

**Planning Committee**  
**Wednesday 25 November 2015**

**Addendum Report**

## **Item 9**

### **Planning application P15/V1616/FUL – Land south of Summertown, East Hanney**

#### Application update

Planning Committee members' attention is drawn to the further submission from the parish council on flood risk that has been circulated directly to them prior to the meeting.

In response, the applicant's drainage consultants comment as follows:

*"Following the further statement from Harvey Rodda and my subsequent discussion with Peter Dela I can confirm that we stand by our development flood risk assessment Rev B dated 22<sup>nd</sup> October together with the rebuttal note dated 27<sup>th</sup> October.*

*The surface water drainage design offers a viable and robust solution which does not increase the flood risk to the site or the village of East Hanney and has been reviewed and found acceptable by both the County Council and District Council.*

*The drainage scheme has also been conditioned and is subject to a full detailed design."*

The council's drainage engineer comments as follows:

*"I have looked at the latest letter from the Parish Council in respect to the submitted Flood Risk Assessment and would advise you that my position is unchanged. The proposed surface water drainage scheme is a technically viable solution, subject to further detailed design, and doesn't increase flood risk to the site or surrounding area."*

#### Officer response

Officers remain of the opinion that a sustainable drainage scheme can be agreed and secured by planning condition, thereby minimising the risks of flooding from this development.

#### Parish council contribution requests

The parish council has made further comment with regard to the contributions requested and wishes the S106 allocation to be reviewed, but has not provided further evidence for the following reason.

*"Whilst I understand that you need to justify the money requested by the village for improvements to these vital pieces of infrastructure, it must equally be understood*

*that these organisations are run by groups of dedicated volunteers, but they are just that, volunteers. The 'wheels' move slowly when it comes to obtaining firm quotes for the works planned and often it would be with local building firms based in the Hanneys. Added to this, there is no guarantee that the works will be needed whilst the village awaits the outcome of the planning committee's deliberations on the 25th November. Seeking firm quotes for work that may never be undertaken is not a sound way of doing business in small communities like the Hanneys.*

#### Officer response

Officers have undertaken a review of all of the contributions listed in the report. Unfortunately without further information officers cannot seek the parish contributions as they do not meet the NPPF tests set out in the original report. Furthermore, having reviewed the church restoration contribution, the amount requested does not meet the test of proportionate in scale and kind to the development or is necessary to meet the needs of the development.

Officers have also requested further justification from the county council in relation to secondary school provision as the figures per pupil appear much higher when compared to other secondary school contributions sought elsewhere within the district. At the time of writing no further response has been received.

The developer confirms that *“Linden Homes accept all the proposed contributions in principle, subject to seeing some of the specific justifications for the amounts being sought. We would anticipate that this can be discussed as part of the negotiations on the precise drafting of the 106 agreement which will be agreed following Committee and ultimately be delegated to the Chair.”*

It is therefore suggested that discussions with the developer and OCC continue should it be resolved to grant planning permission.

#### **Item 10**

#### **Planning application P15/V1846/O – Land south of Steventon Road, East Hanney**

#### Report Updates

At the top of page 96 of the report a total for OCC contributions is give as £2,02449,961. This is an error and the figure should be £2,449,961.

At paragraph 7.5 of the report the words “I am not convinced” should be replaced by “I consider”

#### Parish Council Financial Contributions Request

Understand the need to justify the money requested by the village for improvements to village hall, community shop and church. These organisations are run by groups of dedicated volunteers and the 'wheels' move slowly when it comes to obtaining firm quotes for the works planned and there is uncertainty whether this housing scheme

will be permitted. Seeking firm quotes for work that may never be undertaken is not a sound way of doing business in small communities like the Hanneys.

Another point to note is that, with absolutely no justification or quotes to back up the allocations, East Hanney has access to many tens of thousands of pounds of money for football provision in the parish. The village plays host to three teams at present, 2 adults and 1 junior. There is no problem with pitch space, indeed the full sized pitch is not used 2 weekends in 4. There is a similar situation with Tennis and Cricket.

The shop wishes to expand to offer a small café area at a cost of £40,485.099 +VAT  
A replacement cricket pavilion is sought.

The village hall improvements include a verandah, meeting/club/office space, conversion of mezzanine to a meeting room, replacement heating, a separate sports/meeting hall and a new hall meeting space

The church improvement is a disabled toilet costed at £152,000

### Officer Response

Requests for financial contributions need to be:

- i) Necessary to make the development acceptable in planning terms;
- ii) Directly related to the development; and
- iii) Fairly and reasonably related in scale and kind to the development.

In applying these tests the following have to be considered:

1. Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure.
2. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.
3. Planning obligations must be fully justified and evidenced. Where affordable housing contributions are being sought, planning obligations should not prevent development from going forward.

Consequently officers asked the Parish Council to justify their requests for contributions bearing the above guidance in mind.

The development could increase use of the shop, village hall and cricket pavilion. The disabled toilet for the church is a committed scheme for existing church use and is not necessary to make this scheme acceptable and is therefore, not justified. The costs for improving the village hall are unknown and the Parish Council request for £100,000 (see committee report) is not therefore, justified and without costings for the improvements it is not possible to state that the £100,000 request is proportionate or fair. This request does not meet the above tests.

A contribution to the cricket pavilion is approved (see the committee report). Costs for enlarging the shop have been provided. It has not been clearly demonstrated that an extension to the shop is needed should this development be permitted. The expectation expressed by the Parish Council is a desire to provide a café. This does not appear to be directly relevant to this proposal or necessary to make this proposal acceptable in planning terms. This request is not considered

justified. Furthermore, it has not be explained what contribution this proposal should make towards these costs if they were justified. The proposal could increase footfall to the shop thereby helping to maintain the shop.

### Interested Party Representation – Highway Matters

An objection has been received from Dijkman Planning which is accompanied by a Technical appraisal of the proposed access from a firm of civil and structural engineers and Counsel opinion. The objection may be summarised as follows:

- The highway authority has recommended a planning condition requiring access details to be agreed. This is incorrect use of planning conditions being unacceptable in planning terms to seek to reserve details for a non-reserved matter; in this case the access arrangements. This is supported by Counsel opinion. It could leave the planning authority in position whereby there is an approved access plan for unsatisfactory access and an unenforceable planning condition.
- Proposed incorrect and unsafe highway standards based on the wrong criteria. The road design should be based on the Design Manual for Roads and Bridges and not the Manual for Streets. This is supported by Counsel opinion. Manual for Streets is suitable for high streets and lightly trafficked lanes in rural areas and does not apply to trunk roads.
- The proposal will have significant consequences in terms of safety, physical form and impact of the development
- When the road is designed in accordance with the correct criteria it results in a dramatically different scheme which cannot be accommodated in the current application site area or without the use of third party land outside the applicants control
- Third party land is needed to deliver visibility splays
- Swept path analysis shows public transport vehicles and refuse vehicles will not be able to negotiate the proposed Main Street/A338 junction
- Incorrect standards are applied to junction spacing including a crossroads
- Increased junctions will be detrimental to traffic flows
- Too many uncontrolled pedestrian crossings
- Inadequate pedestrian visibility
- Speed surveys are necessary to justify signals are appropriate
- Proposed radii will lead to large vehicles swinging out into oncoming traffic
- Pedestrian crossing at the signalised junction is too great leading to lengthy periods of red lights and impeding traffic flows
- Bus stops are too close to transition curves which are too tight for the A338. With poor visibility stopped buses will be a safety hazard
- A major re-design is needed
- Counsel considers the approach taken could be unlawful and suggests a further revised plan is sought that meets the needs of the County Council such that the County Council does not feel the need to suggest a condition proposing detailed submission at reserved matters stage that are not reserved and also incorporating a design that meets the correct guidance.

## Applicant Response – Highway Matters

The applicant has responded by submitting a revised access plan, a response to the objection by Dijkman Planning from its engineers and a solicitor response with regard to the objectors point about conditions.

The applicants written responses may be summarised as follows:

- Objection is wholly unfounded and is unsubstantiated
- Scheme improves operation of the Main Street, The Green and Steventon Road resulting in less queueing and safer junctions and more space for traffic movements
- Reduces speeds on the A338 through the site
- Improves pedestrian and cycle network removing the A338 as a barrier
- Moves the A338/Steventon Road junction away from receptors decreasing air pollution in these areas
- The objection contradicts OCC highway advice
- Designs can be refined through the s.278 and s.38 technical approval process
- The A338 is already a 30mph speed limit at this point and standard practice is to use Manual for Streets for design whereas Design Manual for Roads and Bridges is guidance for trunk roads and motorways. No evidence produced by the objector that Manual for Streets is inappropriate
- The proposal maintains the strategic link of the A338 with relatively little impact on the throughput of traffic
- HGV movements along the A338 and Steventon Road will be retained
- Junction improvements to main Street and Steventon Road do not go beyond those committed through the Grove Farm development
- Adequate vision splays are provided
- Crossroads can be replaced by a staggered crossing and addressed at detailed stage
- Not clear whether Counsel is aware the A338 is not trunk road or restricted at this point to 30mph
- Makes reference to an appeal case whereby Manual for Streets was agreed as appropriate standard for a strategic route
- The objectors' Counsel opinion would suggest a condition could not be imposed on a detailed application requiring submission of further detail or would prevent an LPA permitting part of an application
- OCC has no objection

## OCC as Highway Authority

OCC as highway authority has reviewed the objector's and the applicant's response including the revised plans. They do not object and their response is as follows:

*“Any potential realignment of the A338 requires acknowledgement of the fact that the road is classified as strategic highway and is a diversionary route for the A34. As such it is required to cater for HGV traffic, whilst at the same time controlling speeds accordingly.*”

*This scheme proposes to expand East Hanney, which is currently bounded by the A338 to the east. To incorporate the A338 into the scheme and to detract the road from acting as a barrier for future development whilst ensuring a quality sense of place, a reduced standard design approach has been adopted. To this end advice contained within the Manual for Streets 2 (MfS2) and Design Manual for Roads & Bridges (DMRB) has been applied.*

*Paragraph 8.3.5 of MfS2 permits horizontal alignment curves of 4 steps below the desirable minimum as detailed in TD9/93. DMRB (para 3.4) also promotes relaxations below desirable minimum values to 4 stops below for all purpose Band B roads (30mph). Table 8.1 of MfS2 indicates desirable minimum recommended curve radii of 44m for 50kph and 64m for 60kph, the latter figure of which is seen as being applicable, with a super elevation (cross fall) of 5%. Whilst this is a departure from that prescribed in TD9/93(between 3 & 4 steps), it is nevertheless deemed to be acceptable from a Highways perspective and still complies with both DMRB and MFS2 guidance.*

*Mindful of the above, the applicant has submitted an amended plan, with associated commentary to follow, which indicates that an acceptable horizontal alignment design in principle can be achieved within the confines of the land in their and the Highway Authorities control. This takes into account the design guidance detailed above.*

*It should be made apparent that at this outline stage, the Highway Authority will be approving the horizontal alignment in principle, with any detailed design to be subsequently submitted for consideration and approval as part of any S278/S38 agreement submissions. This way forward can be secured by way of suitable condition.*

*In accordance with DMRB, forward visibility envelopes of 70m are to be achieved in all circumstances. Junction visibility splays shall be 2.4m x 70m”.*

OCC recommend a previous condition suggested, should be replaced with a condition as follows:

Prior to the use or occupation of the new development, the vehicular access and visibility splays hereby approved and shown on approved drawing number 21371\_08\_020\_04 Rev A shall be provided. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.

*“Mindful of the above and the attached plan, I would suggest that the amended horizontal alignment is not a material departure from that previously submitted”*

#### Officer Response

The revised access plan was received by your officers on 24 November 2015. This revised plan is part of the officer's presentation to committee. The plan shows changes to the junctions, includes vision splays and demonstrates that the works and vision splays can be achieved over land within the applicants control or over highway land. It also includes a staggered junction within the site instead of

crossroads. The alignment of the A338 is now proposed to remain on its existing route from Main Street south past the curtilage of Yew Tree House before turning south east. This change brings the realigned road closer to Yew Tree House and St James Barn than initially proposed (although not as close as the A338 is to St James barn at present). As a result of this change an open space illustrated on the submitted plans as being beside Yew Tree House is 'lost'.

OCC as highway authority is independent of the applicant and objectors. Highway engineers have explained their thinking and reviewed the revised plan and consider it acceptable. They recommend a planning condition seeking the access to accord with the revised plan and this should replace condition 14 in the recommendation on page 97 of the report to planning committee. This would be reasonable and in accordance with NPPG guidance on the use of planning conditions.

#### Further Applicant Comments – Schooling

Note the s106 contributions being sought totals £200 million which is clearly an error.

The offer to safeguard land for a new remains and we will discuss the possibility of entering an Option Agreement with the County to secure this safeguarded land as set out in our letter should Members resolve to grant planning permission. While officers may decide this is not a material planning consideration, it is asked that this is brought to the attention of the planning committee.

They are supportive of the parish council's requests for s106 contributions although it is impossible to comment on the individual requests as they were not supported by any evidence or details of projects.

#### OCC as Education Authority

They have considered the applicant's offer to safeguard land for a new school. The 2.2 ha offered does not provide a solution to the problem. The suggestion that the school could relocate to the new site, operate as a split site school or that there could be a second primary school for the Hanneys would all be unviable financially. Therefore, while the applicant is free to protect 2.2 ha for potential school use this should not be given any weight to any decision to grant permission. OCC has had an initial discussion with the parish councils, who are owners of land adjacent to the school, regarding joint use of playing fields and although a positive in principle response was received it should be stressed that that there is no guarantee that land will become available.

In their response to applications P15/V1846/0 and P15/V1616/FUL it is stated that if both applications were granted the cost per place of expanding the primary school would be significantly higher than the cost per place of £14,095 (2Q2012) (£17,052 (3Q15)), to expand to 30 PAN school which would be required should only one permission be granted. The cost for expansion to 40 PAN, in one phase, has now been determined and should both applications be permitted OCC would require a contribution from both applicants based on a cost per pupil place of £21,888 (3Q15). It should be noted that there is likely to be an additional cost for the use of the land which we would seek to recover from the applicants but this cost is as yet unknown

## Officer Response - Schooling

Turning to the applicant's offer to safeguard land for a school, officer advice at paragraph 6.93 is that this would not appear necessary to make the proposal acceptable. This advice remains applicable. In the absence of contrary evidence the primary school contribution referenced in the report is based on OCC's request mentioned above (£21,888/pupil).

### **Item 11**

## **Planning application P15/V2222/O – Land at Longcot Road, Shrivenham**

### Landscape Officer Comments

The landscape officer has no objection and comments as follows:

The proposed development would not cause unacceptable landscape and visual harm to the Lowland Vale. The impacts mainly relate to the loss of pasture, the extension of the village form southwards and the visual impact of built form predominantly when seen from the adjacent footpath to the south. Views southwards towards the AONB from this footpath would be retained. From the AONB the development will be seen in the context of the existing southern edge of Shrivenham. The Outline proposal indicates that it has sought to mitigate the landscape and visual effects, with additional planting on the southern boundary and internal planting to break up the built mass.

Development has been set back from the southern boundary, reducing the visual impact from the footpath to the south and at the interface with the existing open countryside. These issues address both the principles highlighted in the Kirkham Landscape capacity report.

Full details of soft and hard landscape proposals including boundary treatments will be required along with a Maintenance and Management Plan covering the POS and play areas to ensure the proposed concept is implemented and maintained along with the management of the existing vegetation of site to be required.

### OCC as Education Authority

Suggest they will defend their objection at appeal although they admit sustaining an objection would be difficult and that they cannot undertake to cover any award of costs.

They maintain there is doubt over the deliverability of the new school which has a resolution to approve under application no. P13/V1810/O because:

- The district council will test the contributions sought (cost per pupil place) and the proposed land transfer terms. Vale officers have already expressed their concern about the land transfer terms
- VWHDC officers are also considering whether an agreement related to education infrastructure which excludes the County Council as Education Authority would be appropriate
- There is considerable doubt on behalf of the County Council as Education Authority that a satisfactory planning obligation will be secured to deliver the

site and funding to enable the proposed 6-classroom facility (the solution agreed by the relevant parties as appropriate) to be delivered. Clearly this situation may change once an agreement is completed on the North Shrivensham site

If planning permission is granted they seek a financial contribution of £343,323 at 2Q2015 prices towards the new school with this based on a genuine pre-estimate of project costs for the delivery of the proposed. OCC claim their stance is supported in the Highworth Road, Faringdon appeal whereby an Inspector considered their request for contributions of £24,424 to be fair and reasonable and even if BREEAM is removed the financial contribution would only fall by £13,300.

#### Officer Response

Officers would refer members to paragraph 6.72 of the report whereby OCC is not objecting to a larger proposal on this site and has submitted an appeal statement (October 2015) seeking a contribution based on the new school provision identified by application no. P15/V1810/O.

Furthermore, OCC advise they would have difficulty defending an appeal and are not committing to paying costs if awarded against them.

The objection does not hold weight and OCC appear to admit this in advising they would have difficulty defending it.

OCC admit a detailed design for the new school has not been produced and whilst for the Highworth Road, Faringdon appeal case they provided clear evidence of schooling costs, they have not done so in this case. Officers have based their opinion on BCIS costs for actual new school building and consider the approach set out in paragraph 6.76 of the report is evidenced, justified, fair and proportionate meeting NPPF and NPPG tests at paragraphs 6.67 and 6.68 of the report.

#### **Item 12**

#### **Planning Application P15/V1940/FUL – Orchard Way, Harwell**

#### Neighbour Objection

A further objection has been received from occupier of 33 Orchard Way, in addition to their initial objection as follows (in summary):

I object to this development and feel that due the actions of the planning officer it has not been properly consulted on. It is unacceptable for the planning officer to request the removal of conditions set by the planning committee outside of them being challenged by the Applicant. Condition 18 was added quite fairly by the planning committee and it is unacceptable for the planning officer to go out of his way to have this condition removed. There is no spare parking in Orchard way and this application will only make this worse. Council traffic officer David Groves in an email in January to the planning officer states that the current access to my garage will be made unsafe and cannot be used if the development goes ahead. This is because it opens onto the junction required for access to the site. This will make my garage useless for storage of a motorcycle or car for which it is currently used every day. To

compensate myself for this I was informed that I could tarmac my front garden and park cars on it. As a direct result of this application they have effectively removed the access to my garage and property. This vehicle access is in use daily by motorcycle and if I wanted to a car and if it is removed then I will be not be able to even access my own garage. It is completely unacceptable for the planning officer to expect me to turn my own front garden into a tarmacked parking space to compensate myself for the actions of the applicant and his agent which is what is has been suggested I do. I until this application had a perfectly usable and safe access to my garage. How can the planning officer justify this direct attack on the value of our property?. In my opinion condition 18 should not be removed but expanded on to include a garage as well as parking spaces to compensate for the complete loss of vehicular access to my property caused by this application.. As my traffic survey proved there is no spare parking capacity in Orchard Way, the applicant s traffic survey was deliberately done to avoid peak times so as to put his application in a favourable light. I will be left with nowhere to park as a direct result of the TRO that will be applied and no doubt enforced by the planning officer who is obviously out to destroy our lives in Orchard Way. I also which to object to the removal of the condition 17 which refers to the overlooking of my own and other properties. Again this is not an unreasonable request to respect our privacy but I am sure that the planning officer will not take any of this into account and has already recommended its removal in the earlier flawed and biased report in favour of the planning agent and applicant.

#### Officer response

In issuing a section 73 type application which seeks to vary or remove planning conditions a new decision notice is issued. In issuing such a decision the six tests must be applied again, and for the reasons given in the main report the Case Officer is of the opinion that condition 18 does not meet the tests. It is not considered necessary to make the development acceptable as it is informal parking space, and not dedicated to any property, including 33 Orchard Way. The condition was not recommended by the Highways Authority (the technical experts in this matter) but was attached following discussion at the initial committee meeting. County Officers had suggested that whilst they do not normally accept a new access so close to a road access junction, that this parking space could be relocated to the front garden of 33 Orchard Way.

The email from David Groves (Highways OCC) to the then case officer in January was as follows:

*I fully appreciate the feeling of the residents but it cannot be supported by the Highway Authority. It is not enough to support a reasonable objection which is sustainable. **There could possibly be a minor loss in parking availability on street but sufficient will remain to provide for those existing dwellings.** The Authority has already called upon the potential developer to adhere to the Councils parking standards for the potential development to provide enough parking within the development to prevent them from parking on Orchard Way. **With regard to the parking space to No 33: this is not an official private parking space.** It appears to me that the property did have a driveway down the side to a garage. This could be reinstated but would not be safe adjacent to the proposed new access. In order to*

*assist, this space could be relocated to the front garden at the northern edge of the plot making a new access between the lamp column and telegraph pole in the road. This would have to be designed properly to ensure it was possible. Although I would not normally like a new access so close to an road access junction I think for the sake of the greater picture this would be okay. However if there is to be a new access alongside No 33, the owner could approach the developer to provide a driveway off the new access? This would be an elegant solution. Summing up, I feel that the original comments should remain the same, i.e. no objections subject to conditions.*

The objector refers to condition 17 relating to overlooking, however they may have intended to raise concern with condition 15 as condition 17 relates the footway being provided through the site, and it is condition 15 which requires obscure glazing at plots 1 and 6.

As the application was made in outline, the layout plan was for illustrative purposes only. Issues of detailed design (including impact upon residential amenity) would be considered at the reserved matters stage and as such condition 15 would not be considered necessary.

#### Parish Council

Additional Comments have been received from the Parish Council as follows:-  
In terms of the original application, the PC is still opposed to the proposed removal of Condition 17 (Footway).

The PC fails to understand why you, as officer, are proposing changes to conditions in a planning application decision which have already been made and issued. The applicant has not requested the removal of conditions 16 and 18, and even if they do not meet the required tests of para206 of the NPPF, it must be for the applicant to challenge the condition, and not an officer of the same council that imposed the condition.

The PC objects most strongly to the removal of condition 18 which provides a solution to the parking problems which will be faced by the neighbour in 33 if the application proceeds. The offer of parking spaces on the site was made by the applicant prior to the Planning Committee meeting in January and the condition was requested as part of process whereby the application was approved. Removal of the condition must make that original decision unsound.

No alternative mechanisms have been proposed whereby the Committee can be assured that the offer made by the applicant will actually be upheld and a solution found to the neighbour's parking problem. If no such assurances can be found, then Condition 18 must remain in place.

#### Officer Response

The Case Officer reiterates the point that in a section 73 application such as this, a new decision notice is issued. In assessing the conditions attached on the initial application, the case officer must be satisfied that all conditions, not just those sought to be varied or removed, necessary tests as outlined in detail in the main

report. The case officer remains of the opinion that conditions 16, 17 and 18 would not meet the tests for the reasons given in the main report. The Local Planning Authority would leave itself open to challenge at appeal and potential application of costs awarded against them, if the tests had not been applied appropriately.

### **Item 13**

#### **Planning Application P15/2198/FUL – Tilsley Park Leisure Centre, Dumore Road, Abingdon**

##### Update

Additional comments have been received from County Highways and they conclude that there are no highway safety implications and no objection is raised. County Highways did advise that Highways England should be consulted on the potential impact on the A34.

Highways England have been consulted and they have no objection subject to condition about the lighting installation. They comment that:-

“The lights will not easily be seen from the A34, although they will be visible from a distance principally when travelling southbound. As we discussed, the running track with floodlights is actually nearer than this proposal. I have no evidence this has resulted in any accidents.”

Officer comment: Noted. A condition is recommended for the lighting scheme to comply with the submitted details.

##### Correction

Reference to the site notice under paragraph 3.1 is in error and should be deleted. A site notice is not a statutory requirement for this minor application.

References to ‘external lighting, lighting scheme and external court lighting’ in conditions 3, 4 and 5 should be replaced with ‘flood lighting’.

### **Item 14**

#### **Planning Application P15/V0584/FUL – Orchard Gardens, West Challow**

##### Parish Council

Additional comments from West Challow Parish Council as follows:

It appears to us that in his Summary of Consultations & Representations he has [the case officer] chosen to leave out several points raised which counter his arguments for recommending approval of this application. This gives a perception of bias on behalf of the Planning Officer in the information he seeks to bring to the Committee’s attention.

In particular we find it incredible that, in summarising the objections we submitted in November, he has not mentioned the point we made about the Vale's inability to show a 5 year housing land supply, when this is the very point on which his decision to recommend approval is based.

We are so concerned by this that we reproduce the point in full below and ask for your assurance that this will be brought to the attention of each member of the Planning Committee before the meeting on 25 November to ensure they have a proper opportunity to consider it:

"We understand that the NPPF states that if the local council cannot demonstrate a 5 year housing land supply, planning policies for the supply of housing will be considered out of date and that in such circumstances permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits. It is clear in this case that the adverse impacts of building two large houses in this unsustainable location would significantly and demonstrably outweigh any possible benefits, for the reasons we set out in our previous objections. Therefore the lack of a 5 year housing land supply should not influence the Planners' decision in this case. The decision should be made on the merits of the application itself and in accordance with the Vale's Local Planning Policies. The NPPF does not change the statutory status of the Local Development Plan as the starting point for planning decision making. The NPPF constitutes guidance and is only one material consideration in determining applications. We understand that some Appeals to Planning Inspectors and the Secretary of State have been allowed against the wishes of Local Authorities where they could not demonstrate a 5 year housing land supply but these have been much larger scale developments than the one proposed. Allowing the building of 2 large, high value houses will not significantly add to the 5 year housing land supply. Appeal decisions have also recognised that the absence of a 5 year housing land supply does not provide a carte blanche for housing development on any site in the countryside."

We are also extremely concerned that paragraph 6.6 of the report appears to state that the Vale Planning Officers' believe "the relevant housing policies of the adopted and emerging local plan hold VERY LIMITED material planning weight in the light of a lack of a 5 year housing supply". This is not what the NPPF states. It does not change the statutory status of the Local Development Plan as the starting point for planning decision making. Thousands of pounds of tax payers money have been spent on producing the adopted local plan and the emerging plan, which has already moved to the second stage of inspection. It is a very worrying state of affairs and gives the impression of being undemocratic, if there is a culture within the Planning Officers department of wholesale disregard for the carefully compiled and properly consulted upon Local Plan Policies, due to the technical issue of the Vale's inability to show a 5 year housing land supply at this point in time.

Under the old and emerging Local Plan Policies West Challow is not considered to be a suitable area for any development, it is considered to be part of the open countryside where no development should be permitted. It is therefore clearly not a sustainable location and for this reason and the cumulative effect of the numerous adverse impacts highlighted in the many objections received, it is obvious that the adverse impacts of building two large dwellings in West Challow

would significantly and demonstrably outweigh any perceived benefits and thus should not be approved under the NPPF. The Planning Officer's argument that the benefit of the proposal is to make a contribution to the 5 year housing supply is not credible as 2 new houses is an insignificant number. Likewise his argument that building 2 new houses in an unsustainable location will help maintain services (a church and a village hall) in the village and neighbouring settlements. The emerging Local Plan has clearly been carefully drafted by the Planners so as to comply with the NPPF and therefore, as West Challow is considered to be part of the open countryside within the Plan, it has clearly been adjudged to be an unsustainable location where building would not enhance or maintain the vitality of the rural community as envisaged by paragraph 55 of the NPPF, yet the Planning officer in this case seeks to argue the opposite.

### Officer Response

The officer recognises that two additional dwellings would not be significant in terms of a contribution to the 5YHS, however this would still be a contribution.

It is agreed that this would not on its own lead to support for the principle of the development. Rather that this is a consideration and benefit (all be it small) in the planning balance and consideration of the wider material considerations.

The site is well related to the settlement, and whilst this is not the most sustainable location, it is relatively close to the main centre of Wantage. West Challow as a settlement is also well related to neighbouring villages East Challow, and Childrey.

Paragraph 55 of the NPPF recognizes that where there are groups of smaller settlements, development in one village may support services in villages nearby.

The LPA have recently approved 2 dwellings in paddock area to the north east of the site (application P12/V2236/FUL). That site was similarly considered to be well related to the settlement.

The officer recognizes that the application is finely balanced, as is noted in the main report, however given the above, and in addition to the lack of a 5 year housing land supply, the application is considered to be acceptable.

### Comments from the Archaeology Officer (OCC) as follows:-

No objections subject to conditions requiring a watching brief from a qualified archaeologist during construction and submission of written scheme of investigation.

### Item 15

#### **Planning Application P15/V1974/FUL – 1 Coulings Close, East Hendred**

There are no updates for this item.

### Item 16

#### **Planning Applications P15/V2281/FUL and P15/V2282/A – Stratton Court, Abingdon**

There are no updates for this item.

### Item 17

#### **Planning Reference P15/V1305/FUL – Land between 'The Furrows' and 26 Stonebridge Road, Steventon**

There are no updates for this item.

**Item 18**

**Planning Reference P15/V2089/HH – 60 The Avenue, Kennington**

There are no updates for this item.

**Item 19**

**Planning Reference P15/V1893/FUL – 13 Cherry Tree Close, Southmoor**

There are no updates for this item.