

Planning Committee
Wednesday 10 June 2015

Addendum Report

Addendum Report

Item 9

Planning Reference: P14/V2540/FUL. Land East of Drayton, Drayton Road, Drayton

Drainage Update

Drainage Officer has been in contact with the agent with regards to surface and foul water drainage details.

Officers Response

Officers are now satisfied that the details submitted, which have been considered by the drainage Officer, are now acceptable and that foul and surface water drainage details need no longer be submitted as a condition on the grant of any approval.

Condition 5 of the report can now be removed.

Item 10

Planning Reference: P15/V0306/FUL. Lanes End, Sellwood Road, Abingdon

No updates.

Item 11

Planning reference: P15/V0261/HH. 9 Tatham Road, Abingdon

No updates.

Item 12

Planning Reference: P15/V0266/HH. 2 Vicarage Lane, Steventon

No updates.

Item 13

Planning Reference: P15/V0022/FUL. Wantage Motors, Wallingford Street, Wantage

Environmental Health Update

The Environmental Health Officer has made the following points;

- It is understood the building is currently used for cleaning and valeting of cars, which can be noisy with the use of vacuum cleaners and pressure washers.
- It has been advised that the use of the new building as a vehicle service and maintenance facility will be inherently quieter.
- As no complaints about noisy activities from the existing use of the site have been received, it is not anticipated that noise will be an issue.
- However, the new structure may not have the same degree of sound attenuation as the existing structure.
- Seek reassurance that the building will be fit for purpose in respect of noise attenuation for the proposed use.

The agent has confirmed that the building is to be used “for general repair work as is the main workshop currently attached to the showroom”, and “The Mot bay is adjacent to the building and will remain the same. The existing use is for valeting and tyre bay”.

The agent has also confirmed that the applicant is prepared to accept a condition relating to sound attenuation, however, does make the following comment;

“Our client’s view is that there is no established evidence that the insulation is required, only mis-perception. There have been no formal (to the environmental health department) or informal complaints relating to noise on this site or on the sister workshops at Motorlux Volvo in Newbury Street, which similarly have domestic properties close-by but do not have any form of sound insulation”.

Officers Response

The comments of the Environmental Health Officer are noted, and whilst they do not expect and issue of noise, in light of the relationship of the proposed building with residential properties a condition can be included requiring details of insulation to be incorporated within the building to be submitted for approval. It is recommended that such a condition be worded thus;

Prior to the commencement of the development full details of noise attenuation measures to be incorporated within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation measures shall be installed prior to the first use of the building and shall be maintained.

Item 14

Planning Reference: P15/V0541/FUL. 1 Redwood Close, Farmoor

Applicant Update

The agent has sent the additional comments in response to Parish Council comments:

"In reply to the Parish Council comments,

- Regarding size of plot, it is clear from the ordnance survey plan that it is larger than or roughly the same size as at least half of all plots that can be seen nearby, in both Redwood Close and Laurel Drive.
- In terms of impact, it would appear as a slightly smaller version of No. 1 Redwood Close in both appearance and design. It will closely reflect the form and character of all other nearby bungalows.
- Visibility at this existing access point is not an issue, furthermore, the Highway Authority raise no objections.
- In terms of whether or not this is a windfall - should the application be approved, then it will be added to statistics as a Windfall in the normal manner.
- No residents have objected. One resident mentions drainage, this is not raised as a concern by the District Engineer, the only other neighbour comment is one of support on visual amenity grounds.

Thank you for reporting these points."

Officer Response

The agent's comments are noted. Officers consider this has been addressed in the original report.

Item 15

Planning Reference: P15/V0343/O. Land north of Summertown, East Hanney

Update Condition

Under section 92 Town and Country Planning Act 1990, outline planning permission should be made subject to conditions imposing two types of time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. If the local planning authority considers it appropriate on planning grounds they may use longer or shorter periods, but must clearly give their justification for doing so". (Paragraph 028 of the national Planning Policy Guidance).

It is important that should planning permission be granted then the development is implemented within 5 years in order for the scheme to contribute to the 5-year land supply. The recommended time limits should ensure this. Should reserved matters be submitted with 18 months of outline approval and implemented within 12 months of approval of reserved matters, it should still be possible to implement the development in 5 years. The applicant's request is reasonable.

Officers recommend the timing in conditions 1 be amended to refer to 12 months and the timing in condition 2 is amended to 18 months.

Further representation / objection

A further representation has been received from a local resident who claims:

- The report is grossly misleading and requests it be withdrawn from the agenda until a full independent investigation has taken place.
- It is utterly clear that the case officer has not visited the village and is making a recommendation which has purposely suppressed information provided by those who know and understand the village.
- The case officer has not taken the time to attend any of the village meetings on the subject and has made no attempt to even mention the village's small, green, friendly community - let alone protect it.
- The report is factually inaccurate, biased and misleading. What is even more concerning is that this hasn't been quality controlled.
- The recommendation must be deemed inadmissible and the application must be re-evaluated by an officer with local knowledge and with a more objective viewpoint. The importance of this cannot be underestimated - this is the single largest development that has been proposed for our village in its history.
- Even the supposedly objective and factual representative paragraphs within the report have clearly been written in an incredibly subjective and biased way.
- The local residents has summarised just a few of the wildly subjective claims of the report as follows:
 - Entirely inaccurately summarises that "development is considered to amount to sustainable development, and whilst there will be some adverse effects, these do not significantly and demonstrably outweigh the benefits." - when the factual elements of the report show no local benefits whatsoever mentioned by any of the local people who have written to you about this - that this purely helps meet national housing need at huge cost to this small, green village. The fact that it deems the development sustainable is simply misleading - it in no way can be called sustainable.
 - States that the "the harm [to the village's character] is limited and not substantial" - misleading assumption that a high density housing estate will have limited harm to a beautiful, nature rich, small Oxfordshire village. 55 houses which are all built at the same time and in the same style will clearly serve as an extreme contrast to the rest of the village, which has organically developed over time and has a range of different styles and ages, even within the same street. As a village we are not against new development - we would just appreciate smaller scale, that does not outbalance our existing diversity of housing.
 - Says that the "Council's drainage engineer has reviewed the FRA and has no objection" - but does not reference the local knowledge which evidences that the village has repeatedly flooded. We have a volunteer Flood Group which regularly meets to clear drainage and ensure the brook flows as well as it can. There is no mention of the stream flowing through the proposed site - where will this water flow to?

- Says emerging local plan policies can only be given "limited weight" at this stage - even though we are a few months from decision on 200 houses.
- Inaccurately summarises the feedback from villagers and condenses it- actually it should reflect the 280 out of 290 villagers who have opposed it on our village website <http://www.hanneyhousingplan.co.uk/>
- No reflection of village website or evidence therein at all
- Our next step as a village will be otherwise to involve the Local Government Ombudsman and Planning Inspectorate, with the view to making this misrepresentation and its lack of quality control a public and press related matter.

A further representation / objection

One additional letter of objection has been received expressing the following concerns:

- The village is already full to capacity with other planning developments taking place.
- Will increase the already severe danger of surface water causing flooding to the surrounding houses and roads.
- The sewage system is out dated and overloaded
- The A338 is already dangerous and unable to cope at peak times. To increase the traffic is irresponsible in the extreme.
- The village school is at full capacity and unable to take its full quota of village children. To send them to schools away from the village is damaging to them, their families and the community as a whole.
- The site is important historically, environmentally, visually and is clearly a green field

Officer's response to both representations

The site and village has been visited.

The report does not purposely suppresses information but contains a reasonable summary of concerns expressed by local residents in their letters of objection.

Village meetings have not been attended because the we weren't unaware of them and had not been invited. Attendance was not essential as the purpose of consultation is to allow local residents to set out their thoughts on a proposal for them to be taken into account.

Paragraph 7 of the NPPF sets out the three dimensions of sustainable development being the economic, social and environmental benefits. The report summarises the benefits at paragraphs 7.2 - 7.4. There is no requirement in the NPPF for benefits to be local although it is conceivable that this proposal could provide investment in the local economy through jobs created as part of the build or local companies supplying materials and equipment for the build. It could provide much needed housing in the District and can provide affordable housing for current residents in East Hanney. Officers are mindful of application no. P13/V2266/O which relates to land at Steventon

Road, East Hanney. This Council refused planning permission for 35 dwellings on this site. At appeal the Inspector disagreed and allowed the appeal on 13 January 2015. The Inspector stated:

"Turning to the benefits, paragraph 47 of the Framework sets out the need to boost significantly the supply of housing. The provision of open-market and affordable housing is obviously beneficial in the light of that but even more so when, as the Council acknowledged here, a five-year supply of deliverable housing sites cannot be demonstrated. There will be economic benefits in the construction and subsequent occupation of the dwellings proposed too".

The Inspector also held that development to be sustainable. This current application is set against the same planning policy background as that appeal.

This is an outline application for up to 55 dwellings with only access to be considered at this stage. A reserved matters application will address detailed design including the appearance of dwellings. 55 dwellings on this site would amount to a density of some 28 dwellings per hectare (dph) being just below the density of 30dph commended by policy H15 of the adopted local plan and not widely out of keeping with the character of the village as a whole. This is addressed at paragraph 6.17 of the report. Officers accept there is some harm to the setting of the East Hanney conservation area which in part adjoins the boundary to the site and that this less than substantial harm (in NPPF terms) needs to be balanced against the benefits. The report also acknowledges there is some significant visual impact for users of an adjacent footpath and the A338 and limited landscape and visual harm generally. Again the report advises these need to be considered against the benefits.

The summary of objections in the report make reference to flooding. Paragraph 6.27 confirms the case officer is aware of flooding in the village and pooling of water on site. There is no stream through the site but there is a water course on the western boundary. Ultimately the drainage engineer and Environment Agency are the experts in this field and officers defer to their expertise. It is noted that flooding was a concern considered in the appeal against the refusal of the 35 dwellings under application no. P13/V2266/O. The Inspector stated:

"When dealing with the application the Council did have concerns about flooding, as did a number of local residents. However, the EA eventually agreed with the appellant that the appeal site is in Flood Zone 1 and raised no objection. Indeed, the main concern about the appeal site, in these terms, revolves around the propensity of the site to flood as a result of inadequate surface water drainage. However, providing the disposal of surface water, and sewage, is dealt with properly, matters that can be addressed by condition, the provision of housing on the site would not make that situation worse and indeed, is very likely to make it better. The proposal would have no adverse impact in this regard, therefore, and I see no departure from LP Policies DC13 and DC14 that address flood risk and surface water".

In this case this site is flood zone 1 (the least susceptible to flooding) and conditions can address foul and surface water drainage.

Until the objections to the policies in the draft local plan are tested through Examination and those objections resolved, the policies in the draft local plan can only be given limited weight.

At the time of writing the report 44 letters of objection had been received. The objections received are reasonably summarised in the report. The application is not being decided on the number of objections received but on its planning merits.

The report does not reference the village web site which appears to briefly mentions the developer's exhibition for this site. The web site is not a planning 'document' material to the consideration of this application. Local resident's representations made in connection with the applicant set out their detailed concerns specific to this application which the web site does not appear to do.

Leisure response

The District Council's recreation, sport, leisure and open space consultant advises that the proposal will place increased pressure on the village recreation facilities which would need to be upgraded. It is recommended that contributions should be made as follows:

- Outdoor tennis – replacement fencing and pavilion refurbishment and extension - £3736. Replacement floodlighting and additional court - £8,925
- Youth sport – towards MUGA and BMX trail in the Hanneys - £21,012
- Cricket pitches – refurbishment of nets - £1,751
- Football pitches – winter flooding - £8,504
- Artificial grass pitches - £3,362
- Refurbishment of changing rooms - £3,825
- Maintenance of the on site open space and play area - £248,180

Officers Response

These items are considered to be CIL compliant and should be added to the s.106 request.

Item 16

Planning Reference: P14/V2504/FUL. Land west of Abingdon Road, Drayton

Additional response from Oxfordshire County Council

Oxfordshire County Council has provided two amended responses to the application, the first received on 3 June 2015, objecting to the application on transport grounds, and a further response 8 June, confirming no objection following review of the applicant's additional transport technical note of 20 May 2015. They have also confirmed they are no longer requesting the contribution to SEN provision due to pooling restrictions under CIL legislation that came into force 6 April 2015.

Additional response from Parish Council

The parish council has confirmed it is their intention to build a 4 changing room pavilion building and have provided an estimated cost of £685,000, 25% of which will come from the allocated sites within the neighbourhood plan. The original figure was incorrectly based on 100% provision from the three allocated sites on a cost basis of £410,000. The amount requested from this development has thus been re-calculated to be £47,533.27, equating to £651.14 per unit.

Further Representations

Two further letters of objection have been received from local residents and one of these has been circulated separately to members of the committee. The other simply states 'we do wish to be associated with the contribution we understand Mr Daniel Scharf has registered to make. We believe he has, and will be, highlighting significant, legal points of principal that should be taken into consideration by the Planning Committee. We support him in his efforts and wish to be associated with them'. The main content from Mr Scharf's representation is set out below with the officer response to each point raised.

Errors

Policy P-LF 2 (see below) is referred to at para 6.17 but overridden due to the need for housing and the extent of the allocated area shown in the NDP. In fact the allocated area extends to over 8 hectares in order to include the proposed playing fields. The allocation in the NDP is for about 65 dwellings which could be readily accommodated (at a density more compliant with the NPPF) without extending significantly outside the 'bounds' of the village or substantially towards Abingdon. The fact that the ribbon of housing backs onto the main road is clearly irrelevant to this well understood principle.

Officer Response

The site is an allocated site within the neighbourhood plan. Development within this site is considered to be acceptable. Policy P-LF 2 does not override the site allocation policy P-H1.

Recreational facilities

The prospects of the recreational facilities are very uncertain and, following the logic of the officer report, any or all of the remaining land could be used for housing. At 30 dwellings per hectare, about 80 dwellings could be accommodated on the land behind the existing Abingdon Road houses.

Officer Response

The site is located in a sustainable location and the theory of playing fields could be used would be no different to the assessment of the current proposal. However, this is not the intention of the developer or the parish council who will be taking on the facilities. The parish council are confident they can be delivered and have requested

contributions towards their provision and future maintenance. The land transfer can be secured through the S106 agreement.

Bedroom Size Issues

The complete absence of 2 bedroomed dwellings for sale is a concern of the VWHDC (see Housing Needs Policy showing that the shortage of one and two bedroomed dwellings existed across **all** tenure groups.) and the PC (not, as stated, just 'a concern local residents') as this is a request found in the NDP. The conflict with the SHMA is justified by the officer (para 6.10) due to the provision of community facilities and some other unspecified social, economic and environmental benefits. In fact none of these benefits are dependent on the ribbon of 13 dwellings. The level of under-occupation of existing housing in Drayton is probably the most unsustainable aspect of the village. Smaller dwellings are necessary to provide opportunities for those wanting to downsize and as relatively cheaper starter homes.

Officer Response

It is accepted in the original report that the proposal is not SHMA compliant. However, officers consider the quantum and mix of development is acceptable and required to deliver the facilities requested. In addition, the NPPF does not seek to restrict the supply of housing.

Travel Plan

Para 6.39 misrepresents NDP policy PT1'PLANNING POLICY P -T1: TRAVEL PLANS (see below) and then also fails to apply its real meaning.

Officer Response

This is covered in the original report. The highway authority has no objection to the proposal and is content the provision of a travel plan can be covered by planning condition.

Recreational facilities

There is a reliance on the community benefit of the recreational facilities in the absence of any or sufficient evidence that these will actually be delivered. The football club (currently in a more central and accessible location with a pavilion recently refurbished with its own efforts and some public funds) should be asked to confirm whether it is in a position to take on larger facilities in this location. The officer does not explain that the location of the proposed pavilion conflicts with both the Local Plan and connectivity policies of the NDP.

Officer Response

The neighbourhood plan brief for the site requires recreational facilities to be provided on a significant portion of the site. The parish council are supportive of facilities in this location and will ultimately take on the running and maintaining of

them. The neighbourhood plan also states the land is 'to be passed into the ownership of the parish council.

Significant Environmental Effects

The development would have 'significant environmental effects' particularly on entering and leaving the village, on those exiting Sutton Wick Lane and on the carefully planned green that currently indicates the start of the built up area (mirroring that to the existing development to the west). The NDP sustainability appraisal failed to assess this 'significant impact' and recent guidance in the NPPG suggests that the NDP should only be 'made' if its correct interpretation would be to prevent this form of extension to the bounds of the village. 57 dwellings are as much in accord with the NDP's suggested 65 dwellings as are the 73 being proposed. This number (or even more than 65) could easily be contained 'in the shadow' of the existing built up area as was recommended by VWHDC planning and landscape officers. If the permission is granted a subsequent application by this or another developer could apply to increase the density in both parts of the site.

Officer Response

The neighbourhood plan has been through both examination and the sustainability appraisal. The environmental effects of the development are considered to be adverse to justify a refusal and the economic and social benefits from the development are also a consideration, as addressed in the original report. Any future scheme would have to be considered on its planning merits.

Layout

The most fundamental error/omission is the failure to point out that all the social, environmental and economic benefits being attributed to the development by the officer could equally well be secured by an alternative layout that complied with the NDP policies and did not cause 'major and significant' to the landscape setting of the village. As the intrusive housing would bring no additional benefits there is simply no justification for overriding the NDP.

Officer Response

Officers consider the proposal before members for consideration is acceptable for the reasons given in the original report.

Omission

Para 5.2 omits to mention the Key Proposal "Using the existing boundaries of the village for housing and commercial development to bring people closer together and prevent further ribbon development" and "POLICY P-LF2: BOUNDED DEVELOPMENT - Development that does not extend the village's boundaries through ribbon development along roads to the adjacent settlements of Abingdon, Steventon, Sutton Courtenay and Milton, will be supported,

Officer Response

The resident has omitted the full wording of Policy LF2 which goes onto state 'subject to compliance with other policies in the Neighbourhood Plan'. The site is allocated under Policy P-H1 which officers consider has the greater weight to the extent Policy LF2 does not apply on this site.

Omission

Para 6.4 Raises but does not answer the question of whether this is Best and Most Versatile Land which would have to be taken into account.

Officer Response

This issue would have been assessed as part of the process in allocating the site in the neighbourhood plan. As the plan has been through referendum, the allocation outweighs any concern over the loss of the land for agricultural use.

Travel Plan

Para 6.39 and Condition 21 refer to the need for a residential travel plan. The Parish Council requested this in accordance with its NDP Policy P-T1 '...Travel Plans. Developers are required to provide robust evidence that each and every proposal, as set out in their Travel Plan, is feasible and will significantly reduce traffic volume.' In the absence of this reduction in traffic volume, cars could be responsible for about 50% of the carbon emissions attributable to the development (dependent on energy efficiency of the buildings).

Officer Response

Officers consider this is covered in the original report. The highway authority has no objection to the proposal and is content the provision of a travel plan can be covered by planning condition.

Car Parking

Paras 6.37 and 6.38 seek to explain why nearly 3 parking spaces per dwelling should be allowed (the basis of a written statement from the (then) Sec of State). However, the report does not then explain the relative weight that should be given to the apparently conflicting advice at NPPF Section 4. 'Promoting sustainable transport' and the presumption in favour of sustainable development which the new Secretary of State has emphasised.

Officer Response

The level of parking is acceptable and is supported by the parish council. The county highways officer does not object to the level proposed and there is no evidence to suggest the proposal would result in a severe impact on the local highway network. Officers do not consider there are justifiable grounds to refuse the application on such a basis when weighing up the requirement to provide much needed housing. In addition, there has to be balance between car parking needs,

sustainable transport and the parking provision is in accordance with Planning Policy.

Alternative sites

Policy P-T1 is fundamental to the implementation of the NDP as there are further sites being proposed (in better locations) that are much less likely to be approved if traffic is allowed to increase. The whole NDP relies on this policy being implemented as worded.

The sustainability of new residential development will depend on the following factors (proposed provision in brackets):

- the extent of terraced housing (minimal),
- orientation (no concentration on the southern aspect),
- on-site water heating or electricity generation (none),
- energy efficiency (only aiming for CSH3),
- grey water systems (none),
- the provision of smaller housing for social, economic and environmental reasons (no 1 or 2 bedroomed units proposed for sale)
- reduced car dependency (nearly 3 spaces per dwelling)
- self/group/custom – building/finishing (no opportunities)
- co-housing (no opportunities)

It is a duty of the LPA to decide whether the development should benefit from the 'presumption in favour of sustainable development'. (NPPF para 197 and Dartford BC v SSCLG [2014] EWHC 2636 (Admin.)). This duty cannot be discharged in the absence of vital information on the transport mitigation or incorporating most if not all of the above elements.

The Report omits to refer to the UN definition of sustainable development included in both the NPPF and NDP; translated simply by an appeal inspector as needing to "consume its own smoke" – a case (APP/N2345/A/12/2169598) where CHS 4 was deemed to be inadequate and the layout and orientation of the housing 'critical'. The report fails to refer to NPPF para 94, the Climate Change Act 2008 or the related 4th Carbon Budget, the Zero Carbon Homes requirement (obligatory in 2016, during the life of any permission granted in 2015) or the 2011 Carbon Plan.

Officer Response

The proposal is considered to be sustainable under the terms of the NPPF as demonstrated in the committee report.

Updated contributions

The contribution table has been amended to reflect the changes highlighted by OCC and the parish council. It has also been corrected to reflect a proposed total of 263 dwellings from the allocated sites rather than 264 previously used for calculation and a 25% proportion rate for pitch and pavilion maintenance.

Contribution Type	Amount
<i>Oxfordshire County Council</i>	
Transport	
Strategic transport infrastructure (£2737per dw)	£199,801
Public transport through Drayton (£795 per dw)	£58,035
Education	
Drayton Community Primary School expansion	£281,558
John Mason (Academy) Secondary School expansion	£384,272
Administration and Monitoring	
Administration and Monitoring costs	£5000
TOTAL	£928,666
<i>Vale of White Horse District Council</i>	
Sport and Leisure – all on site	
Football Pitches	£169,504
Pavilion	£47,533.27
Pitch maintenance (for 10 years)	£28,173
Pavilion maintenance (for 10 years)	£950.67
Informal open space – on site	
Public open space maintenance (26.57 per sqm)	£325,615
Other District Requirements	
Waste bins £170 per dwelling	£12,410
Public art (on site) £300 per dwelling	£21,900
Street naming	£2,085.20
Police Funding	£10,420
TOTAL	£618,591.14
Parish Council Requirements	
Village hall refurbishment	£69,392
Pre School	£20,817
Skate park / MUGA	£10,409
Traffic Calming project	Costs awaited
Cycle path improvements	£24,287
Footpath / information board improvements	£694
Allotments	£8,329
Burial ground expansion	£9,715
TOTAL	£143,643
Administration and Monitoring	£11,830
Overall Total	£1,702,730.10 (£23,325.07 per dwelling)

Discussions with the applicant are on-going and it is expected the amounts requested may change slightly when further costing evidence is made available.