

APPENDIX 1

Report to Development control committee 25 November 2011

KEN/20928/1 – J A Pye (Oxford) Ltd. Erection of 16 Dwellings (including 3 affordable homes) with parking, landscaping and access. Land Adjoining 31 and 34 Simpsons Way, Kennington

The Proposal

1. The application site is a parcel of land that lies to the west of No 31 and No 34 Simpsons Way, to the south of Nos 25, 27 and 29 St Swithun's Road, and to the north of No 83 Bagley Wood Road in Kennington. To the west of the site, across Bagley Wood Road is the edge of Bagley Wood itself, the majority of which is designated ancient woodland. A public footpath lies immediately to the west of the site. A site location plan is in **Appendix 1**. The site is 0.485 hectare in area and has a significant slope down towards St Swithun's Road. It has the appearance of a grass paddock and contains a single small brick agricultural building near to the south-east corner. There is a well-established mature tree and hedgerow on the north boundary and part of the west boundary, much of which is coniferous. There is also a mature hedgerow on most of the east boundary. The site is not in the green belt, but adjacent to it, and effectively lies within the village envelope. The boundary of the North Vale Corallian Ridge landscape area is also adjacent.

2. The application is to build 16 dwellings with vehicular access taken from the existing hammerhead at the top of Simpsons Way. A layout plan is in **Appendix 2**. The proposed mix is 2 x 1-bedroom dwellings, 7 x 2-bedroom dwellings, 2 x 3-bedroom dwellings, and 5 x 4-bedroom dwellings. The layout has been designed so that the density decreases towards the western boundary with Bagley Wood Road. Three of the proposed dwellings will be affordable, two rented and one shared equity. Extracts from the application drawings are in **Appendix 3**. In support of the application there has been submitted a planning statement, a transport statement, an affordable housing viability appraisal, an ecological appraisal, and a drainage strategy.

3. The application comes to committee because of the number of objections that have been received.

Planning History

4. A previous application to build 14 dwellings on the site was refused in October 2009. The decision notice is in **Appendix 4**.

5. There is no previous planning application history on the site. However, the site was allocated as a housing development site in previous adopted local plans, namely the Oxford Fringe and Green Belt Local Plan of 1991 and the Vale of White Horse Local Plan of 1999. The housing allocation was not carried forward into the current adopted local plan as, when the plan was being

prepared in 2006, there was no firm indication that the site would come forward for housing in the plan period.

Planning Policies

6. Policies DC1, DC5 and DC9 of the adopted Vale of White Horse Local Plan 2011 require all new development to be acceptable in terms of design, impact on neighbours and highway safety. The following policies from the adopted local plan are also relevant.
7. Policy H11 - within the built-up limits of Kennington, new development on sites up to about 0.5 hectare and not more than 15 dwellings, will be permitted subject to the impact on the form structure and character of the settlement and provided it would not result in the loss of important facilities or space
8. Policy H15 - housing development should provide for net densities of at least 30 dwellings per hectare in locations outside the main settlements
9. Policy H16 – on sites of 10 or more dwellings in settlements of more than 3,000 people (which includes Kennington), about 50% should be 2-bedroom or less and 10% should be lifetime home standard
10. Policy H17 – in settlements of more than 3,000 people (which includes Kennington), and on sites capable of accommodating 15 or more dwellings, 40% of all new dwellings should be affordable
11. GS3 – includes the provision that the visual amenities of the green belt shall be protected from development that, although not in the green belt, is visible from the green belt
12. Policy DC8 – where social and physical infrastructure and services are not of a suitable standard to meet the demands of a proposed development, proportionate financial contributions will be sought to improve them.
13. National policy guidance is contained in PPS1, “Delivering Sustainable Development” and PPS3, “Housing”.

Consultations

14. Kennington Parish Council has no objections apart from means of access – see comments in [Appendix 5](#).
15. Local Residents – 18 local households have written objecting to the application. Two petitions of objection, one signed by 190 residents and one signed by 19 residents has also been submitted. The grounds of objection can be summarised as follows.

- The proposal will lead to increased traffic on a busy and dangerous road that suffers from high levels of on-street parking due to steep driveways and will reduce safety for all users of the highway. Access for larger vehicles is often difficult and dangerous.
 - Access for large construction vehicles is likely to be difficult and will pose dangers to users of the highway
 - Construction will cause noise and other forms of disturbance
 - The level of proposed parking is inadequate and will lead to further on-street parking
 - The applicants' transport statement is inaccurate
 - The road access should be from St Swithun's Road
 - The proposal is cramped, too dense, too high and out of character with its location and with the area
 - The proposal is contrary to latest government guidance on previously developed land and densities
 - There will be loss of privacy to windows and gardens
 - Noise levels will be too high and cause disturbance
 - Local services are stretched and will suffer
 - The applicants' ecological survey is inadequate - there will be loss of wildlife and habitats and harm to the natural beauty of the area
 - There is insufficient provision to safeguard or enhance biodiversity
 - The views from the public footpath will be harmed
 - The proposal will harm the character of the adjacent North Vale Corallian Ridge landscape area
 - The amenities of the green belt will be adversely affected
 - The refuse storage arrangements are inadequate and un-neighbourly
 - Cuts in government funding mean the affordable housing will not be delivered
 - The local drains will not cope
 - Surface water run-off will lead to flooding
 - The proposal will lead to subsidence
16. County Engineer has no objections subject to conditions
17. The council's Shared Housing Development and Regeneration Manager objects to the application on the grounds of a shortfall in the number of proposed affordable dwellings
18. Architects Advisory Panel considers the proposal to be a "lost opportunity" – the full comments are in **Appendix 6**
19. County Council Development Funding Officer – no objection subject to financial contributions to mitigate the impact of the development on local services
20. Natural England has no objections subject to the implementation of standing advice
21. Environment Agency – no objections

22. Principal Engineer – no objections subject to conditions
23. Thames Water – no objections

Officer Comments

24. The applicants have sought to address the seven refusal reasons of the previous application. The main issues for committee to consider with this new application are 1) the impact on the character and appearance of the area; 2) the proposed ratio of affordable housing; 3) the impact on neighbours; 4) highway safety; and 5) the impact on local services.
25. The first issue is the impact on the character and appearance of the area. In terms of the principle of development the site has been allocated for housing development in previous local plans and would have been in the current local plan if there had been more certainty over the timetable for its deliverability. Officers consider, therefore, that the site is suitable for new housing and is not a space that needs to be protected. The site is framed by existing housing on three sides and is clearly defined on the west side by the road. In this context it is not considered that the development of houses on the site will harm the rural setting of the village, the visual amenities of the area, the adjacent North Corallian Ridge landscape area, or the adjacent green belt.
26. The proposal is for 16 dwellings on a site of 0.485 hectare, which equates to a density of 33 dwellings per hectare. In June 2010 the government published a revised version of PPS3 which deleted the national indicative minimum density of 30 dwellings per hectare, and removed residential gardens from the category of previously developed land. Although the national indicative density has been removed, policy H15 of the adopted local plan remains in force and, as an adopted policy, substantial weight needs to be attached to it. The policy states that a minimum density of 30 dwellings per hectare should be achieved on new housing sites. The site is considered to be a paddock, not a garden, and is not therefore affected by the change in status of garden land. Appeal decisions on housing schemes made since June 2010 indicate that inspectors still attach significant weight to the efficient use of land. Officers therefore consider that the density of the proposal does accord with policy and is not in itself a reason for refusing the application.
27. Policy H11 of the adopted local plan requires that new housing development in Kennington on sites of up to 0.5 hectare should be permitted provided the scale, layout, mass and design does not harm the form, structure or character of the village. The applicants have responded to the previous refused application by producing a design statement that identifies distinctive design elements from some of the best local buildings. These have been incorporated into the proposed house designs, all of which are two storeys, have narrow main roof spans of between 5 and 7 metres, and vernacular detailing. The current proposal, therefore, is considered a significant improvement on the refused scheme. The comments of the Architects

- Advisory Panel are noted, and their view that the proposal is “architecturally banal” and a “missed opportunity”. However, officers consider the designs of the proposed houses are of good quality and that refusal of the application on this ground is not warranted.
28. The applicants also acknowledge that the site is on the edge of the village, near to Bagley Wood. Currently, as one enters the village from this direction, the mature greenery is a distinct positive feature along both Bagley Wood Road and this part of St Swithun’s Road. The layout of the proposal has been re-designed so that the existing mature hedgerow on the north boundary would not lie within rear gardens, and so be vulnerable to removal by future occupiers, but would be a separate element outside of any gardens. The proposal is to replace the existing conifer plants with native hedgerow species and to manage the hedgerow to secure its long term future. As a consequence, officers consider the hedgerow will have a more secure future and will continue to contribute to the green character of this part of the village.
29. In terms of local wildlife and biodiversity the applicants have submitted and ecological appraisal which has been considered by Natural England, who have no objection subject to standing advice. The vast majority of the site is species poor grassland. Site surveys have found no evidence of habitats of protected species and the existing small building is considered to have low potential as a bat roost. Objections have been made regarding the lack of biodiversity measures, but, as well as works to the northern hedgerow, the applicants have agreed to install six bat boxes on the site and to retain as much of the existing hedgerow on the east boundary as is reasonably possible. These matters can be covered by condition. Officers consider that, in terms of this issue, the proposal is acceptable.
30. The proposed layout has been designed so that the density of development on the site decreases towards the west boundary. The applicants state this is in response to the general form and relative density of surrounding housing. To the east and north of the site is relatively higher density housing in Simpsons Way and St Swithun’s Road. To the south and west is lower density housing in Bagley Wood Road. Officers consider this approach to density on the site has merit and will help to integrate the proposal into the wider area.
31. All of the proposed 2, 3, and 4-bedroom houses have rear gardens that are at least 10.5 metres in depth, and the majority are at least 12 metres in depth. When balanced with the weight to be attached to the need to achieve a reasonable density, officers consider this to be a reasonable level of provision and should ensure an acceptable level of garden space for the occupants.
32. In terms of policy H16, nine of the proposed dwellings will be 1- or 2-bedroom (which is 56%) and two would be lifetime homes (12%). The proposal therefore accords with the provisions of this policy.
33. Overall officers consider that the proposal represents an efficient use of land that also provides an acceptable level of residential amenity for future occupiers and does not harm the form, structure or character of the village.

34. The second issue is the proposed amount of affordable housing. Kennington is a settlement of 3,000 people and the threshold for providing affordable housing is 15 if the site is capable of accommodating this number. In officers' opinion the application has demonstrated that 16 dwellings can be satisfactorily accommodated on the site and therefore the site does qualify for affordable housing.
35. The three proposed affordable houses amount to 19% of the total, whereas policy H17 requires 40%, which equates to another three units. The applicants have submitted a viability appraisal including confidential financial information, which, in accordance with the adopted Supplementary Planning Guidance on affordable housing, has been assessed by an independent consultant acting for the council, Knight Frank. The independent consultant has concluded from the financial information that the provision of three affordable dwellings is the most that can be achieved.
36. The key financial constraint that the developers face is the price of the land. The provision of affordable housing reduces the value of a housing site and, in this case, the landowners are unwilling to lower the site value to a level that will support six affordable dwellings. The landowners have indicated to the applicants that they are content to leave the site undeveloped rather than lower the price any further.
37. Normally, the issue of site value is not one that officers would consider sufficient to reduce the required amount of affordable housing. The council's Shared Acting Housing Development and Regeneration Manager objects to the proposal on this basis. However, the applicants have drawn attention to the council's current weakening housing supply position and argue that they can assist with this by delivering a housing scheme on the site now. Paragraph 54 of PPS3 requires the council to maintain a five-year supply of housing land to meet housing targets. If there is not a five year supply, this deficiency amounts to a need which is a material consideration to which weight should be attached when considering current applications for new housing.
38. The council's last Annual Monitoring Report, of December 2009, identified a shortfall in five year supply of 66 dwellings. The next report is due in December 2010 and, given the delays in progress on some of the council's allocated housing sites, it is likely that the supply position will be no better. The current deficiency in the five year land supply adds weight to the applicant's argument that the site should come forward for housing now.
39. Councillors need to consider this issue very carefully, and determine the respective weight to be attached to the shortfall of three affordable dwellings in the application and to the deficiency in housing land supply. Officers consider that, in this case, the issue of land supply, and the need to bring the site forward now for housing, does outweigh the shortfall of three units of affordable housing. Consequently, officers consider the proposed level of affordable housing, in this case, to be acceptable. A Section 106 Obligation

will be required to control the occupancy of the affordable housing. The deliverability of the proposed affordable housing is not dependent on government grant and is not therefore affected by recent cuts in government spending.

40. The third issue is the impact on neighbours. One of the reasons for the refusal of the previous application was that it failed to meet the council's adopted minimum distances to prevent harmful overlooking of some neighbours. The applicants have addressed this matter and the current application does meet the council's adopted minimum standards. The proposed dwellings facing the rear garden of No 34 Simpsons Way would be 13 metres away from the boundary (the relevant minimum distance is 12 metres) and the proposed dwelling with windows facing the rear walls of Nos 25 – 27 St Swithun's Road would be at least 21 metres away, which is the relevant minimum distance for this relationship.

41. Site sections have been submitted with the application to show the slab levels of the proposed dwellings relative to existing ground level within the site. Given the significant slope of the site, officers consider it is necessary to impose a condition to agree the slab levels of all the proposed dwellings relative to off-site levels to ensure that no harm arises to neighbours from over-dominance. With regard to surface water drainage, the council's Principal Engineer has recommended that the submitted drainage strategy needs to be covered by condition. Thames Water has raised no objection in terms of foul drainage. Objections have been received concerning levels of noise, but officers consider there is nothing to suggest that the likely levels of noise will be materially different to the levels one would reasonably expect in a residential area. Concerns have also been raised over proposed refuse storage, but there are no flats proposed, only houses, and it is considered there is adequate space within the proposed curtilages for the accommodation of bins.

42. The fourth issue is highway safety. The vehicular access to the site would be from Simpsons Way which has a junction with The Avenue. There are 33 houses in Simpsons Way, but the junction with The Avenue also currently provides potential access to and from the north for dwellings on Links Road and Liddiard Close, which total 93 dwellings. The County Engineer has carefully considered the applicants transport statement. In terms of the safety of the junction the County Engineer considers it meets the necessary visibility standards and that the additional traffic from the 16 dwellings can be accommodated safely.

43. Local residents state that there have been three traffic accidents at the junction since 2002. The County Engineer has reviewed the road traffic accident records for the junction, but this evidence does not suggest an intrinsic problem with the geometry or safety of the junction. Councillors will be aware that the suggestion from local residents that the access should be from St Swithun's Road is not a material consideration for this application.

44. Proposed parking levels also meet adopted standards. Local residents have submitted their own transport statement which disagrees with the applicants' statement, and considers that traffic flows on the road network have been underestimated. At the time of writing the report the formal response of the County Engineer to this had not been received. An update on this issue will be provided orally at committee.
45. There is significant local objection on highway safety grounds, particularly in view of the level of on-street parking that occurs on Simpsons Way during evenings and weekends. Officers have visited the site during non-working hours and have seen that there is a considerable level of on-street parking which reduces the usable width of the road. However, in assessing highway safety, the County Engineer has to proceed from the basis that vehicles will be driven safely in accordance with prevailing road conditions. The safety issues surrounding on-street parking are not clear-cut. There is evidence that on-street parking affects driver behaviour and leads to reduced average traffic speeds when compared to open roads free from parked vehicles where higher vehicle speeds can be encouraged.
46. Based on the available evidence, and the anticipated levels and profile of traffic from the proposed development, the County Engineer considers that the additional traffic from the development will not create additional risks to highway safety. He has no objections subject to conditions, including a construction management plan to minimise the impact of construction vehicles on local residents.
47. The final issue is the impact on local services. The County Council's Development Funding Officer has recommended that, to offset the anticipated impact from the proposed development on local services, financial contributions should be obtained in respect of primary, secondary and special needs education, library services, waste management, social care and the county museum resource centre. These can be secured via a Section 106 Obligation.

Recommendation

- Subject to the response of the County Engineer to the residents' traffic statement, and to the County Engineer not changing his recommendation of no objection, it is recommended that authority to grant planning permission be delegated to the Head of Planning Services in consultation with the Char and Vice-Chair, subject to:-***
- j) Completion of Section 106 Obligations to control the proposed affordable housing and to secure financial contributions to local services***
- ii) Conditions to include details of external materials, slab levels, access and parking, a construction management plan, landscaping and biodiversity measures, foul and surface water drainage***