

APPLICATION NO.	P13/V1949/O
APPLICATION TYPE	OUTLINE
REGISTERED	11.10.2013
PARISH	STANFORD IN THE VALE
WARD MEMBER(S)	Robert Sharp
APPLICANT	Mr Mark Stoneham
SITE	Bow Farm, Bow Road, Stanford in the Vale, SN7 8JB
PROPOSAL	Demolition of existing agricultural farm buildings. Erection of 20 new residential units (17 structures), conversion of two barns to three residential units (already consented ref P12/V1739/FUL) (revised drawings received March 2014)
AMENDMENTS	None
GRID REFERENCE	434395/194171
OFFICER	Martin Deans

SUMMARY

This application was considered by committee on 18 June 2014 when it was resolved to delegate authority to grant planning permission to the head of planning services in consultation with the chairman subject to the completion of section 106 legal agreements. Subsequently it has become clear that part of the formal request for local contributions and benefits made by Stanford Parish Council was not reported formally to committee. The application is being brought back to consider this element in the context of the application.

The particular part of the parish council request relates to the dedication of a strip of land on the farm, approximately 600m long, for use as a public footpath to help towards the provision of a circular footpath route around the village. Officers have assessed the request using the three legal tests in the Community Infrastructure Levy Regulations 2010 and the request fails to meet two of the three tests. Consequently officers cannot support this particular request.

The remaining details of the application are the same as reported to committee on 18 June 2014. The recommendation therefore is to delegate authority to grant planning permission subject to the completion of section 106 agreements.

1.0 INTRODUCTION

- 1.1 This outline planning application was presented to committee on 18 June 2014. Committee resolved to delegate authority to grant outline planning permission to the head of planning in consultation with the chairman subject to the completion of section 106 agreements with the district council and the county council. The committee minute is **attached** at appendix 1 and the site location plan can be found **attached** at appendix 2.
- 1.2 The section 106 agreements are now nearly complete. However, it has become clear recently that a written request made by Stanford in the Vale Parish Council in connection with the application, for land on Bow Farm to be dedicated for use as a public footpath, was not formally presented to committee and, therefore, has not been formally considered. Consequently the application is being presented to committee again to enable this request to be considered within the context of the application. The original report has been amended to reflect this additional issue.

- 1.3 The application site is 0.9ha in area and comprises a collection of vernacular and modern agricultural barns on the north eastern edge of the village. The site lies behind a line of detached and semi-detached residential dwellings that front onto Bow Road (B4508). The site lies outside the village conservation area and approximately 50 m away from the boundary. Stanford is one of the larger villages in the Vale, and, excluding the new housing under construction to the west of Faringdon Road, has approximately 855 households and a population of approximately 2,000.
- 1.4 The vernacular barns have been the subject of a recent planning permission for the conversion to three residential units under separate consent. The remaining agricultural buildings are of no architectural merit.
- 1.5 The site is easily identifiable with no artificial (new) boundaries proposed. To the north, east and south open arable fields exist.

2.0 PROPOSAL

- 2.1 The applicant seeks outline planning permission for the erection of 17 new homes in addition to three already permitted. The total quantum of units on the site is therefore 20. The three permitted dwellings would use the existing farm access. The proposed additional 17 dwellings would use a new vehicular access to be formed from some of the gardens belonging to two properties, no.1 Bow Cottages and no.26 Bow Road.
- 2.2 The following mix of housing is proposed which includes the three consented smaller units;

	Affordable	Open	Total
1-Bed	-	-	-
2-Bed	6	4	10
3-Bed	2	6	6
4-Bed	0	4	4

Copies of the means of access plans, indicative house types and an illustrative layout can be found **attached** at appendix 3. The illustrative layout is indicative and shows that the quantum of development can be accommodated within the site whilst allowing for public open space, suitable gardens, parking and a path to the pond.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 3.1 **Stanford In The Vale Parish Council** – Objection, a full copy of the response can be found **attached** at appendix 4.

Oxfordshire County Council – An education objection to the additional strain placed on the local primary school.

County Highways Officer – Originally objected to the use of the existing access. The amended new access is in a position suggested by the county highways officer with visibility splays designed to meet national standards.

Forestry Team – No objections

Landscape Officer – No objections

Drainage Engineer - Original holding objection lifted and the use of conditions is recommended.

Countryside Officer – No objection following the protected species survey and its

mitigation strategy.

Environmental Protection Team – No objections

Conservation Officer – No objections

Thames Valley Police – No objection

County Archeologist – No objection.

Neighbours – 18 letters of objection raising the following issues:-

- principle of development
- means of access
- proximity of units to existing dwellings
- impact on protected species
- impact on nearby heritage assets
- impact on local surface water flooding
- impact on sewer network
- local primary school lacks capacity

One letter of support has been submitted.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P13/V1546/O](#) – Withdrawn pending refusal (08/08/2013)

Outline application for demolition of existing agricultural farm buildings. Erection of 10 new residential units (7 structures), conversion of two barns to three residential units (already consented ref P12/V1739/FUL)

[P12/V1739/FUL](#) – Approved (11/12/2012)

Conversion of two barns to provide 3 new residential dwellings. As amended by drawing number COM-001A & acknowledgement letter from agent dated 10-10-2012.

5.0 **POLICY & GUIDANCE**

5.1 **Adopted Vale of White Horse Local Plan 2011** policies;

GS1 – provides a general location strategy to concentrate development within the five main settlements (policy H10), and smaller-scale development in the larger villages (policy H11) and small villages (policies H12 and H13).

DC1 - Design – requires new development to be high design quality in terms of layout, scale, mass, height, detailing, and materials to be used.

DC13 - Flood Risk and surface water drainage – The assessment of sites and the use of SUDS schemes.

DC14 - Flood Risk and surface water drainage – The assessment of sites and the use of SUDS schemes.

DC3 - Design against crime – New development should reflect published guidance such as “eyes on the street” to reduce opportunities for crime by using natural surveillance, urban design etc.

DC4 - Public Art – requires development on sites of 0.5ha or more to contribute towards public art in the area.

DC5 - Access – Seeks to ensure that vehicular movements both within and into sites do not cause safety, congestion or environmental problems. Parking standards and cycling provision should also be adequate. Reference is also made to the need to secure sufficient off-site highway improvements to mitigate the impact of the development.

DC6 - Landscaping – requires hard and soft landscaping to protect and enhance the visual amenities of the site and surroundings and to maximise nature conservation and wildlife habitat creation.

DC7 - Waste Collection and Recycling provision

DC8 - Provision of infrastructure and services – secured via a legal agreement for local and district wide services.

DC9 - Impact of development on neighbouring uses – There should be no harmful impact on neighbours from, amongst other matters, overlooking, overshadowing or overdominance.

HE10 - Archaeology

NE4 - Other Sites of Nature Conservation Value

H11 – Development in the larger villages – New development within the built-up areas of the larger villages. This policy seeks to protect the identity of the larger settlements from expansion that could materially harm their character. It currently has little weight due to the lack of a five year supply of housing land.

H17 – The provision of 40% affordable homes.

H23 – Open space in new housing development – requires 15% of the residential area to be laid out as public open space.

NE9 – seeks to protect the wider landscape of the Lowland Vale.

5.2 **Supplementary planning guidance**

Residential design guide (December 2009)

Sustainable design and construction (2009)

Open space, sport and recreation future provision (July 2009)

Affordable housing – provides further guidance in relation to the local plan policy H17.

Planning and public art (July 2006) – Sites over 0.5ha should provide a contribution towards public art in accordance with local plan policy DC4.

5.3 **National Planning Policy Framework (NPPF) – March 2012**

Paragraphs 14 & 49 – presumption in favour of sustainable development

Paragraphs 34 & 37 – encourage minimised journey lengths to work, shopping, leisure and education

Paragraph 47 – five year housing land supply requirement

Paragraph 50 – create sustainable inclusive and mixed communities

Paragraph 57, 60 & 61 – promote local distinctiveness and integrate development into the natural, built and historic environment

Paragraph 99 – flood risk assessment

Paragraph 109 – contribute to and enhance the natural and local environment

Paragraph 111 – encourage the effective use of land by re-using land that has been previously developed

Paragraph 119 – the presumption in favour of sustainable development does not override protected species and habitats

Paragraph 126-134 – Historic assets and environment

6.0 PLANNING CONSIDERATIONS

6.1 The key issues in this application are considered to be;

- Principle of development
- Means of access
- Layout and amenity considerations
- Mix proposed and other constraints

6.2 *Principle of the proposed development* - This is an application for outline planning permission along with the means of access, the detailed elements of the works (design, parking, landscaping and materials and scale) will be the subject of a future reserved matters application. The NPPF seeks to bolster the delivery of housing in particular where councils are unable to demonstrate a five year land supply. The balance in reaching decisions is outlined in paragraph 14 of the NPPF, which states that sustainable development permission should be permitted unless "... any adverse impacts... would significantly and demonstrably outweigh the benefits, when assessed against [the framework]... as a whole". The current lack of a five year housing land supply means that the housing supply policies of the adopted local plan have relatively little weight.

6.3 *Local Plan Policies* – Although the application is contrary to local plan policy H11, little weight can be attached to the policy. The proposed development, therefore, needs to be considered on its site specific merits and, in particular, in relation to its sustainability as defined by the NPPF in terms of the economic, social, and environmental dimensions. The inspector in the appeal on the land west of Faringdon Road concluded that Stanford is a relatively sustainable location. This report, therefore, focuses on site specific issues and consideration of whether the specifications of the NPPF are satisfied in terms of providing sustainable development to help address the current shortfall in the five year supply of housing land

6.4 The landowner has placed much emphasis on the reorganisation of his wider farming business as part of the overall proposals. Officers place little weight on this factor as such matters do not require planning permission and are not part of the remit of the planning system other than to support economic growth (NPPF para 18).

6.5 *The Village* – Stanford in the Vale is one of the larger villages within the district and the most recent assessment of the facilities in the parish produces a score of 14, putting the village in the "larger villages" category. The location of the application site is on the outer edge of the village but is on an established farm yard and lies within a 20-minute walk of the main village centre, where the primary school and shops are located. In addition, the NPPF puts strong emphasis on permitting new homes to further enhance rural vitality. For these reasons, and in view of the appeal decision at land west of Faringdon Road, the principle of the proposal is considered to be acceptable.

6.6 *Design and Housing Mix* – This application was originally received in September 2013

and has undergone a complete re-design including means of access, housing mix and illustrative layout following concerns and input from nearby residents and planning officers at the local and county level. The revised scheme features a mix of housing that strongly matches the results of the SHMA and also the parish council's own surveys from 2013. This mix is orientated towards smaller family units and starter homes, rather than larger executive units.

- 6.7 *Impact on Existing Homes* – The proposed removal of garden space from two existing dwellings to create a new access is a consideration. The garden area lost to the new access road is considered to leave a reasonable area for both and will not erode private space unacceptably. Turning to amenity relationship, little weight is assigned to the cessation of farming activities on the site as reason to approve this scheme. No environmental health complaints appear on Vale records and the existing relationship is a historic one. The illustrative layout shows relatively large separation distances, to be utilised for public open space, and consequently no harm to neighbours from overlooking or loss of light. The application is therefore considered to comply with policy DC9 of the local plan.
- 6.8 *Means of Access* – Proposed access details were amended at the suggestion of county officers and the new means of access provides far superior visibility splays into and out of the scheme. Adequate parking has been provided on the indicative layout for residents and visitors, as well as ample opportunity for casual parking and means for a waste lorry to reverse and leave the site in a forward gear. The application is considered to accord with policy DC5 of the local plan.
- 6.9 *Heritage Matters* – The conservation officer has raised no comments or concerns regarding the impact on the conservation area. Therefore the application is considered to accord with the provisions of local plan at policy HE1.
- 6.10 *Visual Impact* - Policy NE9 seeks to protect the wide and open views across the lowland vale. The existing poor quality agricultural buildings are not considered to contribute positively towards the area, and provide an existing identifiable boundary for the proposed housing. The backland nature of the site means it is not particularly prominent from Bow Road and this, combined with the indicative layout showing a good separation between existing and proposed housing, leads officers to conclude that the new housing will be seen from the ground as part of the village, rather than an incursion into open countryside.
- 6.11 *Ecology and Trees* – No objections following professional surveys which also include remedial strategies for species and protection plans for the roots of existing trees.
- 6.12 *Archaeology* – the county archaeologist is satisfied with the findings of the archaeology reports commissioned by the applicant. Therefore the application is considered to accord with policy HE10 of the adopted local plan.
- 6.13 *Drainage* – The village is known to have surface water problems. The site is entirely within flood zone 1, the lowest risk of potential flooding from a river. Therefore the applicants have employed a consultancy to form a drainage strategy for the site. The SUDS-based proposals have been assessed by the council's drainage engineer who is satisfied that a suitable SUDS scheme can attenuate and offset the impact of the new roads and houses. The proposals once implemented are intended to account for 1:100 year storms and an allowance for global warming of 30% increase in rainfall. With regard to foul drainage Thames Water have not objected to the proposals and have recommended the use of suitable standard conditions relating to sewage and surface water.

- 6.14 *Update on Parish Council Requests* - As part of the consideration of the application the parish council submitted a formal request for contributions towards local projects and other benefits. As committee is aware, the consideration of all requests for contributions has to be assessed against the legal requirements contained in paragraph 122 of the Community Infrastructure Levy Regulations 2010. These require that the contribution is
- Directly related to the development
 - Fairly and reasonably related in scale and kind to the development
 - Necessary to make the development acceptable in planning terms

All three of these requirements have to be met for a contribution or other benefit requested under a planning application to be legally acceptable.

- 6.15 When the application was presented to committee on 18 June 2014 the committee report included a recommended financial contribution to the parish council of £45,000. This was considered to be a proportionate amount of money given that the size of the development, 20 dwellings, represents an increase in the number of households in the village of only approximately 2.2%. However, the report did not cover the parish council's request for the designation of a strip of land on the farm as a public footpath, between the application site and Horsecroft, the village lane approximately 600 m to the south. The position of this suggested footpath is shown on the plan **attached** as appendix 5.
- 6.16 It has since transpired that, for the parish council, the request for the public footpath is the most important of all of the requests it made, and comes before any financial contributions. There is a desire to form a circular footpath route around the village and the land at Bow Farm will provide a missing link in the planned route.
- 6.17 The request has been assessed against the three legal tests in the CIL Regulations. The first test is whether the request for the footpath is directly related to the development. The answer to this is that the new section of footpath would be for the benefit of future residents of the housing. So it is directly related to the development.
- 6.18 The second and third tests in this instance are linked. The main issue here is whether the request is fair and reasonable given the scale of the proposed development – in other words, whether it is proportionate. The request is for approximately 600m of footpath. The cost of providing and maintaining the footpath would be borne by the parish council, so it is the benefit of providing the land that is required. The parish council's plans for the circular route around the village suggest a total route in the order of five or six kilometres (up to 3.75 miles) in length. Therefore the requested length of footpath is approximately 10% of the entire length of the circular route.
- 6.19 The request requires the applicant to sacrifice current farming land, outside the application site, for use as a public footpath for the benefit of the village as a whole. In terms of assessing whether a request for the benefit of the whole village is proportionate in the context of a particular planning application, it is accepted practise to compare the proposed increase in population from the new housing to the existing population, and relate this pro-rata to the proportion of the benefit being requested. In this case the proposed increase in population relatively small, only 2.2%, much smaller in proportionate terms to the proportion of the total footpath that is being requested.
- 6.20 The request therefore fails to meet the test of being fairly and reasonably related to the scale and nature of the development. The proportion of footpath being requested is too large to be fairly and reasonably met by a development of only 20 dwellings. The

request therefore also fails to meet the test of being necessary to make the development acceptable in planning terms. In light of this, officers cannot support this element of the parish council's request.

- 6.21 *Other Social Infrastructure and Contributions* - Oxfordshire County Council has raised an objection to the application on the grounds that there is insufficient capacity at the local primary school to support the seven new pupils likely to be of primary school age. However this outcome does rely on the inability of the county council to expand the village school, to seek more suitable sites for the school, or acquire new land for its expansion. Such options are the subject of a current feasibility study by OCC. This issue is likely to be the only planning area where this application is lacking but officers do not consider this to be a reasonable ground to refuse the application when assessed overall.
- 6.22 With regard to secondary schooling King Alfred's in Wantage has spare capacity, but is approaching its limit. Funding has been agreed to contribute towards the new school secondary school in Grove Airfield. Special education needs contributions have also been sought and agreed. The following contributions have been sought and agreed by the developers to offset the impact of the additional residents on nearby infrastructure. These contributions will be secured on-site and by means of a section 106 agreement.

District Level;

Affordable housing	On site (40%)
Parish contributions for facilities	£45,000
Leisure	£40,000
Public Art	£6,000
Street Naming and numbering	£500
Waste and recycling	£3400
Vale Total	£94,900

Oxfordshire County Council contributions;

Education – Primary	£81,074
Education – Secondary	£118,750
Education – SEN	£6,131
Public Transport & Highways	£19,435 & off-site works
Library	£4,420
Day care	£4,400
Waste infrastructure	£3,328
Museum	£260
Monitoring fee	£3,750
OCC Total	£241,548

7.0 CONCLUSION

7.1 In summary the application is considered acceptable due to;

- The site is located within one of the larger villages in the district and is considered to be sustainable development
- The housing mix includes much needed 2/3 bed units
- The contribution towards the five year land supply shortfall including affordable.

The application is considered to comply with the principles of the local plan and the

NPPF *as a whole* noting the strong weight of the five year land supply shortfall.

8.0 **RECOMMENDATION**

That authority to grant outline planning permission is delegated to the head of planning, in consultation with the chairman, subject to:-

i) The completion of section 106 legal agreements with the district and county councils to secure contributions and on-site affordable homes.

ii) Conditions as follows:-

- 1 : Approved plans and documentation.**
- 2 : Submission of reserved matters within six months.**
- 3 : Ridge heights (two storey).**
- 4 : Demolish specified buildings before occupation.**
- 5 : Final layout shall be informed by constraints.**
- 6 : Sample materials required (all).**
- 7 : Withdrawal of permitted development (Part 1 Class A) - no extensions etc.**
- 8 : Secured By Design approval.**
- 9 : Vision splay details.**
- 10 : Construction traffic management.**
- 11 : Protection of trees and hedges during development.**
- 12 : HY19 - No drainage to highway (full).**

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