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<b>APPLICATION NO.</b>	<a href="#">P20/S1991/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	26.6.2020
<b>PARISH</b>	BINFIELD HEATH
<b>WARD MEMBERS</b>	Leigh Rawlins & David Bartholomew
<b>APPLICANT</b>	The Phillimore Successors Settlement
<b>SITE</b>	Land next to Oak House Cottage, Track Leading to Box Cottage Common Lane, Binfield Heath, RG9 4JY
<b>PROPOSAL</b>	Proposed new 4 bedroom residential dwelling, built within the garden of Oak house Cottage. New single storey, single car, oak frame car port (As amended by plans 14 October 2020 to reduce width of property and reduce glazing along south elevation) (As amended by plans received 2 March 2021 to move property further away from trees marginally) (As supported by Arboricultural Information received 2021-03-02) (As amplified by information received 2021-05-19).
<b>OFFICER</b>	Marc Pullen

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**1.0 INTRODUCTION AND PROPOSAL**

1.1 Officers recommend that planning permission is granted. This report explains how officers have reached this conclusion.

1.2 This application seeks planning permission for the erection of a new detached dwelling with detached garage. This application is referred to planning committee as the recommendation of the planning officer, to grant planning permission, conflicts with the views of the parish council.

1.3 The application site, which is shown at **Appendix A**, is situated in Binfield Heath, accessed off the existing track which runs westward off Common Lane. The site lies in the Chilterns AONB. The current plans are included at **Appendix B**.

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

**2.1 Binfield Heath Parish Council – Object**

- The site is a wide gap between two homes and not a small gap in a row of housing.
- Any additional dwelling here would diminish the spacious, rural character of this particularly tranquil, attractive corner of the village – also harming the Chilterns AONB.
- The proposed building is much larger and higher and would overshadow and dominate Oak House Cottage, to its detriment. Windows of the new house would face directly into Gosbrook Cottage at first floor level.
- The track leading to the site is narrow, private, potholed and partly unmade. It is very difficult to turn even a family-sized car at the end, past Oak House Cottage. There are no passing places. Occasionally, large vehicles need access and have to back up along the track, causing a risk at the junction with Common Lane.

**Forestry Officer (South Oxfordshire District Council) – No objection**

- Subject to condition requiring detailed tree protection information being submitted and agreed. This condition is required to ensure the satisfactory

protection of retained trees and necessary information around the foundation of the car port and details of tree pruning and the location of utilities.

**Countryside Officer** (South Oxfordshire & Vale of White Horse) – No objection

- Subject to condition requiring the submission and agreement of a biodiversity mitigation and enhancement strategy; proposing biodiversity enhancements and means of minimising potential adverse impacts on biodiversity.
- It is requested that the hedgerow along the front of the site is retained if at all possible. This will have visual and biodiversity benefits to the scheme

**Drainage** - (South and Vale) – No objections

- Subject to conditions requiring the submission and agreement of full foul drainage and surface water drainage
- The following notes, coupled with the hydraulic calculations will inform any forthcoming application to discharge any conditions:
  - The surface water and foul water drainage schemes must be separate from one another.
  - EA consent for the foul water drainage scheme in writing must be provided.
  - A robust maintenance strategy is submitted for the surface water drainage.

**Highways Liaison Officer** (Oxfordshire County Council) – No objection

- Subject to conditions which require the retention of parking on site.
- The proposed development has demonstrated parking provision in accordance with standards
- The provision of a third home along this lane would not, in the Highway Authority's opinion, significantly increase the risk to highway safety to warrant a refusal
- With regards to construction traffic, a number of informatives have been recommended so as to mitigate the impact construction vehicles have on the highway network
- Furthermore, I would expect the proposed development to generate between 6 to 8 movements per day, given the characteristics and geometry of the carriageway in this location, it is considered vehicular speeds and traffic are low, the Highway Authority do not anticipate this will result in severe harm to Highway Safety.
- The proposal is unlikely to have a significant adverse impact on the highway network

**SGN Plant Protection Team** –

- General guidance on avoiding electricity and gas pipelines

**South Oxfordshire District of CPRE** – Object

- The Committee of South Oxfordshire District of CPRE believes that this application is contrary to Policy CSR1 of the South Oxfordshire Core Strategy.
- The site cannot be described as a small gap in an otherwise built-up frontage (the gap between the neighbouring properties is 70 metres) nor is it closely surrounded by buildings
- In addition, the proposed new dwelling would have a negative visual impact on the rural character of this part of Binfield Heath village which lies within the Chilterns AONB
- If permission is granted, we are concerned that the new dwelling will cause light spillage into the surrounding countryside of the AONB, especially from the full height glazing to the south elevation – Strategic Objective DO2 and Policy DP8

of the Chilterns AONB Management Plan 2019-2024 should be considered here.

**Neighbour - (6)**

- Impact on privacy and enjoyment of neighbours – windows that look directly towards neighbours and blocking sunlight
- Narrow lane would not allow access for larger construction vehicles and delivery vehicles
- New dwelling would bring about an increase in traffic, particularly during the process of construction
- The design of the dwelling would be large and not in keeping with the cottages down this lane – the large red brickwork would dominate the landscape in the countryside
- The site is away from the main village and its facilities including shop and PO and bus service – roughly half a mile – it is likely that occupants will need a car to access facilities as no safe footpath or street lighting
- The site is not infill, not a small gap
- Access into the site but puncturing a hole in the hedgerow would be adverse to the character of the area
- The development would set a precedent
- The existing hedgerow and trees need to be protected, preserved and maintained
- The site contains wildflowers and ecology – pollinated by bees and other insects; this will be affected by the construction process
- The land is known to flood and water collects on neighbouring property
- Concerns regarding the use of external lighting and the effect this might have on the AONB

**3.0 RELEVANT PLANNING HISTORY**

- 3.1 [P19/S1888/PEM](#) - Advice provided (31/07/2019)  
Erection of one residential dwelling

**4.0 ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The site is within a 'sensitive area' for the purposes of the EIA regulations 2017 but the scale and nature of the proposed development does not require an Environmental Statement.

**5.0 POLICY & GUIDANCE**

**5.1 Development Plan Policies**

**South Oxfordshire Local Plan 2035 (SOLP) Policies:**

- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES10 - Carbon Reduction
- ENV1 - Landscape and Countryside
- ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
- ENV3 - Biodiversity
- EP3 - Waste collection and Recycling
- H1 - Delivering New Homes
- H8 - Housing in the Smaller Villages
- H16 - Backland and Infill Development and Redevelopment
- INF4 - Water Resources
- STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

**5.2 Neighbourhood Plan**

No made Neighbourhood Plan.

**5.3 Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

**5.4 National Planning Policy Framework and Planning Practice Guidance**

**5.5 Other Relevant Legislation**

- Human Rights Act 1998 - 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.
- Equality Act 2010 - In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.
- Section 85 of the Countryside and Rights of Way Act 2000.
- Chilterns Management Plan (2019-2024)
- Chilterns Building Design Guide

**6.0 PLANNING CONSIDERATIONS**

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

- **Principle of development**
- **Impact on character and appearance of site and surroundings**
- **Impact on neighbours**
- **Access and Parking**
- **Trees and Ecology**
- **Other material planning considerations**
- **Other matters**

**Principle of development**

6.2 The site lies in a gap between Gosbrook Cottage and Oak House Cottage along a small track that is accessed off Common Lane. Binfield Heath is made up of two main parts; north where the Bottle and Glass Inn is located with linear housing along Harpsden Road and Common Lane and the southern part which is the main centre of the village of Binfield Heath at the convergence of Shiplake Row, Arch Hill and Dunsden Way, where there is a shop/post office. There is a concentration of built development to the north of the road junction, between Kiln Lane and Heathfield Avenue and including dwellings on Heathfield Close, but the village is otherwise dispersed; there is, for instance, significant built development on the north side of Gravel Road to the west of its junction with Dunsden Way, to the south of the village centre and north-west of the centre of the village where the Bottle and Glass Inn is situated. The application site lies within the north-western aspect in an area of loose knit housing located around and near to Common Lane.

6.3 In Binfield Heath the principle of new residential development is governed by Policies H8 and H16 of the South Oxfordshire Local Plan (SOLP). Policy H8 advocates that new housing within the 'Smaller Villages' will be supported through Neighbourhood Plans or in accordance with Policy H16. Policy H16 allows for new dwellings on infill sites and the redevelopment of previously developed land or buildings. Infill is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. Policy H16

does not specify what size sites need to be to be considered as infill but does state that the scale of infill should be appropriate to its location.

- 6.4 In officer's view the proposed development would be situated on a site that would fill a gap between two existing dwellings, in a similar density and scale as the properties that it will lie between. The dwelling would be read alongside both neighbouring Gosbrook Cottage and Oak House Cottage and appear as a continuous and linear form of development. The application site would be neighboured to either side by dwellings and to the north by the garden area of Gosbrook House which includes their tennis court. In addition to contributing to a built-up frontage this site would also be closely surrounded by buildings and other dwellings. As such, officers consider that this site appropriately meets the definition of infill and that one property on this site would be an appropriate scale of development in this location.
- 6.5 Binfield Heath is a relatively dispersed settlement, made up of two main parts. The proposed new dwelling would be within walking and cycling distance to the facilities available to residents in Binfield Heath; including The Bottle and Glass Inn, bus stops and the post office and shops. In officer's view, the location of the new dwelling would enable the new occupants to access the existing facilities within the village.

#### **Impact on character and appearance of area and surroundings**

- 6.6 The council's policies and guidance seek to ensure that all new development is designed to be of a high-quality. Development must use land efficiently, take into account landform, layout, building orientation, massing and landscaping, respect the local context working with and complementing the scale, height, density, grain, massing, type and details of the surrounding area. All development must be designed to reflect the positive features that makes up the character of the local area; both physically and visually enhancing and complementing the surroundings.
- 6.7 The South Oxfordshire Design Guide (SODG) advises on the above but also suggests that development should be of a scale that is sensitive to its context, be visually interesting by using attractive detailing and high-quality materials. The National Design Guide states that well-designed new places will be influenced by an appreciation and understanding of the local vernacular of the area, including existing built form and landscaping.
- 6.8 The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the NPPF confirms that great weight should be given to conserving and enhancing the character and qualities of the AONB which have the highest status of protection. This reinforces the statutory duty placed on the council under S85 of the Countryside and Rights of Way Act 2000. An over-riding principle of the NPPF is that any development within the Chilterns Area of Outstanding Natural Beauty should conserve and enhance the natural beauty of the AONB and in so doing not result in harm to the special qualities of the AONB.
- 6.9 The site lies within the Chilterns Plateau with Valleys Landscape Character Area (LCA) as documented in the Landscape Character Assessment for the Local Plan 2033. The key characteristics of the Chilterns Plateau with Valleys include sparsely settled small villages and hamlets, narrow lanes and tall hedgerows, heavily wooded landscape and Ancient Woodland. The settlement patterns consist of small hamlets and farms scattered amongst extensive woods and commons. Settlements have grown to become loose and linear in form with many associated with a village green. Traditional building materials are typical of the Chilterns as a whole with a predominance of red brick, together with silver-grey flint. Plain tiles were the rule on the larger roofs, with

thatch on cottages with some slate introduced in Victorian times. Within the Chilterns Plateau with Valleys LCA the application site lies in a wooded dip slope landscape type. These areas are heavily wooded with a strong structure of woodland which can often create an intimate and enclosed character with a distinctive pattern of winding rural roads, irregular field boundaries and scattered rural settlements.

- 6.10 The site is open in appearance and benefits from a strong landscape backdrop as a result of large trees and vegetation. To the front of the site is a tall hedgerow which emphasises the rural appearance of the site and shelters the site from wider view. These are important features that would be typical to the LCA. Through glimpsed views when travelling along Common Lane it is clear that built form exists down this lane and Gosbrook Cottage occupies a prominent position along the lane. The development of the site for one detached property would read alongside Gosbrook Cottage and tie the built-up form together along this lane demonstrating a clear linear and loose knit row of housing. In officers view this would be in keeping with the existing dispersed pattern of housing in this area.
- 6.11 The proposed dwelling will be approximately 7.6 metres in height. It is accepted that the dwelling will appear above the hedgerow to the front with the first floor likely to be exposed above. This is not considered materially harmful given the presence of nearby Gosbrook Cottage and Oak House Cottage and the level of visibility will also be offset by the proposed dwelling being set back from the hedgerow further into the site. The property does not appear overly long and the massing of the property is broken up by the projecting gables and lower central ridge. This would be in accordance with the advice set out within the Chilterns Building Design Guide (CBDG) which advises that new houses should have a simple form and a pitched roof with a central ridge.
- 6.12 The backdrop to the site makes a positive contribution to the wider area and the hedgerow to the front also contributes positively. The properties in this area are well spaced which give the area its spacious and open character. In officer's view, despite the presence of the dwelling the landscape backdrop would still be evident and the hedgerow to the front would be retained. These trees would not be harmed by the proposed development and their contribution to the local area would be preserved. The dwelling would maintain noticeable visual gaps between Gosbrook Cottage and Oak House Cottage maintaining the spacious character of the area. The intimate and enclosed nature of the site would remain as well as those of the neighbouring properties. The application suggests the use of red brickwork and clay roofing tiles, which would be in keeping with the area and vernacular of the Chilterns Plateau with Valleys LCA and the form and massing of the property would be a typical form in the Chilterns AONB.
- 6.13 In officer's view the proposed development would introduce a new dwelling, in a sizeable plot appropriate to its setting which contributes to the loose knit and linear pattern of built form in this area, designed in an appropriate way to respond to the vernacular of the area and the Chilterns AONB and conserves the important landscape features on the site surrounding the site that positively contribute to the wider landscape character of the area. As such, officers are satisfied that the development would be acceptable having regard to the character and appearance of the site and the surrounding area.

### **Impact on neighbours**

- 6.14 Policy DES6 (SOLP) seeks to ensure that development proposals do not result in significant adverse impacts on the amenity of neighbouring uses. Factors to consider include loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or

vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination and external lighting.

6.15 Concerns have been raised with regards to the proposed dwelling having an adverse impact upon the amenity of neighbours who live nearby. The proposed dwelling would be sited some 50 metres away from the closest wall of neighbouring Gosbrook Cottage and approximately 35 metres away from the shared boundary to Gosbrook Cottage. The proposed dwelling would be approximately 25 metres from the closest wall of neighbouring Oak House Cottage and 10 metres from the shared boundary to Oak House Cottage. Officers are satisfied that the distances involved provide sufficient separation between the proposed new dwelling and the existing properties along this track.

6.16 A distance of at least 35 metres to the boundary to Gosbrook Cottage would avoid any significant adverse impacts upon the amenity of these neighbours – windows would be set far away from this neighbour's windows and these neighbours would be able to use and enjoy their private garden area without any significant adverse overlooking, loss of light, or loss of outlook. The principal garden area for Oak House Cottage lies west to the property, further away from the proposed new dwelling. The new dwelling would not result in any overbearing impact upon the neighbours at Oak House Cottage and/or their private garden area. The neighbour to the north, Gosbrook House, has a tennis court north of where the proposed new dwelling would be sited. This area of Gosbrook House is detached and away from the main dwelling and is an ancillary part of their garden that is not closely associated with the main dwelling. Officers are satisfied that the proposed dwelling would not result in any significant adverse impact on the amenity of those living at Gosbrook House.

6.17 The advice of the South Oxfordshire Design Guide (SODG):



6.18 In officer's view the proposed new dwelling would not result in any significant adverse impact on the amenity of neighbours.

### **Access and Parking**

- 6.19 The proposed dwelling would be accessed off the existing track, served by a sizeable parking and turning area and detached garage. The local highway authority has raised no objection to the proposed development. It is noted a number of concerns have been raised with regards to construction traffic and delivery vehicles. It must be noted that delivery vehicles would have been accessing the two existing dwellings and the provision of a third is not considered, in my opinion, to significantly increase the risk to Highway Safety to warrant a recommendation for refusal. With regards to construction traffic, a number of informatives have been recommended so as to mitigate the impact construction vehicles have on the Highway network – these include avoiding any vehicles being parked which block the highway and to avoid any mud being carried onto the public highway. Details of these informatives are further elaborated below.
- 6.20 The local highways authority would expect the proposed development to generate between 6 to 8 movements per day. Given the characteristics and geometry of the carriageway in this location, it is considered vehicular speeds and traffic are low and as such it is not anticipated that the additional vehicular movements would result in harm to highway safety. The local highways authority concludes that the proposal is unlikely to have any significant adverse impact on the highway network and as such has no objection to the proposed development subject to conditions and informatives.

### **Impact on trees**

- 6.21 The council's forestry officer has assessed the proposed development and the applicant has worked positively with the council to respond to the concerns of the forestry officer by providing the necessary information required to assess the impact upon trees. Following the submission of all relevant information the council's forestry officer does not object to the grant of planning permission, subject to suitably worded conditions which require the satisfactory protection of all retained trees on site.

### **Impact on ecology**

- 6.22 The council's countryside officer has assessed the proposed development with regards to the impact on ecology. The proposed development site comprises of the side amenity/garden area of Oak House Cottage. There are no known ecological constraints on the site. The countryside officer supports the retention and protection of the mature trees around the site. The loss of amenity grassland is not considered to be a constraint to the development, however, it will have an overall adverse impact on the biodiversity of the site. However, should planning permission be recommended, the countryside officer is satisfied that a suitably worded condition can be imposed to ensure that the construction process minimises any potential adverse impacts on biodiversity on site and requires the submission of a scheme to enhance biodiversity on the site. The countryside officer also requests that a condition is imposed which requires the agreement of any external lighting.

### **Drainage and flooding**

- 6.23 The council's drainage engineer does not object to the proposed development, subject to two conditions which require the submission and agreement of a full surface water drainage scheme and a full foul water drainage scheme. Confirmation was sought during the consideration of the application with regards to percolation testing and infiltration of the site. The council's drainage engineer is satisfied that the abovementioned conditions would be appropriate and address any outstanding matters.



### Other material considerations

- 6.24 Energy Reduction - In accordance with Policy DES10 (SOLP) all new build dwellings should achieve at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations complaint base case. This can be achieved with a suitably worded condition which will require the submission of an Energy Statement.
- 6.25 Light spillage – Officers acknowledge that the new dwelling would have large portions of glazing along the north and southern elevations and to avoid any undue light spillage a condition can be imposed which require the submission of details of the specification of the glass coating of the external glazing to prevent illumination and light spill to a maximum visible light transmission of 70%.

### Other matters

- 6.26 Community Infrastructure Levy (CIL) - The council's Community Infrastructure Levy (CIL) charging schedule applies to all relevant development proposals. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area and is primarily calculated on the increase in footprint created as a result of the development or net gain of residential use on site. This development would be liable to pay toward CIL and will be charged based on the internal floor space provided.
- 6.27 Pre-commencement conditions - The suggested conditions have already been discussed above. However, in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Section 100ZA (6) of the Town and Country Planning Act 1990(a) the Council is required to confirm agreement to all pre-commencement conditions. These have been agreed by the applicant/agent in writing in accordance with the requirements of this legislation.

### 7.0 CONCLUSION

- 7.1 Officers consider that planning permission should be granted. The proposed development would be acceptable in principle and subject to the suggested planning conditions, the proposed development would not result in any adverse impacts upon the character and appearance of the area, the landscape and scenic beauty of the Chilterns AONB, the amenity of neighbours, the protection and retention of important landscape features and ecology and would not harm the safety of the highway network.

### 8.0 RECOMMENDATION

#### 8.1 Planning Permission.

- 1 - Development to commence within three years of the date of permission
- 2 - Development to be implemented in accordance with approved plans
- 3 - Schedule of all materials to be used in the external construction of the development to be agreed
- 4 - Parking & Manoeuvring Areas retained as shown on plan
- 5 - Details of landscaping (incl hardsurfacing and boundary treatment) to be submitted to and approved in writing by the LPA
- 6 - Tree Protection details to be submitted to and approved in writing by the LPA
- 7 - Biodiversity Mitigation and Enhancement Strategy to be submitted to and approved in writing by the LPA
- 8 - A schedule of all external lighting to be submitted to and approved in writing by the LPA

- 9 - Surface water drainage details to be submitted to and approved in writing by the LPA**
- 10 - Foul drainage details to be submitted to and approved in writing by the LPA**
- 11 - Energy Statement – report to be submitted to and approved in writing by the LPA**
- 12 - Glass coating for external glazing to be submitted to and approved in writing by the LPA**

Highway informative:

- It is an offence under Section 151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such obstruction is an offence under Section 137 of the Highways Act 1980.

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