

APPLICATION NO.	P15/V0459/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	26.2.2015
PARISH	FRILFORD
WARD MEMBER(S)	Eric Batts
APPLICANT	Mr Richard Carless
SITE	Land off Ford Lane Frilford, OX13 5NS
PROPOSAL	Demolition of existing buildings. Erection of 2 no. detached two storey dwellings, with attached garages and access off Ford Lane. (as amended by plans received 23 June 2015 - reduced garages).
AMENDMENTS	None
GRID REFERENCE	444379/197210
OFFICER	Sarah Green

SUMMARY

- The application is referred to the planning committee due to an objection from the parish meeting.
- The application is for the erection of 2 detached dwellings
- The main issues are:
 - Impact on character of area – it is not considered it would be harmful
 - Impact on neighbour amenity – this is considered acceptable
 - Impact on highway – this is considered acceptable
- The application is recommended for approval

1.0 INTRODUCTION

- 1.1 The application is referred to planning committee due to an objection from the parish council and number of objections received.
- 1.2 The site is located off Ford Lane which is a private road accessed from the A338, to the north of the Frilford traffic light junction. A location plan is **attached** at Appendix 1. The site consists of a disused paddock with a collection of single storey buildings.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission for the erection of 2 detached dwellings on the site. One would be 4 bedroom and one 5 bedroom. They would be both be pitched roofed buildings facing Ford Lane with a double garage within the frontage. The plans have been amended to reduce the scale of the buildings by removing the link between the dwelling and the garage. Extracts of the plans are **attached** at Appendix 2.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

Below is a summary of the responses received to both the original plans and the amendments. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

Frilford Parish Meeting	Object. Copy of their comments to both the original and amended plans are attached at Appendix 3.
Countryside Access (OCC)	Frilford public footpath No 2 runs concurrent with the access and must not be reduced in width in any way. Should not be obstructed during development.
Thames Water	No objection

Vale of White Horse District Council – Planning Committee – 12 August 2015

Development Control	
County Archaeologist (OCC)	Site lies in an area of considerable archaeological interest. Suggest watching brief conditions.
Highways Liaison Officer (Oxfordshire County Council)	No objection subject to conditions
Countryside Officer(South Oxfordshire & Vale of White Horse) - No strong views	No objections
Forestry Team (Vale of White Horse)	No objection Trees proposed for removal do not make a contribution to the wider visual amenity. Tree protection should be in accordance with recommendations in arboricultural report.
Neighbour Object (6)	<ul style="list-style-type: none"> • Surface of lane will suffer following heavy building traffic. Request that developer are required to return lane to its current state • Whilst have no objections to building on site, some provisions must be made to ensure the lane is improved to cope with extra traffic • Currently there are 7 dwellings off lane, 2 more to 9 is unacceptable • Entrance from A338 can become congested at busy times • Site has been derelict for over thirty years; environment will be spoilt • Plot1 west side has windows which mean property can be overlooked • Removal of trees rooted on my side of boundary, this is unacceptable • Not clear how blue land will obtain access. • How will provision be made to ensure construction traffic unloading will not block access. Does not seem to be an area to turn lorries around • Lane is already very poor and rutted condition. Concerned it is not worsened by both construction traffic and longer term regular use by extra vehicles. • Ford Lane not capable of sustaining potential increase in traffic by up to 8 more vehicles • Amount to radical change in character and identity of land, contrary to local plan • Doesn't comply with aim 2 or aim 7 of local plan • Increase in traffic likely to result in access to local residents' properties being hindered, deterioration of Ford Lane, increased expectation of there being accidents on Ford Lane • Not been shown land is within settlement of Frilford • Does not accord with policy H13 • Owner of southern part of Ford Lane will not be providing permission for any works to be done to Ford Lane.

	<ul style="list-style-type: none">• Still object despite reduction in size of garage blocks. Does nothing towards reducing impact of development on green site• 2 houses overly dominant in a rural low density area• Too close to Darcey's Field
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4.0 RELEVANT PLANNING HISTORY

4.1 None relevant.

5.0 POLICY & GUIDANCE

5.1 Vale of White Horse Local Plan 2011

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

DC1 - Design

DC5 - Access

DC6 - Landscaping

DC9 - The Impact of Development on Neighbouring Uses

GS1 - Developments in Existing Settlements

GS2 - Development in the Countryside

H13 - Development Elsewhere

5.2 Neighbourhood Plan

Frilford does not have a neighbourhood plan.

5.3 Emerging Local Plan 2031 – Part 1

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. At present it is officers' opinion that the emerging Local Plan housing policies carry limited weight for decision making. The relevant policies are as follows:-

CP3 – Settlement Hierarchy

CP4 – Meeting our housing needs

CP15 – Spatial Strategy for Abingdon and Oxford Fringe Sub-Area

CP37 – Design and local distinctiveness

CP42 – Flood Risk

CP44 – Landscape

5.4 Supplementary Planning Guidance

- Design Guide – March 2015

5.5 National Planning Policy Framework (NPPF) – March 2012

5.6 Planning Practice Guidance 2014 (PPG)

5.7 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Human Rights Act 1998

- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

5.8 Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.9 Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The main planning considerations are the following:

6.2 Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

6.3 Other material planning considerations include national planning guidance within the NPPF and NPPG and the emerging Vale of White Horse Local Plan: Part 1-Strategic Sites and Policies and its supporting evidence base.

6.4 Paragraph 47 of the NPPF expects local planning authorities to “*use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*”... The authority has undertaken this assessment through the April 2014 SHMA which is the most up to date objectively assessed need for housing. In agreeing to submit the emerging Local Plan for examination, the Council has agreed a housing target of at least 20,560 dwellings for the plan period to 2031. Set against this target the Council does not have a five year housing land supply.

6.5 Paragraph 49 of the NPPF states “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”. This means that the relevant housing policies in the adopted Local Plan are not considered up to date and the adverse impacts of a development would need to significantly and demonstrably outweigh the benefits if the proposal is refused. In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles.

6.6 Policy GS1 of the adopted Local Plan provides a strategy for locating development concentrated at the five major towns but with small scale development within the built up areas of villages provided that important areas of open land and their rural character

are protected. In terms of a hierarchy for allocating development this strategy is consistent with the NPPF, as is the intention to protect the character of villages.

- 6.7 Under the updated settlement hierarchy 2014, Frilford is classified as a smaller village, based on the number of services and facilities available. The village itself is generally a linear settlement along the A415 and A338, which is in area sporadic in nature. A number of properties front onto Ford Lane. The site can be described as being between the residential properties of Darcey's Field and Ford House.
- 6.8 The relevant housing policies of the adopted and emerging local plan hold very limited material planning weight in light of the lack of a 5 year housing supply. Consequently the proposal should be assessed under the NPPF where there is a presumption in favour of sustainable development. Sustainable development is seen as the golden thread running through the decision making process. Having a deliverable 5 year housing supply is considered sustainable under the 3 strands. Therefore, with the lack of a 5 year housing supply, the proposal is acceptable in principle unless any adverse impacts can be identified that would significantly and demonstrably outweigh the benefits of meeting this objective.
- 6.9 **Design and Layout**
Policies DC1 and H10 require that development should be a scale, layout and design that would not materially harm the form, structure or character of the settlement. The design guide at DG51 seeks that new development should generally reflect the scale of existing settlement.
- 6.10 The dwellings facing Ford Lane are sited fairly close to the lane, with Darcey's Field, adjacent to the site set back slightly further from the lane, and Ford House set further away within its larger plot. Both proposed dwellings would be sited facing the Lane and would be set back so they are roughly on the same building line as Darcey's Field. The garages would be in the frontage and would be integrated into the stone boundary wall, which would be kept along the Lane. The site is currently a gap between Darcey's Field and Ford House. Your officers consider that it would be difficult to argue that erection of 2 houses as proposed, would be out of character with the existing built form given it is effectively continuing the existing building line along Ford Lane. It could not, in officers view be demonstrated as being harmful to the character of the area.
- 6.11 Both proposed dwellings adopt a simple rectangular form and pitched roofs. They would be built with natural stone, plain clay tiles and untreated cedar boarding, materials which reflect those found in the area and district. Therefore in terms of design and layout, the scheme is considered to be acceptable.
- 6.12 Comments have been raised with regards to the blue edged land on the plans, which is also within the applicants' control. The agent has stated that this land would likely be offered to the new occupiers of the proposed dwellings. It would not however be within the residential curtilage and would not have a residential use.
- 6.13 **Trees**
Policy DC6 seeks developments, with regards to hard and soft landscaping, to protect and enhance the visual amenities and where appropriate important landscape features. The forestry officer has reviewed the application.
- 6.14 He comments that the construction of two dwellings will result in the direct loss of two trees, a small Cherry and a multi-stemmed Ash. Whilst both trees are visible from the public footpath, their loss would have very little impact on the long term character of the site.

- 6.15 The application is supported by the submission of an arboricultural report that recommends the removal of a further ten trees. This is more for their conflict with the future usable garden space rather than as a requirement to enable the development to be built. Most of the trees referred to would not make satisfactory garden trees and, if the site is developed, replacements could be expected as future occupiers would be likely to seek to manage and maintain their own gardens. Generally these trees are within the site and do not make a contribution to the wider visual amenity other than as offering some canopy depth.
- 6.16 The report refers to an off-site Poplar (T8), within the grounds of Darcey's Field that will require ground protection within its RPA if the development is constructed as proposed. Should planning permission be granted, the forestry officer recommends that if the development is carried out in accordance with the recommendations contained within the tree report, this should avoid root damage to this tree.
- 6.17 **Residential Amenity**
Policy DC9 seeks to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment. Design principles DG63-64 of the Design Guide pertain to amenity, privacy and overlooking. In terms of privacy the design guide advocates that there should be adequate distance, minimum 21m, between facing habitable rooms to enable people to feel comfortable in their own home.
- 6.18 The closest property to the site is Darcey's Field. This property is set away from the boundary between the site which dog-legs. The level of the neighbouring property and its garden is also slightly higher than the application site. There would be around 13m between the side of Darcey's Field and the two storey part of plot 1. Given this distance your officers consider that the house would not be overbearing on this occupier. The plans have been amended to remove the link between the house and garage. This has reduced the amount of built form along this boundary which will reduce the impact upon the neighbour. The garage in the front would be set off the boundary by 2.5m and would be sufficient distance away from the neighbour's house to not be overbearing. The only small first floor side window would be to an en-suite bathroom. The proposed dwelling would therefore not overlook the neighbour.
- 6.19 The other neighbour, Ford House, on the other side of the site, is around 40m away. The development would therefore not be harmful to the amenity of this neighbour. The development would therefore comply with policy DC9.
- 6.20 **Highway Safety and parking**
Policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. Paragraph 32 of the NPPF states: "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*"
- 6.21 The site would be accessed from Ford Lane, which is a private road. The existing access point into the site would be used for plot 1 and a new one created for plot 2. There is space on each site for cars to turn and exit is forward gear. There is sufficient parking within the garages and on site for the dwellings.
- 6.22 Objections have been raised with regards to the visibility out of Ford Lane onto the A338. The submitted visibility plans show the visibility splays cross the existing highway verge and are therefore acceptable. The application red line includes Ford Lane to

show it can be accessed from the public highway and the appropriate ownership certificate has been served. With regards to obtaining agreement for right of way/access over Ford Lane as a private road, this is not a material planning consideration and is outside of the planning system. This is for the applicant to agree with the relevant parties involved. Similarly with regards to the condition of the surface of Ford Lane, this is also for the relevant parties to agree.

6.23 Frilford Footpath public No2 runs along Ford Lane. The OCC countryside access officer has no objections to the development subject to the footpath not being reduced in width in anyway. He advises that no materials, plant, excavations or temporary structures of any kind should be deposited on or adjacent to the route that may obstruct or dissuade the public from using the route whilst development takes place. He also advises that any damage to the surface of the route caused by construction traffic will be the responsibility of the applicant/developer to put right. This could be added as an informative to a permission.

6.24 **Flood Risk and Surface/Foul Drainage**

The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). A condition requiring a fully detailed sustainable drainage scheme for foul and surface water being submitted prior to commencement of the development will ensure this.

6.25 **Ecology**

The countryside officer has assessed the ecological information supplied in support of the application. The site does not contain any significant ecological constraints and he is satisfied that there are unlikely to be any indirect impacts on surrounding habitats arising from the proposals.

7.0 **CONCLUSION**

7.1 This application has been assessed against the National Planning Policy Framework (NPPF), relevant saved policies in the local plan and all other material planning considerations. The NPPF states that sustainable development should be permitted unless the adverse effects significantly and demonstrably outweigh the benefits.

7.2 The proposal would provide 2 new dwellings in a location identified with a reasonable number of services and facilities. The scheme is considered to reflect the character of the area. It would have some impact upon the neighbouring properties however this impact is considered to be acceptable.

7.3 Overall, and in view of the emphasis in the NPPF, the 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. Consequently, the application is recommended for approval subject to conditions.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission subject to the following conditions:**

1. **Commencement three years – full planning permission.**
2. **Approved plans.**
3. **Slab levels to be submitted.**
4. **Materials in accordance with application/plans.**
5. **Access, parking and turning areas on site in accordance with plans.**
6. **Landscaping scheme, including boundary treatments to be submitted.**
7. **Landscaping scheme, including boundary treatments implementation.**
8. **In accordance with recommendations in arboricultural report.**

9. Sustainable drainage scheme to be submitted for approval.
10. Garage accommodation to be retained.

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