

APPLICATION NO.	P22/S4391/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	10.2.2023
PARISH	BRIGHTWELLCUMSOTWELL
WARD MEMBER(S)	Ben Manning Anne-Marie Simpson
APPLICANT	Ms Kelsey Proctor
SITE	36 Greenmere Brightwell-cum-Sotwell, OX10 0QQ
PROPOSAL	New 3 bedroom house with associated parking (amended plan to reduce the height of the dwelling, alter car parking and drainage layout and show surrounding street scene elevations received 25 May 2023 and 27 June 2023).
OFFICER	Andy Heron

1.0 INTRODUCTION

- 1.1 This report sets out the officer’s recommendation that planning permission should be granted having regard to the material planning considerations and the development plan.
- 1.2 The application is referred to planning committee following an objection received from Brightwell-cum-Sotwell Parish Council. The parish council have raised concerns that the development would create a precedent for adjacent properties in the Greenmere Estate to build in their back gardens. A map extract identifying the site is **attached** at Appendix 1.
- 1.3 The site has a 290 square metre area and is situated to the north of the village of Brightwell cum Sotwell. It consists of garden land to the north of 36 Greenmere, a 1960’s semi-detached dwelling which is set within a long spacious plot. Neighbouring properties are situated to the east and west, and a bus stop is located on High Road to the north.

PROPOSAL

- 1.4 Planning permission is sought for the construction of a 3 bedrooed dwelling which will be designed with a pitched roof and front facing gable to a height of 7 metres. The dwelling will measure 9.6 metres wide by 7.7 metres deep. The dwelling will be constructed of brick and tiles to match the surrounding area.
- 1.5 Vehicle access is proposed via Green Lane which runs to the west of the site via Greenmere. Two on-site car parking spaces are proposed to the east of the dwelling.
- 1.6 Amended plans were received on 25 May and 27 June to reduce the height of the dwelling, alter the car parking and drainage layout and show surrounding street scene elevations.

	<p>The 3 original letters of objection were concerned with;</p> <ul style="list-style-type: none"> - Poor access - Impact on the character and appearance of the area <p>The 2 letters of objection following re-consultation were concerned with;</p> <ul style="list-style-type: none"> - Harm to amenity during construction - Access and parking implications
Highways officer (Oxfordshire County Council)	No objection , subject to a parking compliance condition.
Archaeology (Oxfordshire County Council)	No objection.
Drainage	No objection , subject to surface water and foul water drainage conditions.

3.0 **RELEVANT PLANNING HISTORY**

3.1 1 application of relevance.

[P06/W0716](#) - Approved (12/09/2006)

Demolition of existing garages and development of 6 flats with associated parking.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development is not EIA development.

5.0 **POLICY & GUIDANCE**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory Development Plan comprises:

- The Local Plan 2035
- Adopted neighbourhood plans

5.2 The South Oxfordshire Local Plan (SOLP) 2035 policies which are relevant to the proposed development are:

- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity

DES8 - Promoting Sustainable Design
DES10 - Carbon Reduction
ENV1 - Landscape and Countryside
ENV3 - Biodiversity
EP3 - Waste collection and Recycling
H1 - Delivering New Homes
H8 - Housing in the Smaller Villages
H16 - Backland and Infill Development and Redevelopment
INF1 - Infrastructure Provision
INF4 - Water Resources
STRAT1 - The Overall Strategy
TRANS5 - Consideration of Development Proposals

5.3 Neighbourhood Plan

The Brightwell cum Sotwell neighbourhood plan was made (adopted) as part of the district council's development plan on 12 October 2017.

Brightwell cum Sotwell Parish Council have submitted a reviewed neighbourhood plan to South Oxfordshire District Council. If adopted, the reviewed plan will replace the Brightwell cum Sotwell Neighbourhood Development Plan adopted on 12 October 2017.

The current policies which are relevant to the proposed development are:

BCS1 - Brightwell cum Sotwell Village Boundary
BCS7 - Landscape Character and the Villages
BCS9 - Design Principles
BCS12 - Biodiversity, Trees, Hedgerows, and Wildlife Corridors
BCS13 - Footpaths and Bridleways

- 5.4 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (NPPF)
 - The National Planning Practice Guidance (NPPG)
 - National Design Guide Planning practice guidance for beautiful, enduring, and successful places (NDDG)
 - South Oxfordshire and Vale of White Horse Joint Design Guide 2022
 - South Oxfordshire Infrastructure Delivery Plan (April 2020)
 - South Oxfordshire Developer Contributions Supplementary Planning Document (3 January 2023)

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.

6.0 **PLANNING CONSIDERATIONS**

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

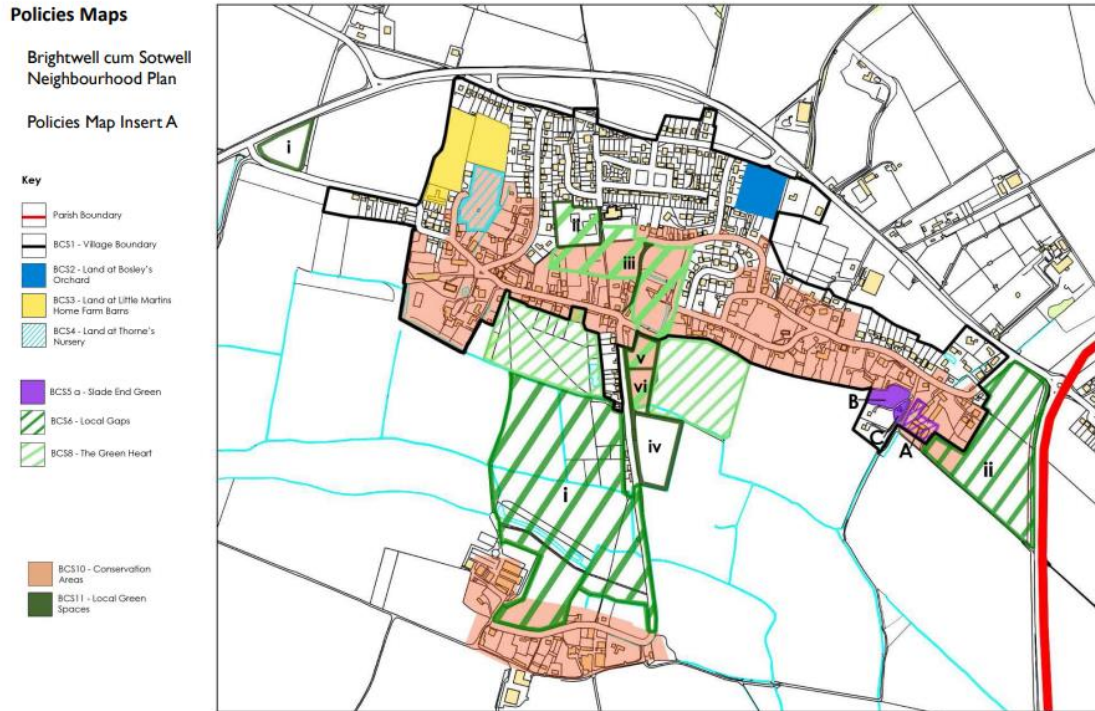
- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Drainage**
- **Biodiversity**
- **Energy statement**

6.2 **Principle of development**

SODC's settlement hierarchy designates Brightwell cum Sotwell as a 'smaller' village. Policy STRAT1 of the SOLP allows for limited amounts of housing in smaller villages. Policy H1 of the SOLP further adds that residential development may be permitted where development involves infilling in smaller villages. The council will also support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

6.3 Policy H16 of the SOLP follows on from policy H1, which concerns back land and infill development and the redevelopment of previously developed land within smaller and other villages. The policy defines infill development 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. It states that the scale of infill should be appropriate to its location. Infill development is also supported by policy BCS1 of the Brightwell cum Sotwell neighbourhood plan which supports proposals for infill development within the boundary, provided they accord with the design and development management policies of the development plan.

6.4 The proposed dwelling would represent infill development, it is within the village boundary (as can be seen in the Brightwell cum Sotwell Neighbourhood Policies Map which shows the village boundary below) and would be closely surrounded by buildings. The scale and siting of the development would also fit in with the neighbouring dwellings to the north-west, enabling the dwelling to fit seamlessly into the High Road street scene to the north.



6.5 The development would not create an overbearing impact towards neighbouring occupants. Policy H16 adds that the principle of infill development in smaller villages is acceptable, providing the privacy of existing and future residents is protected, a means of access can be secured, and development would not exceed the built limits of the settlement.

6.6 Officers consider the development to be within the built area of Brightwell cum Sotwell. Neighbouring privacy and access will be discussed below. Providing the development doesn't create any harm to access or neighbouring amenity, the principle of development is considered acceptable.

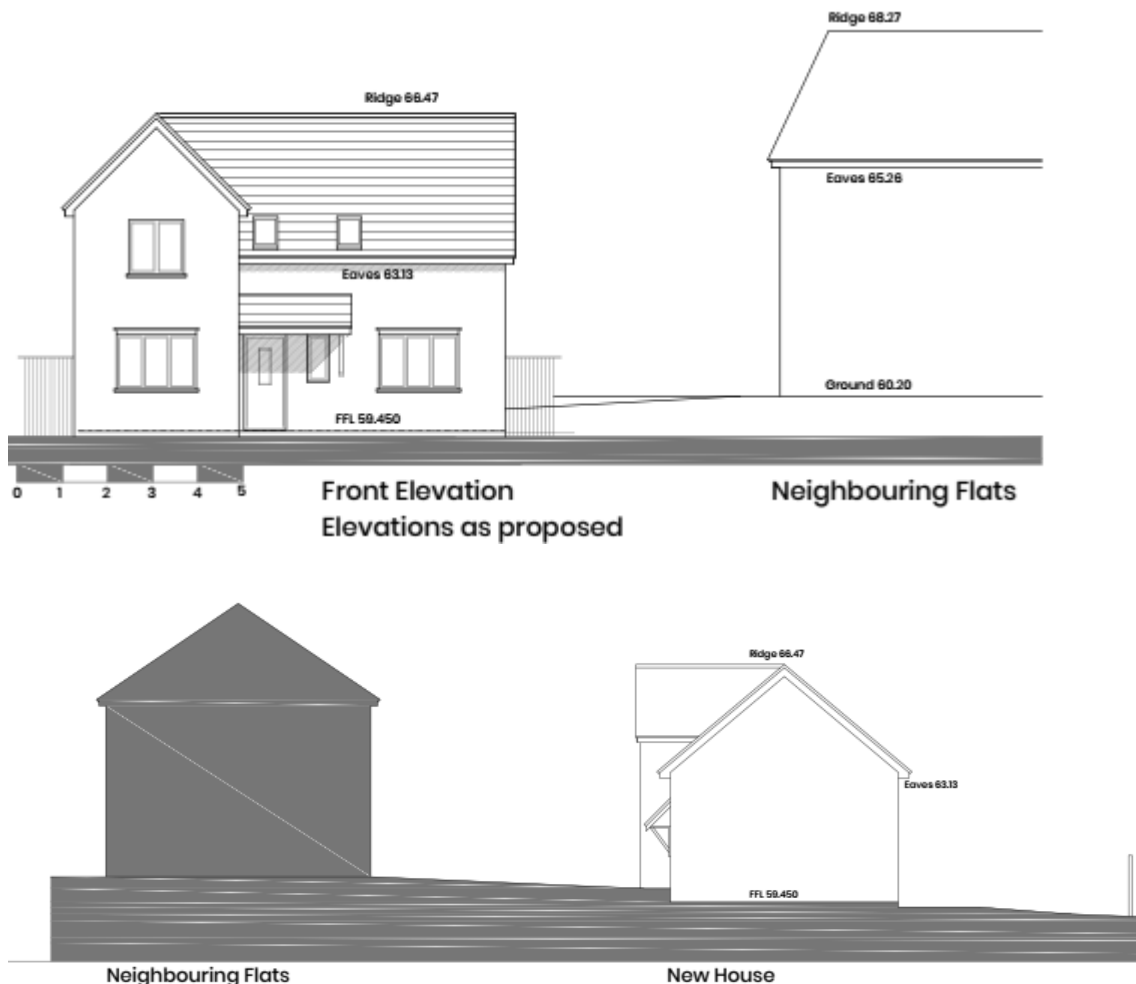
6.7 Design and character

Policy DES1 of the SOLP seeks to ensure that all new development is of a high-quality design. One of the key requirements of the policy is to ensure development respects the local context working with and complementing the scale, height, density, grain, massing, type, and details of the surrounding area. Policy DES2 of the SOLP requires development to enhance local character, it states that new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

6.8 Policy BC9 of the Brightwell cum Sotwell Neighbourhood Plan supports development that complements, enhances, and reinforces the local distinctiveness of the village. It requires proposals to show clearly how the scale, mass, density, layout and design of the development fits in with the character of the immediate area and wider context within the village. The scale of new developments should conserve and enhance the rural character and appearance of the village and its landscape setting as defined in the adopted

Village Design Statement and Conservation Area Character Appraisal. Policy BCS7 of the Brightwell cum Sotwell Neighbourhood Plan concerns the landscape character of the village and requires development proposals within and around the village demonstrate how they have taken account of the contribution made to the character of the villages by the North Wessex Area of Outstanding Natural Beauty and especially the Sinodun Hills.

- 6.9 The dwelling will front onto High Road to the north. The floor levels of the site will be 750mm below the level of the dwellings to the north-west enabling the height of the dwelling to be 1.8 metres below the neighbouring dwellings. The building line of the proposed property will also be set 15.2 metres behind the neighbouring properties which front High Road to the north-west. The plan sections below indicate how the dwelling will fit in with the neighbouring properties which front onto High Road. The scale, design and appearance of the development will fit in with the surrounding character of the area and will not harm the wider landscape.



- 6.10 The dwelling is sited so that there are 22 metres between the rear first floor habitable room windows of the proposed dwelling and those at 36 Greenmere to the south. This complies with the 21 metre minimum distance requirement contained within the design guide SPD.

- 6.11 Policy DES5 of the SOLP concerns outdoor amenity space. A private outdoor garden or amenity space should be provided for all new dwellings. The amount of land that should be provided for the garden or amenity space will be determined by the size of the dwelling proposed and by the character of surrounding development. Private outdoor sitting areas should not be overlooked by adjacent habitable rooms. They should also not be compromised by shading from buildings or shading, leaf litter and anxiety of established significant trees and hedges that would lead to future pressure to prune or remove these landscape features.
- 6.12 It has already been stated above that the dwelling is adequately distanced from neighbouring habitable rooms. Some overlooking from existing neighbouring dwellings will occur towards the proposed garden, however this is to be expected in the built area of a village. To soften any potential impact, the development proposes a garden with 117 square metres of amenity space which is above the 100 square metre requirement advised in the joint design guide SPD for a three bed dwelling.
- 6.13 The dwelling will be finished with brick and tiles which will be similar to neighbouring properties. The dwelling will have a large private amenity area with bin and cycle stores which will accord with the requirements stated within the joint design guide SPD. To protect the appearance of the area and help assimilate the development into its surroundings a landscaping condition is recommended.
- 6.14 In view of the above the development is considered to accord with policies STRAT1, DES1, DES2, and DES5 of the South Oxfordshire Local Plan 2035, and policies BC7 and BC9 of the Brightwell cum Sotwell Neighbourhood Plan.
- 6.15 **Residential amenity**
- Neighbouring occupants have raised concerns with the potential harm to their amenity during construction. Construction works will only occur for a temporary period. If considered necessary, an hours of work condition for construction could be attached to the decision to mitigate any noise concerns.
- 6.16 Policy DES6 of the SOLP aims to protect the amenity of neighbouring uses from loss of privacy or day/sunlight, visual intrusion, noise, contamination or external lighting.
- 6.17 Officers are satisfied that the proposed dwelling will be sufficiently distanced away from neighbouring dwellings. The layout of the development has also ensured there will be no loss in privacy to neighbouring occupants. The only dwellings which directly face the proposed development are 42 Greenmere which is situated 26.5 metres to the east, and 36 Greenmere which is 17.9 metres to the south. It is important to add that there are no windows on the side elevations of the proposed dwelling.
- 6.18 As explained above the proposed dwelling is sited so that there are 22 metres between the rear first floor habitable room windows of the proposed dwelling

and those at 36 Greenmere. This complies with the 21 metre minimum distance requirement contained within the design guide SPD.

- 6.19 In view of the above the development will not result in significant adverse impacts on the amenity of neighbouring uses and is therefore considered to comply with policy DES6 of the South Oxfordshire Local Plan 2035.

6.20 Access and parking

Neighbouring occupants have raised highway safety and parking concerns stating that they do not consider the existing access is sufficient to accommodate additional vehicles, particularly during construction.

- 6.21 Policy TRANS5 of the SOLP requires development to provide safe and convenient access for all users of the highway.

- 6.22 Oxfordshire County Council's highway liaison officer has no objection to the proposed development, subject to a car parking compliance condition. Two parking spaces are provided which meets with the county council's car parking guidance. Vehicular tracking plans have been supplied. The highways liaison officer has advised that these are acceptable and are unlikely to result in displaced vehicles onto the highway.

- 6.23 Given the characteristics of the carriageway, vehicular traffic and speeds are relatively low. The proposal will result in a relatively modest increase in vehicular numbers, which is unlikely to adversely impact the highway. In view of the above the development accords with policy TRANS5 of the SOLP.

6.24 Drainage

Policy INF4 of SOLP aims to ensure that development proposals demonstrate that there is or will be adequate water supply, surface water, foul drainage, and sewerage treatment capacity to serve the whole development. Policy EP4 of SOLP aims to minimise flood risk directing new development to areas of the lowest probability of flooding and also aims to achieve sustainable drainage systems.

- 6.25 The council's drainage officer has been consulted and has raised no objection subject to surface water and foul water drainage conditions to ensure the proper provision of drainage and to ensure flooding is not exacerbated in the locality. In view of the above the development accords with policies INF4 and EP4 of the SOLP.

6.26 Biodiversity

Policy ENV2 of the SOLP seeks to avoid adverse impacts on ecological receptors (protected species, priority habitats, designated sites, etc.). Where adverse impacts are predicted, development must meet the tests outlined under

the policy. The development is unlikely to harm the habitat of local wildlife and protected species.

6.27 Policies ENV3 of the SOLP and BCS12 of the Brightwell cum Sotwell Neighbourhood Plan support development that will conserve, restore, and enhance biodiversity. The policies require all development to provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity. The site is currently residential garden land which consists of grass and concrete hardstanding. There is therefore limited biodiversity on the site. No trees are proposed to be removed. The development will not lead to a net loss in biodiversity, although as discussed above a landscaping scheme will be conditioned which will secure some planting and help improve biodiversity at the site. Policy BCS12 encourages new homes to install an owl, bat or bird box. A condition requiring a bat or bird box could be added to the decision if considered necessary. It remains the legal responsibility of the applicant to ensure that a wildlife offence is not committed on site.

6.28 In view of the above the development is not considered to harm local wildlife or create a net loss in biodiversity and is therefore in compliance with policies ENV2 and ENV3 of the SOLP, and paragraph 174 and 175 of the NPPF.

6.29 **Energy statement**

Policy DES10 of the SOLP seeks to reduce carbon emissions and requires all new build residential dwellings to incorporate renewable energy and other low carbon technologies and / or energy efficiency measures. To comply with the policy an energy statement and SAP calculations has been submitted in support of the planning application. The energy statement demonstrates the dwellings can achieve a 40% uplift above 2013 Building Regulations baseline requirements.

6.30 A condition is recommended requiring a verification report to be submitted prior to occupation to demonstrate all carbon reduction energy efficiency measures have been implemented in accordance with the energy statement. Subject to the conditions the proposal complies with Policy DES10 of the SOLP.

6.31 **Conditions**

Paragraph 55 of the NPPF is clear that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. The NPPF goes on to state at paragraph 56 that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.

6.32 A condition is necessary relating to the plans approved, in order to ensure the satisfactory appearance of the completed development. Time frame conditions will also be attached to secure the proper planning of the area in accordance with development plan policies. A material compliance condition will also be

recommended to ensure the development accords with neighbouring dwellings and the surrounding rural area.

- 6.33 Conditions restricting occupation of the dwelling until an electric vehicle charging point and cycle parking facilities have been installed are also recommended to ensure sustainable forms of transport are provided in accordance with Policy DES8 of the SOLP. All other conditions have been discussed in the relevant sections of the committee report.

6.34 Community Infrastructure Levy (CIL)

The development is CIL liable to the amount of £33,800.00.

7.0 CONCLUSION

- 7.1 The application has been assessed against relevant policies in the development plan, the NPPF, PPG, the adopted SPD's and all other material planning considerations.
- 7.2 The proposal is acceptable on the basis that the development would create infill development within the village of Brightwell cum Sotwell and will not unduly harm the character and appearance of the area, or neighbouring amenity.
- 7.3 The application will provide an economic and social role via the creation of additional jobs during construction and the deliverability of an additional dwelling within the district. The development is also CIL liable and will contribute towards local infrastructure.
- 7.4 There are no technical concerns with this application, subject to the recommended conditions. Overall, in the planning balance, the benefits of the development outweigh any potential harm. As such, the application is recommended for approval.

8.0 RECOMMENDATION

To grant Planning Permission subject to the following conditions

1 : Commencement 3 years - Full Planning Permission

2 : Approved plans

3 : Surface water drainage

4 : Foul water drainage

5 : Landscaping Scheme (trees and shrubs only)

6 : Parking & Manoeuvring Areas

7 : Energy statement compliance

8 : Electric Vehicles Charging Point (implementation)

9 : Cycle Parking Facilities

10 : Materials as on plan

11 : CIL- informative

12 : Brightwell cum Sotwell Neighbourhood Plan - informative

13 : S151 informative

14 : S137 informative

South Oxfordshire District Council – Planning Committee – 23 August 2023

Author: Andy Heron
E-mail : planning@southoxon.gov.uk
Contact No: 01235 422600