prior to that an application was made under reference P18/S2484/FUL for a new dwelling at Malthouse Orchard to the north of Lawrence House. That application site is not one of three identified sites in Policy BCS5 and therefore there was no conflict with the development plan in this regard. The parish council did not object planning permission was granted under officers delegated powers.

6.22 In relation to this application, the Brightwell cum Sotwell Parish Council have objected in part because in their view the development of this site conflicts with Policy BCS5 in that it does not provide for a financial contribution toward improvements to the road surface and junction.

The application site is not one of the 3 identified in Policy BCS5 in the same way that the approved dwelling at Malthouse Orchard was not. The policy does not apply to this development. I do not therefore consider it reasonable to require the applicants to make a financial contribution in the same way as it was not necessary for the applicants at Malthouse Orchard to make such a contribution. This site is not specifically identified in the policy and as such there is no conflict with the development plan. In your officers' view it would be wholly unreasonable for the council to refuse planning permission for this reason.

6.23 The development is liable to pay CIL. The amount payable on this development is £43,884. As the parish council has a made neighbourhood plan they would be entitled to 25% of that amount which would equate to £10,971.

7.0 CONCLUSION

7.1 The site is located within the settlement as defined by the Brightwell cum Sotwell Neighbourhood Plan. The proposal constitutes infill development in that it qualifies as being closely surrounded by buildings. The site affords for adequate levels of amenity and parking and does not give rise to impacts of unneighbourliness or harm to highway safety. In conjunction with the attached conditions the development will accord with development plan policies.

8.0 RECOMMENDATION

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

- 1 : Commencement three years - Full Planning Permission**
- 2 : Approved plans**
- 3 : Schedule of Materials**
- 4 : Parking & Manoeuvring Areas Retained**
- 5 : No Garage conversion into accommodation**
- 6 : Surface water drainage works (details required)**
- 7 : Foul drainage works (details required)**
- 8 : Archaeological Watching Brief**
- 9 : Archaeology (Submission and implementation of WSI)**
- 10 : Obscure glazing**

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