

<b>APPLICATION NO.</b>	<a href="#">P22/S4323/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	28.11.2022
<b>PARISH</b>	MARSH BALDON
<b>WARD MEMBER(S)</b>	Sam Casey-Rerhaye
<b>APPLICANT</b>	Mr Anthony Barclay
<b>SITE</b>	Land to the west of the Green Marsh Baldon, OX44 9LL
<b>PROPOSAL</b>	Construction of five dwellings, 1 x 2 bed, 3 x 3 bed and 1 x 4 bed, to be accessed via a new driveway from the public highway (Amended plans received 6 March 2023 - change in site to layout to re-locate car parking for all plots to the centre of the site; removal of swale at eastern side of site (replaced by increase in geo-cellular attenuation within the site); change in layout plan to draw plot 3 further back and amendment to layout of plots 1-3; increase in area for tree and shrub planting at front of site; provision of detailed landscaping plan for eastern part of site; increase in soft landscaping within car parking areas; updated biodiversity net gain calculation. Amended by plans received 27 April 2023 - Removal of unit 6 and two car parking spaces to provide views through the site and to remove view of second terrace from access road; revised layout of swale; increased planting on eastern boundary; soft landscaping on western boundary. Amended plans received 2 August 2023 with revised drainage strategy, amendments to fenestration of unit 4 and GCN report and impact plan).
<b>OFFICER</b>	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 was deferred from the committee meeting on the 1 November to allow for Members to visit the site. A site visit was carried out on Monday 20 November. The application is referred to planning committee because the recommendation conflicts with the views of the parish council. Marsh Baldon Parish Council have raised concerns that the development would harm the existing character of the village, create highway safety implications and harm wildlife. A map extract identifying the site is **attached** at Appendix 1.

- 1.3 The site is situated within the village of Marsh Baldon and consists of 0.29 hectares of greenfield land to the west of The Green. Neighbouring dwellings are situated to the north and south. Open countryside is located to the west. The site is within the Green Belt, the Marsh Baldon conservation area, and is designated as an area of archaeological interest. The site is also within a Great Crested Newt (GCN) red area which means Great Crested Newts and their habitats are commonly found within the locality.

**PROPOSAL**

- 1.4 Planning permission is sought for the construction of five dwellings which will be accessed via a new driveway from the public highway to the east. The dwellings will be designed to appear as barn conversions to replicate the neighbouring dwellings to the north at College Farm.
- 1.5 The dwellings will be laid out like a farm courtyard and consist of two 1.5 storey blocks with a car parking forecourt in between. The eastern block will consist of a single storey and 1.5 storey terrace with one 2 bed dwelling and two 3 bed dwellings. The rear block will be a 1.5 storey semi-detached property and consist of one 4 bedroomed and one 3 bedroomed dwelling.
- 1.6 The dwellings will be constructed of brick and slate roof tiles to match the existing features of the area. 10 on-site car parking spaces are proposed.
- 1.7 Amended plans have been submitted to overcome officer concerns regarding the impact on the surrounding character of the conservation area and rural area. The amended plans have relocated the car parking for all plots to the centre of the site, improved surface water drainage and landscaping provision, removed a sixth dwelling unit, reduced the height of the dwellings and altered the layout and the design of the development. Great Crested Newt and biodiversity mitigation has also been improved.
- 1.8 An aerial photograph showing the surrounding area is shown below.



1.9 Copies of the plans accompanying the application are **attached** as Appendix 2 to this report. All the plans, supporting information and representations can be viewed on the council’s website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 The comments below represent the latest comments on the scheme. Full details of the representations can be viewed on the Council’s website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning reference number.

<p>Marsh Baldon Parish Council</p>	<p><b>Object.</b> The development represents ‘back land development’ and far exceeds the recommended allocation of new buildings or dwellings for the site as set out in the Bladon’s Neighbourhood Plan. The effect on the views and openness of the Green, remains of significant concern.</p> <p>The proposed addition of a road across the existing Green would create an unsightly scar across the land and would not be in-keeping with the other tracks that serve the dwellings around the Green. A Biodiversity net gain is proposed to be achieved from a parcel of “off-site” land. The negative impact on biodiversity within the site is concerning.</p>
<p>Letters of representation</p>	<p>8 letters of objection were received during the initial consultation period, and a further 7 letters of objection were received during the re-consultation period following receipt of amended plans.</p> <p>The initial 8 letters of objection were concerned with;</p> <ul style="list-style-type: none"> <li>- Impact on the conservation area</li> <li>- Flooding</li> <li>- Noise</li> <li>- Loss of trees</li> <li>- Overdevelopment</li> <li>- Too many properties</li> <li>- Harm to wildlife</li> <li>- Loss in privacy</li> <li>- Loss in sunlight</li> <li>- Inappropriate development in the Green Belt</li> <li>- Loss of openness</li> <li>- Access and highway safety implications</li> <li>- Development is contrary to the neighbourhood plan.</li> </ul> <p>The 7 letters of objection in response to the amended plans were concerned with;</p>

	<ul style="list-style-type: none"> <li>- Principle of development is unacceptable</li> <li>- Lack of public transport</li> <li>- Traffic implications</li> <li>- Impact on the character and appearance of the area</li> <li>- Loss in privacy</li> <li>- Drainage implications</li> <li>- Increase in vehicles</li> <li>- Biodiversity loss</li> <li>- Noise</li> <li>-</li> </ul>
<p>Highways officer (Oxfordshire County Council)</p>	<p><b>No objection</b>, subject to access and parking compliance conditions.</p>
<p>Conservation</p>	<p><b>No objection.</b> The amended plans have responded to previous concerns and have introduced improved opportunities to mitigate identified impacts, in particular the relocation of the proposed parking softens the appearance of the site from The Green and the heart of the conservation area.</p> <p>The proposed development will still result in building form in an area that is currently experienced as a gap in built form that surrounds the green. There will be an erosion of the sense that the settlement is quite sparsely developed and that it relates directly to the open rural surroundings. However, I recognise that improvements have been made which offer opportunities to soften the appearance of the site and improve the proposed landscaping of the scheme.</p> <p>The scheme would still result in harm to the way in which the rural character of the conservation area is understood, closing a gap previously identified as important to the character of the area and therefore harming some of the designated area's significance. I consider that this would be at the lower end of less-than-substantial harm.</p> <p>If you are minded to approve the application you should be satisfied that there are public benefits that outweigh the low level of harm identified. I recommend a landscaping condition.</p>
<p>Ecologist</p>	<p><b>No objection</b>, subject to conditions requiring submission of a detailed biodiversity enhancement plan (BEP) and ecological mitigation measures.</p>

Archaeology (Oxfordshire County Council)	<b>No objection</b> , subject to conditions requiring an archaeological written scheme of investigation and a staged programme of archaeological evaluation and mitigation.
Drainage	<b>No objection</b> , subject to a condition requiring a SUDS compliance report.
Tree officer	<b>No objection</b> , subject to tree protection and landscaping conditions.
Contaminated land	<b>No objection</b> , subject to conditions requiring a phased risk assessment and subsequent remedial works.
Waste management	<b>No objection.</b>
Energy assessor	<b>No objection</b> , subject to a sustainable energy compliance condition.
Newt officer	<b>No objection.</b> The applicant has entered South Oxfordshire District Council’s District Licencing Scheme which adequately mitigates any potential impact on great crested newts as a result of this development.

3.0 **RELEVANT PLANNING HISTORY**

3.1 1 previous application of relevance.

[P21/S4034/PEM](#) - Advice provided (01/12/2021)  
Pre-application for the erection of five dwellings.

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 consist of:

DES1 - Delivering High Quality Development

- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES7 - Efficient Use of Resources
- DES8 - Promoting Sustainable Design
- DES10 - Carbon Reduction
- ENV1 - Landscape and Countryside
- ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
- ENV3 - Biodiversity
- ENV5 - Green Infrastructure in New Developments
- ENV6 - Historic Environment
- ENV7 - Listed Buildings
- ENV8 - Conservation Areas
- ENV9 - Archaeology and Scheduled Monuments
- ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)
- ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)
- EP3 - Waste collection and Recycling
- EP4 - Flood Risk
- H1 - Delivering New Homes
- H8 - Housing in the Smaller Villages
- H11 - Housing Mix
- H16 - Backland and Infill Development and Redevelopment
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- STRAT6 - Green Belt
- TRANS2 - Promoting Sustainable Transport and Accessibility
- TRANS5 - Consideration of Development Proposals

### **5.3 Neighbourhood Plan**

The Baldons Neighbourhood Plan was made on 11 October 2018. The policies which are relevant to the proposed development consist of:

- Policy 1 – General Principles
- Policy 2 - New Houses
- Policy 3 – Local Gaps
- Policy 4 – Housing Mix
- Policy 5 – Design Guide
- Policy 8 – Infrastructure

- 5.4 - 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 Design Guide 2022
- South Oxfordshire Infrastructure Delivery Plan April 2020 update
- South Oxfordshire Developer Contributions Supplementary Planning Document (3 January 2023)

- South Oxfordshire District Council Corporate Plan 2020 – 2024

## **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**
- **Housing mix**
- **Green Belt**
- **Design**
- **Impact on the character and appearance of the conservation area**
- **Landscape Impact**
- **Impact on neighbouring amenity**
- **Parking, access and highway safety**
- **Ecology**
- **Archaeology**
- **Trees**
- **Flooding and drainage**
- **Contamination**
- **Sustainable Design**

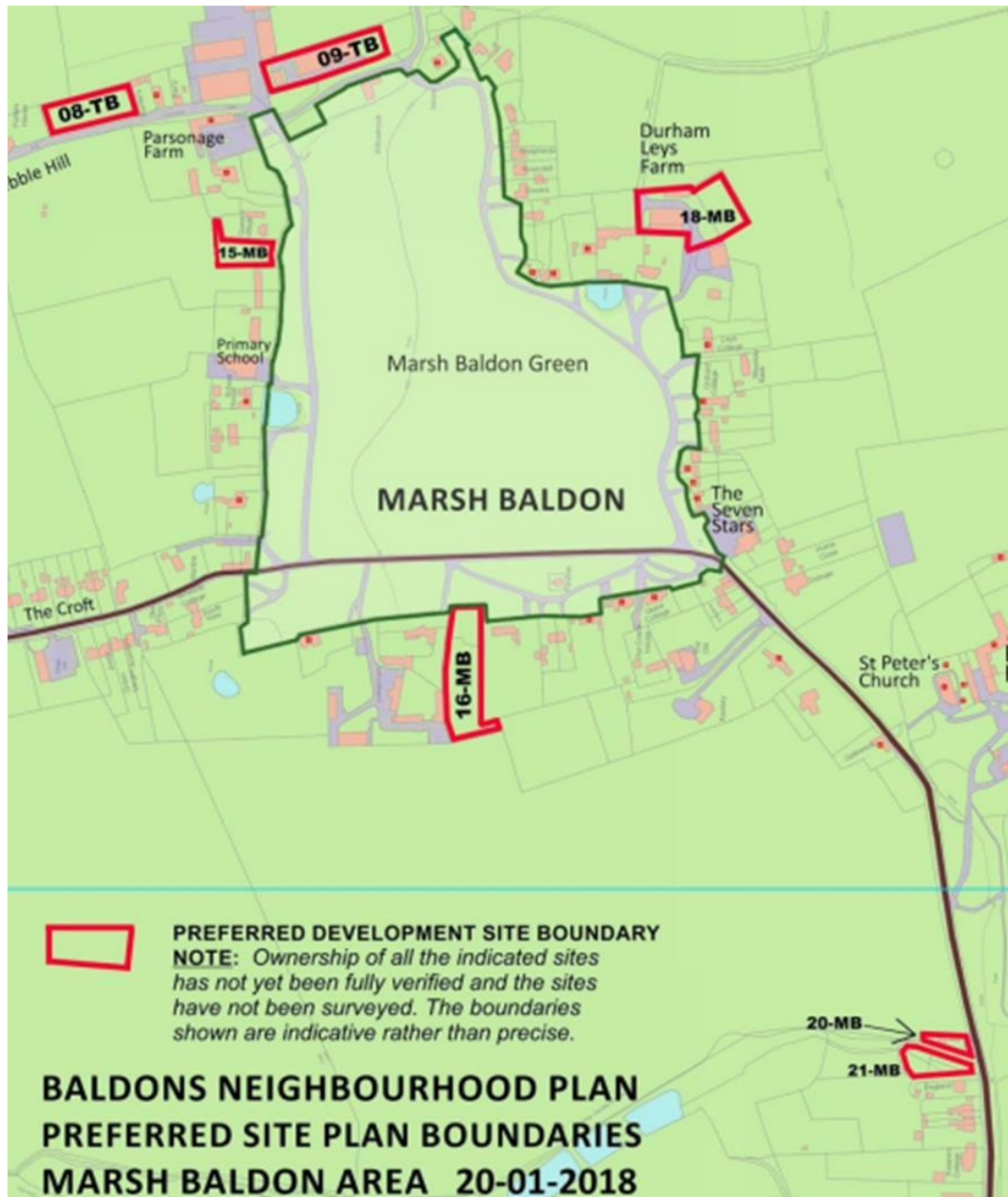
### **6.2 Principle of development**

Marsh Baldon is designated as a smaller village within the district's settlement hierarchy. Policy STRAT1 of the SOLP allows for limited amounts of housing in the built area of smaller villages.

6.3 In this instance the site is allocated for infill development for up to 6 dwellings as part of policy 2 of the neighbourhood plan. Policy 2 states that approximately 15 houses should be constructed in the Baldons during the plan period (2011 – 2033). The policy promotes 5 sites in Marsh Baldon for clusters of residential development of up to 6 dwellings. It adds that any other infill development proposed outside of the site allocations will need to comply with the infill policies set out for the wider district in the development plan.

6.4 The proposed development site is allocated as site 16-MB in the neighbourhood plan. A plan is included below which shows the site and the other allocated sites within Marsh Baldon.

6.5



6.6 Policies H1 and H16 of the SOLP also permit infill development within smaller villages such as Marsh Baldon. 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 policy adds that the scale of infill should be appropriate to its location. Officers consider the development would relate well to the neighbouring College Farm to the north.

6.7 In view of the above the principle of development is acceptable.

6.8 **Housing mix**

Policy H11 of the SOLP requires a mix of dwelling types and sizes to meet the needs of current and future households, having regard to the council's latest evidence.



- 6.9 Policy 4 of the neighbourhood plan supports proposals that recognise the need for smaller dwellings and comprise single houses, terraced cottages, or groups of small detached or semi-detached houses, with a maximum of 3 bedrooms.
- 6.10 The proposed development proposes one 2 bed dwelling, three 3 bed dwellings and one 4 bed dwelling which is broadly in line with the Strategic Housing Market Assessment (SHMA) requirements for South Oxfordshire, which has recognised a shortfall in 2 and 3 bedroom properties. A sufficient mix of dwellings will therefore be available which will comply with the nationally described space standards and policy H11 of the SOLP.

**6.11 Green Belt**

Policy STRAT6 of the SOLP seeks to protect the Green Belt from harmful development. The five purposes of the Green Belt are to:

- check the unrestricted sprawl of large built up areas;
- prevent neighbouring towns merging into one another;
- assist in safeguarding the countryside from encroachment;
- preserve the setting and special character of historic towns (such as Oxford);
- assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.12 To ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 6.13 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. Paragraph 149e states that an exception to this is limited infilling in villages. It has already been discussed above that the development is within the built area of the village. Neighbouring dwellings are located to the north and south, whilst the neighbourhood plan allocates the site for infill development.

- 6.14 The development is therefore considered to be appropriate, complying with policy STRAT6 of the SOLP and paragraph 149 of the NPPF.

**6.15 Design**

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.

- 6.16 The housing will match the grain of development to the north, being laid out to appear like a traditional rural farmyard. For this reason, the buildings will have

pitched and hipped roof ridges to follow the form and character of the neighbouring barn style dwellings to the north. This accords with the Baldons Design Guide which requires new development to be of comparable scale to surrounding buildings and requires designs to avoid appearing large and overbearing by comparison with adjoining properties.

6.17 The proposed buildings are traditional and simple in style and are in keeping with the materials and features of the existing buildings around the area. The elevations have taken a simple, traditional, and local vernacular approach to their appearance with the main elevations consisting of facing brick with predominantly pitched slate roofs.

6.18 The dwellings appear like a traditional farmstead and relate well to the development to the north. This also complies with the Baldons Design Guide which requires new development to reflect the existing vernacular and grouping of buildings. It adds that dwellings one-and-a-half to two storeys in height with traditionally pitched roofs is the norm. In both scale and height, proposed new buildings should be commensurate with adjacent buildings and should never be a storey height higher.

6.19 The residential garden areas also comply with policy DES5 of the SOLP in providing amenity space which is above the 100 square metre minimum size requirement advised in the council's design guide SPD.

6.20 In view of the above the development is considered to accord with policy DES1 and DES5 of the SOLP.

**6.21 Impact on the character and appearance of the conservation area**

The application site is within the Marsh Baldon Conservation Area directly to the west of The Green. Listed buildings are situated around the historic core of Marsh Baldon and around The Green. Marsh Baldon's built form is focused on the central green that forms a large common space that has very high communal value.

6.22 Policy ENV6 seeks to protect the historic environment and heritage assets. Proposals for new development that may affect designated and non-designated heritage assets should take account of the desirability of sustaining and enhancing the significance of those assets. The policy adds that proposals for new development should be sensitively designed and should not cause harm to the historic environment.

6.23 Policy ENV8 of the SOLP states that development within or affecting the setting of a conservation area must conserve or enhance its special interest, character, setting and appearance. Proposals should also take into account important views within, into or out of the conservation area and show that these would be retained and unharmed. Development should respect the local character and distinctiveness of the conservation area in terms of the development's: siting; size; scale; height; alignment; materials and finishes (including colour and

texture); proportions; design; and form and should have regard to the joint Design Guide and any relevant conservation area character appraisal.

- 6.24 Policy 1 of the neighbourhood plan requires development to conserve and enhance the village character and the historic environment. Adding that development within the conservation area shall be of a sensitive design that conserves or enhances its special interest, character, and appearance.
- 6.25 The area is characterised by its open views between dwellings that can be seen from the village green to the open countryside beyond. The layout and footprint of the dwellings has been purposely reduced to create an open gap to help protect the open views from the green.
- 6.26 The development will follow the layout of the development to the north with a traditional farmyard layout. The tallest dwelling will be 7.1 metres, whilst careful attention has been given to break-up the roof structure. For example, unit 1 will have a single storey hipped roof which will add interest and help reduce the overall mass and scale of the proposed development.
- 6.27 The conservation officer has advised that the development will result in building form in an area that is currently experienced as an open gap. They therefore acknowledge that this infill would result in harm to the way in which the rural character of the conservation area is understood, closing a gap which is a key element of the character of the area, therefore harming some of the designated area's significance. The conservation officer considers that this would be at the lower end of less-than-substantial harm. Paragraphs 199 and 202 of the NPPF require that great weight is given to an asset's conservation and where harm is identified that this is outweighed by public benefits. Officers consider the harm can be outweighed via the delivery of 5 family dwellings on an allocated housing site which is within the centre of the small village of Marsh Baldon.
- 6.28 It must also be added that the conservation officer recognises that improvements have been made which offer opportunities to soften the appearance of the site and improve the proposed landscaping of the scheme. The relocated car parking will help soften the appearance of the site from The Green and the heart of the conservation area.
- 6.29 To protect the appearance of the area further, an external lighting condition is recommended requiring a lighting scheme and plan to be submitted to and approved by the local planning authority prior to the first occupation of the development. Any such lighting must be directed to a low level. Landscaping and boundary treatment conditions are also recommended to help to assimilate the development into its surroundings.
- 6.30 In view of the above the development accords with policy ENV6, and ENV8 of the SOLP, policy P1 of the neighbourhood plan, and paragraphs 199 and 202 of the NPPF.

**6.31 Landscape impact**

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. Policy ENV1 of the SOLP seeks to protect the rural landscape and countryside against harmful development.

6.32 The overall scale of residential development in Marsh Baldon is modest with an open and spacious feel. There is an absence of high, dominant, or crowded buildings and the vernacular and built form are generally simple and understated.

6.33 The proposed development has been designed to appear like a traditional, rural farm courtyard. The dwellings will be small in height and scale and will relate well to the dwellings to the north.

6.34 Policy 1 of the neighbourhood plan states that new development should preserve or enhance the character and appearance of The Baldons and its landscape setting. It adds that development should preserve or enhance the important and valuable aspects of key views either of or from the villages, as identified and detailed in the Landscape Character Assessment (Appendix D). In this instance the site is not situated within an area identified as having a key view.

6.35 Policy 1 also requires development to complement, enhance and reinforce local distinctiveness. Policy 3 seeks to preserve the overall landscape character of The Baldons.

6.36 The council's landscape officer supports the proposed development, subject to adequate landscaping to help the development blend into the surrounding rural area, and to replace trees lost by the development. A glazing condition will also be recommended to reduce light pollution and protect the appearance of the area.

6.37 In view of the above the impact of the development is acceptable and is therefore considered to accord with policy DES2 and ENV1 of the SOLP, and policy 1 and 3 of the neighbourhood plan.

**6.38 Impact on neighbouring amenity**

Policy DES6 of the SOLP aims to protect the amenity of neighbouring uses from loss of privacy or day/sunlight, visual intrusion, noise, or external lighting. There is unlikely to be any loss in privacy caused by the proposed dwellings.

6.39 Concern was raised about potential overlooking from unit 4 towards a neighbouring swimming pool. Amended plans have since been received to remove the first floor rear windows and replace them with above head height roof lights. The proposed dwellings will be sufficiently distanced away from

neighbouring dwellings. The layout of the development has also ensured there will be no harmful loss in sunlight to neighbouring occupants.

6.40 Policy 1 of the neighbourhood plan states that development should not have a significant adverse impact on the amenities of adjoining residents whether by reason of loss of light, privacy, or overbearing impact.

6.41 It is accepted there may be some increase in noise levels during construction, although this will only be temporary. An hours of work condition will be recommended to ensure that the development is not unneighbourly.

6.42 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 SOLP.

**6.43 Parking, access and highway safety**

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

6.44 Oxfordshire County Council's highway liaison officer has no objection to the proposed development, subject to access and parking compliance conditions. Visibility splays from the new access onto Baldon Lane are considered acceptable. The parking and manoeuvring areas are considered adequate and acceptable and are unlikely to result in displaced vehicles onto the highway.

6.45 In view of the above the development accords with policy TRANS5 of the SOLP.

**6.46 Ecology**

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.

6.47 Policy ENV3 of the SOLP supports development that will conserve, restore, and enhance biodiversity. It requires all development to provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity. All proposals should be supported by evidence to demonstrate a biodiversity net gain using a recognised biodiversity accounting metric. Where possible, ecological enhancements should be provided on site, such as bird and bat boxes.

6.48 Policy 1 of the neighbourhood plan states that development should result in a biodiversity net gain for the parish through design including the provision of green infrastructure. The design of the development should enhance habitats for protected and notable species, i.e. bats, birds and pond dwelling animals and should be in accordance with the OWLS (The Oxfordshire Wildlife and Landscape Study) landscape and biodiversity guidelines as described in

section 5.2.1. It adds that development should protect priority habitats and priority woodland habitats in particular.

6.49 To secure biodiversity enhancements on site a condition requiring submission of a biodiversity enhancement plan (BEP) prior to commencement of development is recommended. A biodiversity compliance condition is also recommended to ensure the ecological enhancement and mitigation work stated in the ecological reports will be carried out.

6.50 The development may impact great crested newts (GCN), which are a European protected species. The proposed development site is located near to multiple ponds, some of which are known to support populations of GCN. The site appears to contain suitable terrestrial habitat for GCN. When referring to the GCN impact risk map, which forms part of the council's GCN district level licence (DLL), the site resides in a red zone of highest risk to GCN. Natural England guidance states:

“Check if the site is located within a Red zone or Amber zone. If the developer has not proposed to join the DLL scheme, then Natural England's Standing Advice applies. Natural England's advice is that the planning authority should draw this to the attention of the applicant and require that they either demonstrate that their proposal poses no risk to GCN or they submit an assessment of the risk to GCN and set out any measures which they propose to take to safeguard against significant risks and compensate for any impacts (which may be through the DLL route, or standard approaches to compensation and licensing). This may result in the need for a GCN site mitigation license if the developer chooses not to use DLL.”

6.51 The applicant has entered into the council's district licensing scheme to help safeguard GCN's and their habitats. Three GCN mitigation conditions are therefore recommended to help address this matter.

6.52 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.

**6.53 Archaeology**

The site is situated within an area of archaeological interest. The county council archaeologist has been consulted and raised no objection, subject to conditions requiring an archaeological written scheme of investigation and a staged programme of archaeological evaluation and mitigation.

**6.54 Trees**

The trees within and adjacent to this site are protected as they are located within the conservation area. Several trees on and adjacent to this site make a positive contribution to the character and appearance of the conservation area.

6.55 The tree officer has been consulted as a number of trees will be removed from the site. The tree officer has reviewed the proposed development and confirmed he has no objections, subject to conditions requiring a tree protection plan and a landscaping scheme to replace the existing trees which will be lost. The landscaping scheme will ensure that the existing trees will be replaced with good quality species.

**6.56 Flooding and 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.

6.57 The developer has worked with the drainage officer to design a suitable attenuation pond to improve drainage on the site and within the surrounding area. This pond will be situated between the dwellings to the east of the car parking area and will help disperse surface water. The council's drainage officer has been consulted and has advised that sufficient information has been submitted to demonstrate that the development will reduce ground water flooding in the area. The drainage officer has no objection to the proposal, subject to a condition which will restrict the occupation of the development to 3 dwellings until a SUDS compliance report has been submitted to and approved by the drainage officer.

6.58 The development therefore accords with policies INF4 and EP4 of the South Oxfordshire Local Plan 2035.

**6.59 Contamination**

The site was previously used for agriculture and the council's contaminated land officer has no objection, subject to contaminated land conditions to ensure the safety of the development and environment.

**6.60 Sustainable Design**

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 have been submitted in support of the planning application. The energy statement demonstrates the dwellings can achieve a 9% reduction in carbon emissions compared with 2022 Building Regulations compliant base case.

6.61 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.

## **6.62 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.

6.63 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. Material samples will also need to be submitted to ensure the development accords with the development to the north and the surrounding conservation area.

6.64 A condition requiring a plan to show land transferred to the management company (or any other interested parties) will be recommended to clarify and ensure which party is responsible for the maintenance and upkeep of the site. A condition restricting occupation of the dwelling until electric vehicle charging points have been installed is 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.

## **6.65 Community Infrastructure Levy (CIL)**

The development is CIL liable to the amount of £161,200.00.

## **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 application will provide an economic and social role via the creation of additional jobs during construction and the deliverability of five dwellings within the small village of Marsh Baldon. The development is also CIL liable and will contribute towards local infrastructure.

7.3 In terms of the environmental role, the development would create a net gain in biodiversity.

7.4 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 : Sample materials
- 3 : WSI
- 4 : Staged programme of archaeological evaluation and mitigation
- 5 : BEP
- 6 : GCN mitigation
- 7 : GCN mitigation 2
- 8 : GCN mitigation 3
- 9 : Sample materials
- 10 : Landscaping
- 11 : Boundary details
- 12 : Glazing
- 13 : Contamination- phased risk assessment
- 14 : Tree protection
- 15 : Energy Statement Verification
- 16 : Electric Vehicle Charging Points
- 17 : Parking & Manoeuvring Areas Retained
- 18 : New vehicular acces
- 19 : Contamination- phased risk assessment
- 20 : Approved ecological features
- 21 : SUDS compliance report
- 22 : Contamination (unsuspected contaminated land)
- 23 : External lighting
- 24 : Maintenance and upkeep of the site
- 25 : Hours of operation - construction/demolition
- 26 : Neighbourhood plan - informative
- 27 : CIL- informative
- 28 : Private road agreement - informative
- 29 : S151 of the Highways Act - informative
- 30 : S137 of the Highways Act - informative
- 31 : Contaminated land - informative
- 32 : GCN informative
- 33 : GCN informative 2
- 34 : GCN informative 3
- 35 : GCN informative 4

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