

APPLICATION NO.	P23/S1036/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	27.3.2023
PARISH	BINFIELD HEATH
WARD MEMBERS	Leigh Rawlins & Mike Giles
APPLICANT	Mrs Dot Adamson
SITE	Orchard Cottage, Common Lane, Binfield Heath, RG9 4JZ
PROPOSAL	Proposed 3 bedroom two storey dwelling on the site to the east of Orchard Cottage.
OFFICER	Marc Pullen

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to Planning Committee as the recommendation made by your officers to grant planning permission conflicts with the view of Binfield Heath Parish Council.
- 1.2 The application site (which is shown on the OS extract attached as **Appendix A**) is accessed off Common Lane and lies within the northern part of Binfield Heath parish. The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB).
- 1.3 This application seeks planning permission for a new two-storey detached dwelling on land forward of Orchard Cottage.
- 1.4 This report sets out the justification for officers' recommendation to grant planning permission having regard to the development plan and any other material planning considerations.
- 1.5 Reduced copies of the plans accompanying the application are attached as **Appendix B**. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Binfield Heath Parish Council – Object

- Orchard Cottage is an old and interesting building in a spacious garden, a non-designated heritage asset in our emerging NP.
- Houses to the north of the site, smaller and closer together, are all recent replacements for buildings associated with an old motor repair business and share a different history and housing purpose. They are therefore not relevant to this application.
- The position of the proposal is much more cramped than the plan makes out – close to trees and shrub borders which are shown to be retained.
- The proposal is too large for the plot – leaving it little garden which would be out of keeping with the immediate neighbours.
- The two dwellings will be detrimental to the framing of Orchard Cottage.

- Residents and visitors in any new house in this location would need private transport to travel anywhere. This will add to the traffic on a narrow, rural road.
- We share the concerns of the Highways Authority, which recommends refusal on these grounds

Drainage (South and Vale) –

- The percolation testing doc Soakaway Design Calculations to BRE365.pdf demonstrates that infiltration to a depth of 1 m below ground level of the test pit is feasible. Therefore, I would have no objections to planning permission being granted subject to the inclusion of two conditions which require the submission and agreement of foul water and surface water drainage systems.

Forestry Officer (South and Vale) –

- The trees within this site are not subject to a Tree Preservation Order. The site is not located within a conservation area.
- As set out in the submitted Arboricultural Statement, the proposal will require the removal of six fruit trees. These trees have been assessed in accordance with BS 5837:2012 as having low arboricultural quality and should not be considered as a constraint to development. A landscaping condition should be attached to secure some planting to help mitigate their loss.
- From an arboricultural perspective, I have no objections to the proposed development. If planning permission is to be granted a tree protection condition should be attached, to secure suitable tree protection information. It is acknowledged that some tree protection information is included within the report, however, more detailed information is required, for example, drainage and utilities routes are required to avoid impacting adjacent tree roots.

Highways Liaison Officer (Oxfordshire County Council) –

- Oxfordshire County Council acting as the Local Highway Authority are concerned that the accessibility of the development is poor and future residents would be highly dependent on private motor car to access essential services, employment and shops. The Local Planning Authority is advised to give due consideration to this matter when evaluating the overall sustainability i.e. environmental, economic and social merits of the proposed development.
- The site has no pedestrian (or cycle) infrastructure provided to connect it to the rest of the village. In addition, there are limited local facilities in the village and raises concern with the accessibility of this development site that the local planning authority will need to consider as part of the determination of this planning application.
- The proposal is likely to result in a modest increase in vehicular trips from the site.
- The site itself has an existing vehicular access onto 'Common Lane', where the carriageway is relatively straight in its alignment. The visibility splays at this access are considered acceptable.

- The proposal provides ample parking and turning provision and it is unlikely that vehicles will be displaced onto the adopted Highway so as to cause an obstruction.

SGN Plant Protection Team – Guidance provided on Gas and Electric

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P23/S0177/PEM](#) - Advice provided (31/01/2023)

Proposed 3 bedroom 2 storey infill dwelling on the site to the east of Orchard Cottage.

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

EP3 - Waste collection and Recycling

EP4 - Flood Risk

H1 - Delivering New Homes

H16 - Backland and Infill Development and Redevelopment

INF4 - Water Resources

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

Binfield Heath are progressing a neighbourhood plan. This is at pre-submission consultation stage and therefore limited weight can be attributed to it.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

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

5.5 **Other Relevant Legislation**

- Section 85 of the Countryside and Rights of Way Act 2000.
- Chilterns Management Plan (2019-2024).
- 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**
- **Impact on trees**
- **Drainage measures**
- **Energy reduction**
- **Impact on Great Crested Newts**
- **Other matters**

6.2 Principle of development

The site lies within Binfield Heath village, which is identified as a smaller village in the South Oxfordshire Local Plan (SOLP). Policy H8 (SOLP) advises on the principle of new housing within smaller villages. This policy states that new housing will be supported in accordance with Policy H16 (SOLP) and in accordance with adopted Neighbourhood Plans.

6.3 Policy H16 (SOLP) supports new residential development to infill sites and the redevelopment of previously developed land or buildings. Infill development 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. The scale of infill should be appropriate to its location.

6.4 The site lies within the built-up limits of Binfield Heath and would lie alongside other dwellinghouses and would fill a gap along the frontage of Common Lane. For these reasons, officers consider that the proposed development qualifies as infill development and that the principle of the development is considered acceptable.

6.5 Design and character

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.

6.6 The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the National Planning Policy Framework (NPPF) attaches great weight to the conservation and enhancement of the landscape and scenic beauty of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 also places a general duty upon public bodies, in exercising or performing any

function in relation to land in an AONB, to have regard to the purpose of conserving and enhancing its natural beauty.

- 6.7 The proposed development would introduce a two-storey detached dwelling forward of Orchard Cottage, along Common Lane fronting the road. The dwelling would be finished in facing brickwork in Flemish bond and clay roof tiles. The dwelling would sit in a plot covering approximately 1,500sq metres and would have a planned garden area of approximately 500sq metres and the provision of two parking spaces.
- 6.8 The parish council raise objections that the proposed development would result in a large property on a small plot which would be out of keeping with its immediate neighbours. The gardens of the immediate properties are large, and this contributes to the rural and open character of this part of the village where properties sit within large spacious plots with trees and hedgerows. Whilst this area is more spacious it is important to acknowledge the dwellings to the north, which are of a greater density with smaller plots and smaller gardens. These dwellings also influence the overall character and appearance of this part of the village and the proposed development would be read alongside them when viewed along Common Lane.
- 6.9 Officers are satisfied that the plots of both the proposed development and the resultant Orchard Cottage would still be reasonably large and spacious and would not be incongruous or out of keeping with this part of the village. Furthermore, by maintaining the spacious nature of this part of the village, the proposed development would not detrimentally impact upon the scenic quality of this part of the Chilterns AONB.
- 6.10 The design of the proposed dwelling would be similar to the design of Orchard Cottage. The form and architectural details of the dwelling draw from local vernacular well and the use of materials would respond positively to nearby properties. Officers do not oppose the appearance or form of the proposed dwelling.
- 6.11 **Impact on the amenity of neighbours**
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. No objections have been raised by neighbours. Notwithstanding this, officers have assessed the impact of the proposed development on nearby residents.
- 6.12 The proposed dwelling would be sited some 20 metres to the front of Orchard Cottage, with windows at both ground floor and first floor level looking toward Orchard Cottage. Between the two properties would be intervening garden areas and the driveway and parking area for Orchard Cottage. The proposed dwelling would be sited 12 metres from the boundary to Orchard Cottage's driveway and parking area. The Joint Design Guide advises on minimum distances between properties in relation to amenity protection. It does not

advise on front to back distances (which would be the situation here) but does advise that the minimum distance between the rear of a new dwelling and its rear boundary to another property should be no less than 10 metres. The proposed dwelling would adhere to this requirement as it would measure 12 metres.

- 6.13 The proposed dwelling would provide some views toward the front of Orchard Cottage and its driveway and parking area. However, given the distances involved, the fact that the land that might be overlooked would only be a driveway and a parking area and the possible opportunity for new landscaping, officers are satisfied that the proposed new dwelling would not materially harm the privacy of those living at Orchard Cottage. Neither would it result in an overbearing or oppressive presence on Orchard Cottage.
- 6.14 The proposed dwelling would lie approximately 8 metres from the boundary to neighbouring Stockwell House. The distance between the proposed dwelling and this neighbour would be approximately 20 metres. At this distance and given that the relationship would be side to side – officers are satisfied that this neighbour would not experience any significant harm to their amenity.
- 6.15 **Access and parking**
Policy TRANS5 (SOLP) advises that all types of development will, where appropriate provide for a safe and convenient access for all users to the highway network, provide safe and convenient routes for cyclists and pedestrians and provide parking of vehicles in accordance with Oxfordshire County Council parking standards and provide for loading, unloading, circulation and turning spaces on site.
- 6.16 Oxfordshire County Council do not object to the proposed development but do observe that the site would require the occupants to be highly dependant on private motor vehicles to access essential services, employment and shops. They request that this is considered as part of the overall consideration over the sustainability of the proposed development. They continue to comment that the proposal is likely to result in only a modest increase in vehicular trips from the site and that the site would benefit from access off Common Lane which already has sufficient visibility splays. They also comment that the proposed development would have ample parking and turning provision and it is unlikely that vehicles will be displaced onto the adopted highway so as to cause an obstruction. Officers are satisfied that the proposed development would adhere to Policy TRANS5 (SOLP).
- 6.17 **Impact on trees**
The council's forestry officer raises no objection to the proposed development. The development would result in the loss of six fruit trees. The submitted Arboricultural Statement demonstrates that these trees are of low arboricultural quality and should not be considered as a constraint to the proposed development. A landscaping scheme can be achieved by condition which would help to mitigate the loss of tree cover on site. The council's forestry officer recommends another condition which would ensure the protection of all trees on site which are sought to be retained.

6.18 **Drainage measures**

The council's drainage engineer is satisfied that the development would be able to establish feasible ground water and foul water drainage systems to serve the new dwelling. Conditions are requested which requires the submission of details to demonstrate ground water and foul water drainage measures.

6.19 **Impact on Great Crested Newts**

The site lies within an area suspected to have a high likelihood of great crested newt populations. As such, the council requires the applicant to demonstrate that the proposed development would not adversely harm great crested newts. The applicant intends to enter into the council's district level licence for great crested newts. However, this has not been undertaken yet and as such officers recommend planning permission is granted for the proposed development subject to a successful application to the district level licencing scheme and evidence of this being submitted to the local planning authority. Upon receipt of successfully entering into the licencing scheme, measures and conditions outlined within the licence must be strictly adhered to. This can be secured via condition.

6.20 **Heritage considerations**

Binfield Heath Parish Council are of the view that Orchard Cottage should be regarded as a non-designated heritage asset and that the proposed development would impact adversely on its setting. The designation has not been agreed and is outlined within the Neighbourhood Plan which at this time carries very limited weight. Notwithstanding this, officers have considered the impact and do not consider that the proposed development would be harmful to the setting of the property. The development would maintain a spacious character and the architectural features and character of Orchard Cottage would remain. The design and siting of the new dwelling would generally follow the existing pattern of development experienced locally and would not diminish the overall architecture of other properties nearby, including others also proposed to be designated. As such, officers do not consider that the proposed development would harm the setting of Orchard Cottage; if it were to be designated as a non-designated heritage asset.

6.21 **Energy reduction**

Policy DES10 (SOLP) seeks to ensure that all new build dwellings achieve at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base case. An energy statement has been submitted which demonstrates compliance with Policy DES10.

Other matters

6.22 Pre-commencement conditions

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 will all be agreed by the applicant/agent in writing in accordance with the requirements of this legislation.

6.23 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 net internal floor space provided.

7.0 **CONCLUSION**

7.1 Planning Permission is recommended for the proposed development. The principle of the development is considered acceptable, and the proposed development would not harm the character and appearance of the area. The proposed development would not harm the amenity of neighbours, protected ecology, any important landscape feature and would ensure appropriate parking and manoeuvring, highway safety and drainage measures. In conjunction with the attached conditions, the proposal accords with relevant planning policy.

8.0 **RECOMMENDATION**

To grant planning permission subject to

- a) the applicant entering into the Great Crested Newt District Level Licensing Scheme with NatureSpace, within 1 month of this decision and**
- b) in accordance with the conditions below**

1 : Commencement development within 3 years of the date of permission

2 : Implemented development in accordance with approved plans

3 : Schedule of external materials to be submitted and approved in writing by the local planning authority

4 : Parking & Manoeuvring Areas as shown on plan to be retained

5 : Tree Protection (Detailed) details to be submitted and approved in writing by the local planning authority

6 : Landscaping Scheme (trees and shrubs only) details to be submitted and approved in writing by the local planning authority

7 : Surface water drainage works (details required) details to be submitted and approved in writing by the local planning authority

8 : Foul drainage works (details required) details to be submitted and approved in writing by the local planning authority

9 : Energy Statement Verification – details demonstrating compliance with Energy Statement to be submitted and approved in writing by the local planning authority

10 : Electric Vehicles Charging Point

11 : Withdrawal of permitted development rights for extensions and outbuildings

12 : District Level Licence condition to be specified by NatureSpace [tbd]

13: District Level Licence condition to be specified by NatureSpace [tbd]

14 : District Level Licence condition to be specified by NatureSpace [tbd]

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