

APPLICATION NO.	P14/V2286/O
APPLICATION TYPE	OUTLINE
REGISTERED	10.10.2014
PARISH	HARWELL
WARD MEMBER(S)	Margaret Turner, Reg Waite
APPLICANT	Mr Richard Womersley-Smith
SITE	Orchard Way, Harwell, OX11 0LH
PROPOSAL	Outline application for a residential development of up to 9 dwellings, with all matters reserved except for access (as amended by revised application form, drawings 2867.100 and JNY8144-04, and agents email dated 24-11-14).
AMENDMENTS	Application revised to specify the number of dwellings and provide an illustrative layout plan.
GRID REFERENCE	448806/189152
OFFICER	Lisa Kamali

EXECUTIVE SUMMARY

The application is before committee due to objections from Harwell Parish council and five local residents.

The proposal is to develop the site to provide a new road access from Orchard Way and nine two storey dwellings. All matters are reserved except for access.

The key issues are:-

- The principle of the development
- Adequacy of the illustrative layout
- Landscape and visual impact
- The impact on neighbours
- Transport impacts
- Sewage and drainage
- Ecology/Biodiversity
- Archaeology

This report seeks to assess the planning application against the national and local planning policy framework where relevant and all other material planning considerations.

It is the officers' view that the principle of the development is acceptable given the current housing land supply situation and the sustainable location of the site alongside existing housing and within a reasonable distance of amenities and transport links.

Officers consider that the illustrative layout is acceptable in terms of design and the quantum of development proposed which includes 40% affordable housing. The quality of the development for future residents and the impact on neighbouring properties are both considered acceptable.

Whilst the proposal will alter the outlook from neighbouring properties and the appearance of the site generally, the landscape and visual impact is acceptable given

the context of the site subject to a condition requiring retention of both rows of trees along the western boundary of the site.

The development will have an impact on existing parking arrangements in the street and may result in some additional congestion, but the county council has no objection and parking impact can be minimised through the imposition of planning conditions and a legal agreement. Transport and parking impacts arising from the proposal cannot be described as severe in the context of the NPPF.

The technical issues relating to drainage and sewage, ecology/biodiversity and archaeology are acceptable subject to conditions.

Overall, the development is considered to amount to sustainable development, and this application is recommended for approval subject to conditions and a legal agreement with the county and district councils.

1.0 INTRODUCTION

- 1.1 The 0.31 hectare site is roughly square in shape and is accessed via an existing gap between the houses at No. 31 and No. 33 Orchard Way. The site access is in the ownership of the Council and the applicant has confirmed that the requisite notice has been served on the Council.
- 1.2 The site lies immediately adjacent to the built up area of Harwell village. The site has not been developed previously and is covered in grass, shrubs and trees. There is an informal path through the site to a walkway over the western boundary however this is not a public right of way. The site is relatively level and is bounded by residential gardens on three sides (north, east and south), and by two rows of mature and semi-mature trees, a land drainage ditch and agricultural fields to the rear (west).
- 1.3 The existing dwellings on Orchard Way comprise a mixture of bungalows and two storey houses, and the character of the immediate area is residential. There is a school to the north of the site and one of the accesses to that school is from Orchard Way some 40 metres to the north of the site entrance.
- 1.4 The Vale of White Horse Local Plan 2011 identifies the site as being within the Area of Lowland Vale (Policy NE9), where development is not permitted if it would have an adverse impact on the landscape, particularly on the long open views within or across an area.
- 1.5 The site has no special land use designations and whilst some of the trees on the site are mature or semi-mature, none are protected by a Tree Protection Order (TPO).
- 1.6 A site location plan is **attached** at appendix 1.

2.0 PROPOSAL

- 2.1 The application seeks approval for a development of nine two storey dwellings. The planning application is made in outline with the means of access onto Orchard Way only to be considered. The applicant has provided an illustrative site layout plan in order to demonstrate that nine dwellings can be successfully accommodated within the site.
- 2.2 The application proposes a single vehicular access to the site from Orchard Way via an existing gap between the houses at No. 31 and No. 33 Orchard Way. This land is

owned by the council and negotiations are underway whereby the applicant will eventually purchase the land. Within the site, the nine new dwellings will front the access road and a turning head at the rear of the site.

- 2.3 The applicant has confirmed that the dwellings are to be no more than two storeys in scale with a maximum ridge height of 8.75 metres.
- 2.4 The indicative layout plan indicates that most of the vegetation on site, including the inner row of maturing Alder trees along the western boundary would be removed to facilitate the development.
- 2.5 The proposed site layout plan is attached at **appendix 2**. All other plans and documentation submitted with the application can be found on the council's website.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 This section of the report provides an outline of the consultation/notification undertaken and a summary of comments received on the application. Copies of all responses are available to view online.

All the appropriate consultations/notifications have been undertaken on the original submission and further information submitted. The latest consultation/notification on the amendment expired on 18 December 2014.

- 3.2 **Local Member, Councillor Stewart Lilly** – no objection

- 3.3 **Harwell Parish Council** – objects

Harwell Parish Council objected to the original application on 11 November, and lodged a further objection to the revised application on 9 December.

The reasons for objection are summarised below:-

- The application is difficult to review because this is only an indicative plan and may be subject to change at a future stage, and the suspicion remains that this application is a "Trojan horse" and a subsequent application will open the way to a larger number of houses.
- There is no affordable housing, which is contrary to Vale policy.
- If permission is granted access to the site should only be for a specified number of dwellings.
- Loss of parking is an issue and will impact residents.
- The applicants Transport Statement is flawed and a more rigorous approach should be taken to traffic surveys. The Transport Statement does not provide sufficient data to assess the possible implications for congestion and child safety.
- Requested that the eventual layout takes the existing informal right of way through the site into account and continues to provide suitable access to the Recreation Ground for pedestrians.
- If the Vale sells that land it should take into account the impact that the development will have on its immediate neighbours and ensure that it sells for a price that can be used for the benefit of the immediate community.

A full copy of these objections are attached at **appendix 3**.

The Parish Council has made the following Section 106 requested, should the application be approved:-

- £12,000 towards community facilities
- £12,000 towards sports facilities
- £2,000 to fund enhancements to church building.
- £2,000 towards improvements to Royal British Legion club.
- The Parish has also requested that an access through the site be maintained and captured through a legal agreement however the applicant has refused to provide such a walkway.

3.4 Harwell Village Hall – no strong views

Noted that the village hall carpark in Westfields Park has planning permission to be enlarged which will increase traffic down Westfields. Stated the Harwell village hall needs to keep the village hall car park for village hall users.

3.5 Representations from local residents - objection

At the time of writing this report, 11 objections have been received from 5 different addresses. If any further responses are received, Members will be verbally updated at committee. The issues raised are summarised below:-

- Residents feel the parking survey deliberately avoided the peak time in the morning and did not begin until 11:00am to make the results more favourable to the proposed development.
- A local resident has carried out his own vehicle survey using what is in his opinion a more appropriate time 8am -9am. The council should give this significant weight.
- The Transport Statement makes very little of the lost parking spaces which will have a huge impact on the residents that use them. It is an already congested road and the loss of these spaces and the increased traffic will just make the issue worse.
- The proposed access is dangerous and will cause major problems.
- The proposed access will run directly across the front gate of 33 Orchard Way and mean that ultimately mean they can no longer park outside their property. On the access map a driveway has been marked into 33 Orchard Way but is the side access to the property and not for a car.
- Highway code guidelines mean that no-one will be able to park within 10 metres of the junction or on a bend, so neighbours would lose any parking they have outside their properties.
- Loss of privacy and overlooking from new dwellings.
- Loss of sunlight.
- Adverse impacts on wildlife and ecology.
- The development will spoil the view.
- Impacts due to vehicles used in construction of the development.
- Devaluation of properties.

3.6 Thames Water Development Control - No objection

Responded on 5 November to state they are not affected by the development.

Responded again on 11 December raising no objection in terms of sewage infrastructure capacity and water infrastructure capacity. Recommended an informative relating to water pressure.

3.7 Oxfordshire County Council Transport – no objection

Responded on 11 November to state no objection subject to conditions relating to drainage and a travel plan, and a legal agreements (S106, S38 and S278). The key issues are summarised below:-

- The Transport Statement submitted with the application has been assessed and noted. Information on drawing no's: JNY8144-01 & -02 has been considered but

further details, including access arrangements for no.33 and associated vision splays boundary treatment, parking bays adjacent no.26 etc. are required for consideration and approval by the to the Local Highway Authority (LHA).

- A Traffic Regulation Order (TRO) for junction protection is likely to be required – estimated cost £5k.
- A service-strip adjacent the boundary with no.33 will be required.
- A developer contribution rate of £2,737 per dwelling is required, through a s106, towards improved strategic transport infrastructure in the eastern part of Science Vale.
- A Sustainable Urban Drainage System (SUDS) compliant Drainage Strategy for this development will be required including detailed calculations, for approval before implementation of any permission that may be granted.
- Travel Information Packs for this site will be required for approval before first occupation – travelplan@oxfordshire.gov.uk can advise.
- A developer contribution of £795 per additional dwelling towards development of the Science Vale public transport network, inclusive of routes through Harwell village.
- Any proposed internal layout will need to accord with Manual for Streets principles, including servicing/emergency vehicle access/egress, and constructed to adoptable standards.
- Construction Traffic Management Plan (CTMP) will be required, before implementation, as access egress to the site passes the school on Westfield.

3.8 Oxfordshire County Council Archaeology - No objection

Originally responded on 17 October recommending the implementation of an archaeological field evaluation prior to the determination of the application. This work was carried out the applicant and the county responded again on 16 December to state they have no objections subject to conditions for an Archaeological Written Scheme of Investigation (WSI), and a staged programme of archaeological evaluation and mitigation.

3.9 Drainage Engineer (Vale of White Horse District Council) – no objection.

Responded on 27 October raising the following questions, stating these must be addressed at application stage.

- The application states that 'mains drainage' will serve the proposal though there are no apparent foul or surface water sewers in the near vicinity and offsite works to enable such connections to be made are likely to be required.
- Thames Water should be consulted on the capacity of nearby sewers to receive additional flows from the site.
- A Suds -based system will need to be provided for this site rather than the proposed direct connection into a surface water sewer.

Later confirmed that these comments amounted to no more than a request for the applicant to change the responses on the application form regarding surface water drainage, and that this should drain to an appropriate SUDS system rather than to a mains sewer as proposed. It is noted that the application form has been amended accordingly. Recommended a condition for a SUDS compliant drainage scheme.

3.10 Landscape Architect - Vale of White Horse DC - No objection

Responded on 3 November to state that it is difficult to comment due to the lack of specific detail. Noted that the following:-

- The proposed road access drawing does not indicate the boundary vegetation lost on the northern side of the proposed access road.
- The transport report shows the loss of existing parking spaces to allow access

and vehicle tracking paths, but not whether these spaces are to be relocated else where on the street or on plot. This would have some impact of the appearance of the road if road verges and front garden vegetation are to be lost.

Responded again on 8 December to state no further comments on the amendments.

3.11 Forestry Team (Vale of White Horse) - No strong views

Responded on 7 November to There are no adverse arboricultural implications with the creation of the access. Responded to amended scheme on 12 December to raise the following issues:-

- The layout shows the row of trees forming the internal line adjacent to the western boundary will be removed to facilitate sufficient useable garden space. In their own right, the trees add depth to the boundary treatment and contribute to a linear woodland strip that lines the footpath. Without its retention, I am concerned that the tree cover will appear thin, have views through to the site and alter the character of this edge of village area.
- This need not be an insurmountable problem as the orientation of the dwellings appears to have been considered in relation to the potential for shading but the drawback of the scheme is that it is at the expense of a substantial row of trees.
- I appreciate that this is an outline application but, were the balance to be adjusted in favour of the retention of the line of trees, I would have more confidence that a forthcoming detailed scheme would be achievable.

3.12 Waste Management Officer (District Council) - No objection

Originally requested a re-tracked plan on 11 November, and responded further on 3 December and their key comments are summarised as follows:-

- Properties should be planned so bins can be stored within the property boundary and be moved to the presentation point without the need to go up or down steps or through the property. Garden gates need to be wide enough to accommodate a standard 240lt wheeled bin.
- Mid-terrace properties should either have access to rear gardens or enough space to the front to store a full set of bins.
- As the road will remain private and the access is tight, a waste collection point next to the adopted highway should be provided.
- Requested Section 106 contribution of 170.00 per property (9 x 170 = £1,530.00).

3.13 Health & Housing - Contaminated Land – No objection

Responded on 27 October to state no objections but noted that any unsuspected contamination to land or water encountered during the development should be notified to the Environmental Health Department.

3.14 Countryside Officer (South Oxfordshire & Vale of White Horse) - No objection

Responded on 3 November to state there are no over-riding ecological constraints, but that if there is no opportunity to mitigate the impacts on site then the council would be seeking compensation for the biodiversity losses. Subsequently recommended a condition relating to a biodiversity offsetting scheme.

3.14 Development and Housing (Vale of White Horse) – No objection in principle

Responded on 23 December 2014 to confirm that the proposal will need to contribute 40% affordable housing in accordance with local plan policy H17. The council will therefore require 4 (40% being 3.6 rounded up) of the units to be delivered as affordable. Suggested the following unit and tenure split:-

Rent

2 x 2 bed house (min 76 m2)

1 x 3 bed house (min 88 m2)

Shared ownership

1 x 2 bed house

Noted that whilst it is appreciated the site layout accompanying the application is illustrative, the affordable units could occupy plots 1 - 3 and plot 7.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/V0394/PEJ](#) – letter sent to applicant on 03/04/2014

Pre-application site meeting to consider residential development of between 10 and up to 25 dwellings. The Council's response is summarised as follows:-

- The means of access should address the connectivity and permeability issues that define good design. Provision of the required amount of car parking to meet OCC standards is essential.
- The western boundary adjoins a drainage ditch which has scrub tree and hedgerow growth. This area should be retained and improved to provide a robust and enhanced landscape screen to longer distance views into the site across open countryside.
- Additional planting where appropriate within the layout to be developed should seek to assist in screening of any two storey buildings from views from the south and south-west.
- An extended phase 1 habitats survey should be conducted.
- In line with paragraph 109 of the NPPF and the need to provide net gains in biodiversity I would recommend that the developer is required to contribute towards an off site compensation scheme either through biodiversity offsetting or another locally agreed scheme.
- Preliminary investigation (desk top study and site reconnaissance) required to demonstrate that the site is suitable for use.
- Surface water runoff from any proposed development should be controlled as near to source as possible through a sustainable drainage approach to surface water management.
- Provision of 40% on site would be required in line with saved local plan policy H17
- A predetermination geophysical survey of the site in line with NPPF para 128 and local plan policy HE9 should be undertaken

4.2 [P86/V1446/COU](#) - Approved (04/09/1986)

Change of use from agricultural to garden to provide enlarged gardens. This approval was not implemented.

5.0 **POLICY & GUIDANCE**

GOVERNMENT GUIDANCE

5.1 **National Planning Policy Framework (2012) (NPPF)**

At the heart of the NPPF is a presumption in favour of sustainable development (paragraphs 7, 14, 49 and 197).

Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking, this means

approving proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Paragraphs 34 and 37 encourage minimised journey length to work, shopping, leisure and education, and paragraphs 57, 60 and 61 seek to promote local distinctiveness and integrate development into the natural, built and historic environment. Paragraph 55 seeks to promote sustainable development in rural areas but resists new isolated homes in the countryside without justification.

Paragraphs 47 – 49 require local planning authorities to identify a five year supply of housing sites. Where this cannot be demonstrated relevant local plan policies for new housing development should not be considered up to-date until the shortfall is rectified. The government attaches great importance to design and paragraph 56 considers good design is a key aspect of sustainable development.

Paragraphs 57, 60 and 61 also seek high quality design for all development and to promote local distinctiveness and integrate development into the natural, built and historic environment.

Paragraph 64 confirms permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.

Paragraph 109 requires development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity.

Paragraph 111 encourages the effective use of previously developed land.

Paragraph 123 states that planning policies and decisions should aim, amongst other things, to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Paragraphs 173 – 174 aim to encourage viability and deliverability.

Paragraphs 186-187 require council to take a positive approach to decision making.

Paragraphs 204-205 deal with planning obligations, stating that these should be sought where they meet the relevant tests.

Paragraph 206 states that planning 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.

THE DEVELOPMENT PLAN

5.2 **Vale of White Horse District Council Local Plan 2011**

The development plan for this area comprises the adopted Vale of White Horse Local Plan 2011. The local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

Policy GS1 provides a general locational strategy including concentrating development

within the five main settlements of the district as defined by the development boundaries.

Policy GS2 indicates that outside the built-up areas of settlements new building will not be permitted unless it is on land identified for development or is in accordance with other specific policies.

Policy DC1 requires new development to be of a high design quality in terms of layout, scale, mass, height, detailing, materials to be used, and its relationship with adjoining buildings.

Policy DC3 requires the design and layout of new buildings and the spaces around them to be arranged to increase security and deter crime.

Policy DC4 confirms the need for public art to be provided in new residential developments on sites in excess of half a hectare.

Policy DC5 requires safe and convenient access and parking and suitable access from the public highway.

Policy DC6 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. It also requires the protection of existing important landscape features such as trees.

Policy DC7 requires residential development to provide adequate provision for waste and recycling facilities.

Policy DC8 identifies the need for developments to make in-kind or financial contributions to local infrastructure to mitigate the impacts of new residents.

Policy DC9 seeks to ensure development will not unacceptably harm the amenities of neighbouring properties and the wider environment.

Policies DC13 and DC14 confirm the need for new developments to make provision for mitigating flood risk and surface water runoff.

Policy NE9 states that development in the Lowland Vale will not be permitted if it would have an adverse impact on the landscape, particularly on the long open views within or across and area.

Policy H15 refers to residential densities.

Policy H16 references the need for a mix of housing to meet local needs and for developments to incorporate a proportion of lifetime homes.

Policy H17 states 40% affordable housing will be expected and sets out criteria to ensure provision is tenure blind, of the right size and type and distributed evenly throughout the site.

Polices HE9-HE11 cover archaeology.

5.3 Emerging Local Plan 2031 – Part 1

The draft local plan part 1 is not currently adopted policy and this emerging policy and its supporting text has limited weight as per paragraph 216 of the NPPF. Greater

regard therefore is to be given to the NPPF in line with paragraph 14 and where relevant, the saved policies (listed above) within the existing Local Plan. The relevant policies are as follows:-

- 1 – Presumption in favour of sustainable development
- 3 – Settlement hierarchy
- 4 – Meeting our housing need
- 7 – Providing supporting infrastructure and services
- 20 – Spatial strategy for the Western Vale
- 22 – Housing mix
- 23 – Housing density
- 24 – Affordable housing
- 26 – Accommodating current and future needs of the ageing population
- 33 – Promoting sustainable transport and accessibility
- 35 – Promoting public transport, cycling and walking
- 36 – Electronic communications
- 37 – Design and local distinctiveness
- 38 – Design strategies for strategic and major development sites
- 39 – The historic environment
- 40 – Sustainable design and construction
- 41 – Renewable energy
- 42 – Flood risk
- 43 – Natural resources
- 44 – Landscape
- 45 – Green Infrastructure
- 46 – Conservation and improvement of biodiversity

5.4 **Supplementary Planning Guidance**

- Residential Design Guide – December 2009
- Sustainable Design and Construction – December 2009
- Open space, sport and recreation future provision – July 2008
- Affordable Housing – July 2006
- Flood Maps and Flood Risk – July 2006
- Planning and Public Art – July 2006

5.5 **National Planning Practise Guidance 2014 (NPPG)**

5.6 **Material Planning Considerations**

Vale of White Horse District Council Housing Land Supply Statement (August 2013)
As of April 2013 the Council had a supply of 3,470 homes deliverable within five years. Whilst this constitutes a five year supply including a five percent buffer, given the persistent under supply a 20% buffer is appropriate. With a 20% buffer the Council have 4.4 years supply (“Liverpool method” of housing land supply calculation). If the residual requirements are to be addressed within the next five years (the “Sedgefield method”), the district has 3.1 years of deliverable housing supply at April 2013.

Since the previous statement in July 2012 the Council have made significant progress in working towards restoring a five year supply of housing by allowing developments which accord with the key principles of the NPPF in terms of sustainability. In light of the recommendations of the Housing Land Supply Statement the council has sought to proactively address the shortfall by permitting developments which are considered sustainable and comply with the recommendations of the NPPF.

Oxfordshire Strategic Housing Market Assessment (SHMA)

This SHMA was prepared jointly between all the local authorities in Oxfordshire and the document was completed in April 2014. The SHMA identified an objectively assessed need (OAN) figure of 1,028 homes a year for the period 2011-2031.

In accordance with the Planning Practice Guidance, OAN figures identified through the SHMA are a material consideration until progress on the emerging Local Plan 2031 is at a sufficiently advanced stage to support planning decisions. However, it should be noted that any weight afforded to the OAN figures should also take into account the fact they have not been tested or moderated against relevant constraints. The housing target for the district over the emerging plan period is a matter that is properly determined through the plan making process and not through the assessment of planning applications.

Thus, it follows that the findings of the SHMA and the council's emerging local plan should carry equal, limited, weight at this time.

*Written Statement made by the Minister of State for Housing and Planning
(Brandon Lewis) on 28 November 2014*

This statement states that due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 sq.m, affordable housing and tariff style contributions should not be sought.

As this development will more than likely have a maximum floor space of over 1,000 sq.m the ministerial statement does not apply in this case, and as such Section 106 contributions and affordable housing will be sought.

6.0 PLANNING CONSIDERATIONS

Current policy position

- 6.1 This site is an unallocated site within the adopted local plan, therefore this scheme is contrary to Policies GS2 and H11 of the Local Plan, which restrict development on unallocated greenfield sites.
- 6.2 However, the adopted local plan is based on the now revoked structure plan housing numbers, which means that the adopted local plan is not addressing the most recent and robust objectively assessed need for growth, which is a requirement of the NPPF. As such, these policies do not plan for the current or future housing needs of the district and therefore are out of date in the context of the NPPF, in so far as they restrict housing development. Furthermore, these policies are also out of date in that the council cannot demonstrate a five year supply of deliverable housing sites.
- 6.3 Given the current policy context as set out above, the council must assess this application on its own merits.

Principle of development

- 6.4 At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is clear that council's should grant planning permission where the development plan is absent, silent or the relevant policies are out of date, unless any adverse impacts significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies of the NPPF as a whole.

- 6.5 Paragraph 47 of the NPPF confirms the need for a council to have a demonstrable five-year supply of housing land, with a 20% buffer to accommodate a persistent under-supply of housing land. It is well documented this council does not currently have this five-year supply and has historically under-delivered on housing. This lack of a five-year housing land supply requires some flexibility in line with the NPPF when assessing applications that do not accord with local plan policies.
- 6.6 This approach is necessarily for a limited time, and is aimed at identifying planning sites suitable to address the housing shortfall whilst meeting the relevant sustainability and design criteria of the NPPF.
- 6.7 It is clear this application is contrary to local plan policies GS2 and H11. However, whilst the council does not have a five-year housing land supply, these two policies are inconsistent with the NPPF. Therefore, the council must assess the proposed application on its site-specific merits and whether, under the NPPF, it is a sustainable form of development.

Location

- 6.8 The site is located immediately adjacent to the built up area of Harwell, and has reasonable access to the facilities that are required to define a sustainable community. The site is located around 400 metres from the Tyrrels Close bus stops in Harwell village, where direct inter-urban bus services can be accessed for journeys to Harwell Science Campus, to Wantage, Didcot, Milton Park, Abingdon and Oxford. In light of this the site is considered to be in a sustainable location.

Indicative layout

- 6.9 The NPPF is explicit in seeking a high quality outcome for good design in terms of layout and building form as a key aspect of sustainable development. Policy DC1 of the Local Plan seeks to ensure all new development is of a high quality design of appropriate size and scale to preserve the character of the area and protect local distinctiveness and character.
- 6.10 Although the application is at outline stage and layout is a reserved matter, it is important the indicative plan shows a layout that demonstrates this quantum of development can be accommodated on the site.
- 6.11 Policy H15 requires densities of at least 30 dwellings per hectare. Nine houses are proposed in this application, which equates to 29 dwellings per hectare. This is reasonably low, however when compared to the density of existing development in the immediate locality and due to the fact the site is adjacent to open land to the west, the provision of nine dwellings is considered to be the right quantum of development for this site.
- 6.12 Page 60 of the council's Residential Design Guide SPD states: "*The siting of buildings in relation to the street can have a significant effect on the success of a development. The most successful layouts have 'public fronts and private backs.'*" The illustrative layout proposes dwellings which all front a new access road, with gardens to the rear, in conformity with this aspect of the SPD.
- 6.13 The orientation and layout of the proposed dwellings is considered acceptable when balanced against the desire to have all dwellings facing the access road in order to create public fronts and private backs. All the dwellings will be dual aspect. Every dwelling has a private garden to the rear, and these range in size from approximately

40 square metres to 120 square metres, which is more than adequate. There is concern that the dwelling on plot 6 would overlook the private garden for plot 7, however it is understood the applicant is to amend the illustrative layout plan to address this issue. Members will be updated at committee.

- 6.14 Policy DC3 of the Local Plan requires that the design and layout of new buildings and the spaces around them to be arranged to increase security and deter crime. The supporting text states *“The principles of natural surveillance and territoriality are considered fundamental in preventing crime.”* The development is considered to accord with this policy as the dwellings face the access route to aid passive surveillance, and private rear gardens can be easily secured.
- 6.15 In terms of waste and recycling, the councils waste team has noted that properties should be planned so bins can be stored within the property boundary and be moved to the presentation point without the need to go up or down steps or through the property. Garden gates need to be wide enough to accommodate a standard 240 litre wheeled bin. Mid-terrace properties should either have access to rear gardens or enough space to the front to store a full set of bins. They also consider that as the proposed access road will remain private and the access is tight, a waste collection point next to the adopted highway should be provided. It appears that the illustrative layout plan can accommodate these requirements and it is noted that this issue will be assessed in more detail at reserved matters stage when layout is considered. Informatives and conditions are proposed to ensure that the requirements for waste collection are met. The waste team have also requested a Section 106 contribution of £170 per property, which is considered both reasonable and necessary.
- 6.16 The site is currently used as an informal route to the walkway to the west of the site, and both the Parish Council and local residents have expressed a desire to see this route maintained. It is considered that the provision of such a route through the site would be beneficial in site permeability terms. Officers have asked the applicant whether they would be willing to provide such a walkway however they are unwilling to do so. Officers consider that whilst regrettable, it is not possible to insist on such a footway through the site.
- 6.17 Overall, the indicative layout adequately demonstrates that nine units can be accommodated on site. The indicative layout and building form provided is acceptable subject to some minor repositioning of the dwelling on plot 6 as discussed above. Detailed design will be assessed at reserved matters stage. The proposal is therefore consistent with the objectives of Policy DC1 of the Local Plan, the Council’s adopted Residential Design Guide SPD, and Paragraph 64 of the NPPF.

Landscape impact

- 6.18 Paragraph 109 of the NPPF states *“The planning system should contribute to and enhance the natural and local environmental by: protecting and enhancing valued landscapes, geological conservation interests and soils”.*
- 6.19 Policy DC1 of the Local Plan seeks to ensure all new development is of a high quality design of appropriate size and scale to preserve the character of the area and protects local distinctiveness and character. Policy DC6 requires all proposals for development to include landscaping measures to protect and enhance the visual amenities of the site and retain existing important landscape features.
- 6.20 The site is identified in the adopted Local Plan as being within the Lowland Vale. Policy NE9 states that development in the Lowland Vale will not be permitted if it would have

an adverse impact on the landscape, particularly on the long open views within or across and area. As the site is directly adjacent to open countryside, this issue requires careful consideration.

- 6.21 The illustrative layout plan indicates that most of the existing vegetation on the site will be lost to make way for the development, including the innermost row of maturing Alder trees along the western boundary of the site.
- 6.22 The council's landscape architect and forestry officer have not objected in principle to the application, however the forestry officer has raised concern that the indicative layout shows the row of trees forming the internal line adjacent to the western boundary will be removed. These trees are considered to add depth to the boundary treatment and contribute to a linear woodland strip, and there is concern that if these trees are removed the tree cover will appear thin, have views through to the site and alter the character of this edge of village area contrary to local plan policy NE9.
- 6.23 Officers consider that the site layout would still work with the retention of these trees, as the orientation of the dwellings appears to have been considered in relation to the potential for shading. The applicant has agreed in principle to the retention of the trees, and it is understood that a revised illustrative layout plan will be provided to demonstrate this. A planning condition is recommended to require these trees to be retained, to ensure the retention of important landscape features and minimise the visual impact of the development in accordance with local plan policy NE9.
- 6.24 It is also recommended that a condition is imposed at reserved matters stage, when landscaping is assessed in detail, to ensure the site is adequately landscaped including new boundary planting to soften the impact of the development and provide screening to neighbouring properties.
- 6.25 Overall, the development is considered acceptable in landscape terms, subject to the retention of the trees along the western boundary. A condition should also be attached to any future reserved matters approval to ensure the site is adequately landscaped. The application is therefore consistent with the requirements of policies NE9, DC1 and DC6 of the adopted local plan.

Impact on residential amenity

- 6.26 Local Plan Policy DC9 states that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of (amongst other things) loss of privacy, daylight or sunlight; dominance or visual intrusion. Local residents have raised concerns regarding loss of daylight and sunlight, impact on views and loss of privacy.
- 6.27 The council's residential design guide SPD stipulates that facing habitable rooms on upper floors should normally be at least 21 metres apart. The flank wall of the proposed dwelling at plot 9 is separated from the rear windows of 31 Orchard Way by approximately 18 metres, which does not comply with the 21 metre rule, however it is noted this is a flank wall and the applicant has confirmed that this wall will either have no windows or obscure glazed windows to non-habitable rooms. A condition is proposed accordingly to ensure there will be no undue overlooking to 31 Orchard Way. The flank wall of the proposed dwelling at plot 1 is separated from the rear windows of 33 Orchard Way by 21 metres, which just complies with the 21 metre rule set out in the SPD. It is also noted that the applicant has confirmed that this wall will also either have no windows or obscure glazed windows to non-habitable rooms and as this has been confirmed the condition will include this plot.

- 6.28 It is accepted that the development will result in some overlooking of the rear gardens of the adjoining sites, however overlooking to gardens is a consequence of many new developments and the impacts are not so great as to warrant refusal of the application. New planting can help to reduce the impact of new buildings, and this planting will be secured through the imposition of a landscaping condition at reserved matters stage.
- 6.29 Overall, whilst it is accepted that the proposed development will alter the outlook of the neighbouring properties, the scale and form of the new buildings is not considered over-dominant or visually intrusive and they would not cause an undue loss of daylight or sunlight. Any potential loss of privacy to 31 Orchard Way can be prevented through the imposition of a condition. The development therefore accords with policy DC9 of the adopted local plan, and the 'Residential Design Guide' SPD.

Affordable Housing and Housing Mix

- 6.30 The applicant has confirmed they are willing to provide 40% affordable housing as required by local plan policy H17. This equates to four dwellings (40% being 3.6 rounded up) of the units to be delivered as affordable. The council's housing section has suggested the following unit and tenure split:-

Rent

- 2 x 2 bed house (min 76 m²)
- 1 x 3 bed house (min 88 m²)

Shared ownership

- 1 x 2 bed house

- 6.31 The housing section has noted that whilst it is appreciated whilst the site layout is illustrative, the affordable units could occupy plots 1 - 3 and plot 7. Policy H17 requires that affordable housing should be evenly distributed throughout the site and indistinguishable from the market housing, and this spread of affordable units would achieve this requirement. The applicant has accepted this in principle and it is understood the illustrative layout plan will be updated to label these dwellings as affordable. Members will be updated at committee.
- 6.32 The illustrative layout provides for a mix of dwelling types, with the provision of 2 No. 2 bed houses, 3 No. 3 bed houses and 2 No. 4 bed houses. Whilst not in accordance with Policy H16, which requires 50% of new dwellings to have two bedrooms or less, it is noted that the council's housing section has raised no objection to the proposed mix, and the proposed range of unit sizes will provide for adequate choice for the current and future population.
- 6.33 Overall, the proposal is considered to provide for affordable housing in line with policy H17 of the adopted local plan, and the proposed mix of units, whilst not in accordance with policy H16, will still provide for adequate choice for the current and future population. A Section 106 to secure the affordable housing and the council's required tenure split will be required.

Transport and Highway Impacts

- 6.34 The application seeks approval for access, leaving all other matters for future reserved matters applications. The application proposes one access road into the development, via an existing council owned parcel of land between Nos. 31 and 33 Orchard Way.

- 6.35 The applicant has shown proposed visibility splays and servicing vehicle tracking on drawing JNY8144-01 dated 11/02/2014. The county council has assessed these details and consider them acceptable in principle, but the county council consider that further detail will be necessary at detailed design stage, including access arrangements for No.33 Orchard Way and associated vision splays, boundary treatment, parking bays adjacent No.26 Orchard Way, and other details including a service strip for No. 33 Orchard Way. Conditions are recommended accordingly.
- 6.36 The illustrative site layout plan indicates that approximately two parking spaces would be provided for each new dwelling. The county council has raised no objection in principle, but has noted that parking provision at detailed reserved matters stage will need to be in accordance with Oxfordshire county council's 'Parking Standards for new residential developments', and that it is particularly important the full parking levels are met, including unallocated spaces conveniently located/distributed for visitors, throughout the development. The county also note that the developer should provide facilities for cycles within each residential dwelling (e.g. within a garage or in a garden shed).
- 6.37 The parish Council and local residents have objected to the proposal on highway safety grounds and due to the loss of existing parking spaces that is likely to occur. They also consider the submitted Transport Statement to be flawed in terms of its traffic survey. In regard to these issues, whilst it is appreciated that the development may well result in some increased parking congestion along Orchard Way at certain times of the day, the county council has assessed the proposal and is satisfied that the impacts are acceptable subject to conditions. It is also noted that the transport and highways impacts of the development are not severe in the context of the NPPF.
- 6.38 In terms of site layout, the county council notes that internal site layout and access road should be designed in accordance with the principles in the document 'Manual for Streets', and taking account of the Oxfordshire county council parking guidance. Suitable turning provision for servicing/emergency vehicles, with associated swept paths will also be required at detailed design stage.
- 6.39 The County Council have requested developer contributions of £24,633 towards improved strategic transport infrastructure in the eastern part of Science Vale, and £7,155 towards development of the Science Vale public transport network, inclusive of routes through Harwell village. The county notes that the Science Vale bus network has been established as a costed and integral aspect of the Science Vale UK transport strategy, and that all developments in the Science Vale area are expected to contribute to the delivery of improved bus services on a fair and equitable basis.
- 6.40 Overall the transport and highway impacts are considered to be acceptable and in accordance with the NPPF, subject to the conditions and heads of terms requested by the county council.

Flooding and Drainage

- 6.41 Surface water is to be disposed of via a sustainable drainage system (SUDS), and the council's drainage engineer has raised no objection subject to a condition for details of the drainage system. Thames Water have been consulted and have no objection in terms of sewage infrastructure capacity and water infrastructure capacity. They have not suggested any conditions. Subject to a condition for details of site drainage strategy based on SUDS principles, the application is consistent with adopted Local Plan policies DC 13 and DC14.

Archaeology

- 6.42 The county council has responded to state that there is a substantial Iron Age and Romano British to the north. An archaeological field evaluation of the site was carried out on behalf of the applicant, and this has shown that the settlement extends into the application site. As such, conditions for an Archaeological Written Scheme of Investigation (WSI) followed by a staged programme of archaeological evaluation and mitigation are required to ensure that any impacts on archaeology are identified and mitigated. Subject to these conditions, the proposal accords with adopted local plan policy HE10 and the NPPF.

Ecology/Biodiversity Impacts

- 6.43 Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 118 states that “...if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”
- 6.44 The application is accompanied by an Ecological Assessment dated October 2014, which unsurprisingly identifies that the proposal, which involves removing most of the vegetation on site, could have a negative impact on birds, bats, badgers, reptiles, and invertebrates. That report makes a number of recommendations to mitigate or reduce the impact and a condition is proposed to ensure that these recommendations are followed in the development of a detailed scheme.
- 6.45 The Council's countryside officer has responded to state there are no over-riding ecological constraints, but that if there is no opportunity to mitigate the impacts on site then the council would be seeking compensation for the biodiversity losses. Officers consider that the impacts are unlikely to be able to be mitigated with the current site layout, and as such a condition relating to a biodiversity offsetting scheme is recommended to ensure that any net biodiversity losses on site are compensated for off-site. Subject to this condition and the condition for the recommendations of the Ecological Appraisal to be followed the development is considered acceptable with regards to Paragraph 117 of the NPPF.

Legal agreements

- 6.46 The proposal generates the need for the following in the form of developer contributions and other legal agreements. Discussions with the applicant regarding the contributions are ongoing.

County Council

- A Traffic Regulation Order (TRO) for junction protection – estimated cost £5,000.
- A developer contribution rate of £2,737.00 per dwelling, through a Section 106 agreement, towards improved strategic transport infrastructure in the eastern part of Science Vale. Total £24,633.
- A developer contribution of £795 per dwelling, through a Section 106 agreement, towards development of the Science Vale public transport network, inclusive of routes through Harwell village. Total £7,155.
- A Section 38 Agreement with LHA to adopt any proposed development as

- public highway.
- A Section 278 Agreement with the for off-site works on the highway to link into existing infrastructure, changes to existing on-street parking arrangements and any other mitigation works identified in the Non-Motorised Users Audit (NMUA) to be carried out by developer and subsequently agreed with and approved by the Local Highway Authority (LHA).
- Section 106 monitoring fee – to be advised.

District Council

- A Section 106 agreement to secure 40% affordable housing, with the following tenure mix: Rent - 2 x 2 bed house (min 76 m2), 1 x 3 bed house (min 88 m2), Shared ownership - 1 x 2 bed house
- A developer contribution of £170.00 per property towards waste collection and management. Total £1,530.
- Section 106 monitoring fee – to be advised.
- The Parish Council is seeking contributions as follows:-
 - £12,000 towards community facilities
 - £12,000 towards sports facilities
 - £2,000 to fund enhancements to church building.
 - £2,000 towards improvements to Royal British Legion club.
 - The Parish has also requested that an access through the site be maintained and captured through a legal agreement however the applicant has refused to provide such a walkway.

7.0 CONCLUSION

7.1 In light of the current shortfall in the council's five year housing supply and national guidance, it is considered that the application site has potential to be a sustainable location for housing. The development will not detract from the character of the area, and will not unduly harm residential amenity or highway safety. The development will provide for additional housing in an area with adequate access to local services and employment opportunities. It is therefore considered that the proposal amounts to sustainable development, in conformity with the NPPF and relevant development plan policies.

8.0 RECOMMENDATION

It is recommended that authority to grant planning permission is delegated to the head of planning in consultation with the chairman, subject to:-

i) A legal agreement with Oxfordshire County Council and the district council to secure the contributions identified in Section 6.46 above.

ii) Conditions as follows-

- 1. Outline approval commencement - three years.**
- 2. Approved plans.**
- 3. Sustainable Urban Drainage System (SUDS) compliant Drainage Strategy to be agreed.**
- 4. Travel Information Packs to be developed for each dwelling and approved in consultation with the county council before first occupation.**
- 5. Detailed internal layout to accord with OCC Manual for Streets principles, including servicing/emergency vehicle access/egress, and constructed to adoptable standards.**

- 6. Construction Traffic Management Plan to be agreed.**
- 7. Details of a waste collection point next to the adopted highway to be provided.**
- 8. Archaeological Written Scheme of Investigation (WSI).**
- 9. Staged programme of archaeological evaluation and mitigation following WSI.**
- 10. Recommendations set out within Ecological Assessment dated October 2014 to be followed.**
- 11. Non-Motorised Users Audit (NMUA) to be carried out and approved in consultation with the Local Highway Authority.**
- 12. Details of a biodiversity offsetting scheme.**
- 13. Both rows of trees along the western boundary of the site to be retained.**
- 14. First floor windows in eastern elevation of plots 1 and 6 to be obscure glazed and fixed shut to a height of 1.7 metres.**

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