

APPLICATION NO.	P15/V1359/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	30.6.2015
PARISH	EAST HANNEY
WARD MEMBER(S)	Matthew Barber
APPLICANT	Ben Smith & Sons Ltd
SITE	Land east of A338, East Hanney, Oxon
PROPOSAL	Erection of two new detached residential dwellings with associated parking.
AMENDMENTS	None
GRID REFERENCE	442305/193340
OFFICER	Hanna Zembrzycka-Kisiel

SUMMARY

The application is referred to committee as East Hanney Parish Council object to the scheme and 6 letters of objection have been received.

The proposal is for 2 dwellings to the east of the A338 in East Hanney, on land to the east of Alfreds Place and to the north of Linden Homes Phase 2. The application site would be accessed through this recent development.

The main issues are:

- The site is considered a sustainable form of development and accords with the NPPF.
- The proposed layout and design of the dwellings are acceptable and the scheme can be accommodated without harm to the character of the area.
- The access and parking provision are considered acceptable.
- The proposal would have no harmful impact on the amenity of neighbouring properties.

The recommendation is for approval subject to conditions.

1.0 INTRODUCTION

- 1.1 This application relates to land to the east of the A338 in East Hanney. The land lies to the east of Alfreds Place and to the north of a recently developed scheme of 15 houses – Linden Homes Phase 2, which was granted planning permission in June 2014 reference P13/V2608/FUL.
- 1.2 The application site consists of 1586.02 square metres of agricultural land to the east of Alfreds Place. The plot is enclosed by a boarded fence to the west and hedging to the east, with a line of mature trees to the south. A location plan is **attached** at Appendix 1.
- 1.3 The site is located within the Lowland Vale as defined on the local plan proposals map. The application site is not located within the Conservation Area. None of the trees on the site are protected.
- 1.4 The application comes to Committee as the Parish Council objects and six letters of objection have been received from local residents.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the erection of 2 detached dwellings, with associated parking, accessed through the existing development in Linden Homes Phase 2.

2.2 The proposed dwellings are designed to include features found locally in a mix of materials including bricks and timber boarding and to match the adjacent development. Application drawings are **attached** at Appendix 2.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

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

Parish Council	<p>Object:</p> <ul style="list-style-type: none"> - the proposed access is to be located too close to the existing house, causing disruption and dangers of vehicles crossing too close to the entrance to the dwelling; - the proposal may affect the existing drainage ditch; - the land has been contaminated; - the site is an essential habitat for many species.
Drainage Engineer (Vale of White Horse District Council)	No objection, subject to conditions
Thames Water Development Control	No objection, subject to informative
Forestry Team	No objection, subject to conditions
Vale - Highways Liaison Officer (Oxfordshire County Council)	No objections, subject to conditions
Environment Agency	No strong views
Health & Housing - Env. Protection Team	"I have no objection to the proposed development"
Health & Housing - Contaminated Land	No objections, subject to conditions
Forestry Team (Vale of White Horse)	No objections, subject to conditions
Countryside Officer (South Oxfordshire & Vale of White Horse)	No objections, subject to conditions

<p>Neighbour Object (6) letters have been received</p>	<p>Strongly object:</p> <ul style="list-style-type: none"> - the proposed access will cause disruption and dangers of vehicles crossing too close to the entrance the neighbouring dwelling; - construction vehicles may block the access points to the existing houses; - the proposal may affect the existing drainage ditch and cause a localised flooding; - the land has been contaminated; - the site is an essential habitat for many species; - the construction works have already started.
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4.0 **RELEVANT PLANNING HISTORY**

4.1 [P85/V1029](#) - Approved (08/03/1985)

Extension to the existing car sales showroom to provide a revised service reception counter and parts area. (Floorspace 56.25m sq).

[P84/V0893](#) - Approved (10/08/1984)

Replace of existing fuel tanks with new 10,000 gallons, tank (below ground).

[P83/V0811](#) - Approved (18/04/1983)

Erection of a 'Spraybake' paint spraying unit.

[P78/V0731](#) - Approved (23/04/1979)

Extension to provide workshop. Additional floor space 2.320 sq. ft.

5.0 **POLICY & GUIDANCE**

5.1 **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 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

DC14 - Flood Risk and Water Run-off

GS2 - Development in the Countryside

H11 - Development in the Larger Villages

NE9 - The Lowland Vale

5.2 **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:-

Core Policy 1	Presumption in favour of sustainable development
Core Policy 3	Settlement hierarchy
Core Policy 4	Meeting our housing needs
Core Policy 5	Housing supply ring-fence
Core Policy 15	Spatial strategy for South East Vale sub-area
Core Policy 37	Design and local distinctiveness
Core Policy 39	The historic environment
Core Policy 42	Flood risk
Core Policy 44	Landscape

5.3 **Supplementary Planning Guidance**

- Design Guide – March 2015

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

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

5.6 **Neighbourhood Plan**

Grove does not have a neighbourhood plan currently

5.7 **Environmental Impact**

This proposal does not exceed 150 dwellings and the site area is under 5ha. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and this proposal is not EIA development and there is no requirement under the Regulations to provide a screening opinion.

5.8 **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)

5.9 **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.

5.10 **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:

1. Principle of development
2. Design and layout
3. Residential amenity
4. Highway safety and parking
5. Other

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 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.

6.7 East Hanney is classed as one of the larger villages in the District with a reasonable range of services and facilities. The site is located immediately adjacent to the existing built-up area of the village with good access to the rest of the settlement. In terms of the site's location and its relationship to the existing settlement pattern the proposal is considered a sustainable form of development under the terms of the NPPF.

Consequently, it is considered the proposal is sustainable in terms of its economic and social aspects.

6.8 The site is located to the side and rear of the existing developments in Alfreds Place

and Linden Homes Phase 2, therefore there would be no significant views of the development from the public vantage points. Given the existing trees and hedges it is not considered that the proposal would have a harmful impact on the character of the surrounding area or affect the long open views across the Lowland Vale therefore the proposal meets the environmental aspect of the NPPF.

Design and Layout

- 6.9 Policies DC1 and H11 require that development should be a scale, layout and design that would not materially harm the form, structure or character of the settlement, and the Conservation Area. The design guide at DG51 seeks that new development should generally reflect the scale of the existing settlement.
- 6.10 The design and layout of the proposal follows a similar form to the existing development in Linden Homes Phase 2 in terms of the proposed scale and massing of the detached houses as well as the plot sizes.
- 6.11 The dwellings are proposed in a similar design to the existing development including features found locally such as timber boarding, clay tiles, grey slates and bricks with steeply pitched roofs to reflect local vernacular.
- 6.12 As such the proposal is considered to comply with the requirements of local plan policies DC1 and H11 and the provisions of the NPPF, NPPG and Residential Design Guide.
- 6.13 **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.
- 6.14 Nos. 8 and 9 Alfreds Place sit adjacent to the western site boundary and three dwellings in Dandridge Close are placed to the south. It is considered the proposed layout, distances and design of the proposed detached houses comply with the advice contained within the council's Residential Design and therefore ensure that the proposal would not cause dominance or visual intrusion for neighbouring properties and there would be no a harmful impact in terms of loss of light or loss of privacy.
- 6.15 Noise from construction would be a temporary issue and would not be sufficient to justify refusal.
- 6.16 As such the proposal is considered to comply with the requirements of local plan policy DC9, and the provisions of the NPPF, NPPG and Residential Design Guide.
- 6.17 **Highway safety**
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.*"
- 6.18 Access to the site is proposed adjacent to No. 1 Dandridge Close. The access to these dwellings through the existing site is considered acceptable to be able to accommodate the additional traffic from the proposed development. The County Engineer has raised no objections to the proposal on highway safety grounds subject to conditions.
- 6.19 Concern has been raised over the impact of the proposed access, which is to be in close proximity to No. 1 Dandridge Close. It is acknowledged that temporary disruption

will occur during the construction phase, however it is not unusual in an estate situation such as this, and it is only temporary.

- 6.20 It is the developer's responsibility to ensure the construction works are carried out within accepted safety standards as required by the Health and Safety Executive. However it is considered justifiable and reasonable to condition the submission of a Construction Traffic Management Plan for the proposed development.
- 6.21 Concern has been raised by the immediate neighbour in Dandridge Close over the right of access to the proposed new dwellings which is privately owned. This is a legal matter between the parties and is not a justifiable reason for refusal. A condition is recommended to ensure that the site access is implemented prior to commencement of the dwellings.
- 6.22 Each property has at least two parking spaces. A condition is recommended preventing the change of use of garages to accommodation without permission to ensure the parking provision is retained.
- 6.23 The proposal is considered to comply with the requirements of local plan policy DC5, and the provisions of the NPPF, NPPG and Residential Design Guide.

Other Technical Issues

6.24 Trees and ecology

The Arboricultural Officer and the Countryside Officer have assessed the proposal and have raised no objection to the application, subject to the appropriate conditions being imposed.

- 6.25 The Countryside Officer has stated that "*There are no known ecological constraints on the application site and that the terrestrial habitats present are not suitable for reptiles or amphibians.*" Having visited the site the Officer has concluded that there are "*no evidence of any protected species on site*" and "*that the site most likely has a low ecological value.*"

- 6.26 The Arboricultural officer has assessed the proposal and has no objections subject to conditions. It is recommended to impose the pre commencement conditions requiring the submission of an assessment of the impact and a method statement to ensure the construction can be achieved without long term detriment to the tree's health, as well as a submission of a tree protection plan to safeguard the trees prior to undertaking any site works in relation to the contaminated land investigations required by the environmental health officer.

Drainage

- 6.27 One of the main areas of concern relates to drainage in terms of surface water flooding. The application was accompanied by a flood risk assessment. In terms of surface water flooding the Council's Drainage Engineer is satisfied with the submitted scheme and that subject to conditions the proposal would not flood or create flooding elsewhere. Such conditions include a requirement for a sustainable urban drainage system (SUDS), submission of a fully detailed foul water drainage strategy of the development. In addition to ensure the effective drainage of the site and to avoid flooding. The surface water drainage scheme shall be developed and implemented in accordance with the Flood Risk Assessment CV8150474/JOK/ES/001 issue 1 dated May 2015 issue prepared by Glanville Consultants.

6.28 Thames Water have raised no concern over the proposed development in relation to foul drainage and water supply.

6.29 **Contamination**

It is acknowledged that the application site may be contaminated as a result of former industrial use, and the proposed residential development is regarded as a particularly sensitive use to any land contamination. The Contaminated Land Officer consulted on the application has raised no objections, however requested that prior to commencement of any works, the developer should conduct adequate contaminated land investigations to ensure that the land is safe and suitable for the intended use. Therefore the appropriate conditions are recommended.

6.30 **Construction**

It has been raised in the received letters that the developer has already started the works, by felling trees and removing shrubs. However these type of works on private land are not classified as development, and therefore would not constitute a “commencement of the construction works”. This is not relevant to the consideration of this application.

7.0 **CONCLUSION**

7.1 The application is recommended for approval as the development would comply with the relevant development plan policies and the National Planning Policy Framework. The proposal is considered to constitute sustainable development with regard to the social, economic and environmental aspects set out in the NPPF. The principle of the proposed development is considered acceptable, it would not harm the visual amenity and character of the area, the setting of the conservation area or the amenities of neighbouring properties, and there is adequate and safe access and parking provision for the site. The proposal, therefore, complies with the provisions of the development plan, in particular policies DC1, DC5, DC6, DC9, DC14, GS2, H11 and NE9. The development is also considered to comply with the provisions of the National Planning Policy Framework.

8.0 **RECOMMENDATION**

To grant planning permission subject to the following conditions:

Time limit.

Approved plans.

Materials in accordance with application.

Surface water drainage.

Foul drainage.

Sustainable drainage scheme.

Tree protection.

Access.

Car parking.

Turning space.

Contamination.

Boundary details.

Garage accommodation.

Slab levels.

Refuse and recycling storage.

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