

APPLICATION NO.	P15/V2077/O
APPLICATION TYPE	OUTLINE
REGISTERED	01.09.2015
PARISH	DRAYTON
WARD MEMBER	Stuart Davenport
APPLICANT	Blue Cedar Homes
SITE	10 Halls Close, Drayton
PROPOSAL	Outline application on land to the rear of 10 Halls Close, Drayton to provide up to 28 no. dwellings with all matters reserved except access (As amended by Drawing No: 14.070.SK13 (Site Layout) accompanying agent's letter dated 2 November 2015)
AMENDMENTS	One – layout changes as above
OFFICER	Peter Brampton

SUMMARY

This application comes to Committee due to an objection from Drayton Parish Council and the number of objections received from local residents.

The application relates to a paddock at the rear of 10 Halls Close, Drayton and seeks outline planning permission, with all matters reserved except for access, for 28 dwellings.

The main issues to consider in determining the application are:

- The principle of the proposed development in this location, with particular regard to the planning policy context, which includes the adopted Drayton Neighbourhood Plan (DNP)
- Whether the proposal is suitable to meet the district's five year housing supply deficit in terms of the sustainability of the site and the conflict with the policies of the DNP
- The impact of the development on the character of the area and wider landscape, which forms part of the Lowland Vale
- Whether the submitted illustrative masterplan is acceptable in terms of demonstrating that the proposed development can be accommodated on the site, and the relationship to existing development and the surrounding area
- Whether the proposed access onto Halls Close is acceptable and the wider impact of the proposal on the highway network

There are no technical constraints or objections to the development. Following the submission of amended plans, the illustrative design and layout are considered acceptable. The recommendation therefore turns on the tension between the policies and housing allocations of the DNP and the lack of a five year housing supply in the district.

Whilst considerable weight can be applied to the DNP, its policies that relate to the supply of housing and would prevent this development are out of date and so the presumption in favour of sustainable development outlined in the NPPF applies. When applying the balancing exercise required by the NPPF this is a case where the adverse effects do not significantly and demonstrably outweigh the benefits which have been identified.

Accordingly, the application is recommended for approval subject to conditions and a legal agreement to secure the affordable housing and the fully justified developer contributions towards key local infrastructure.

1.0 **INTRODUCTION**

- 1.1 This application relates to a site of around 1 hectare in size that lies to the south of Halls Close, a cul-de-sac development of ten houses. The site falls within the ownership of No.10 Halls Close and has the appearance of a paddock. The site is approximately rectangular in shape, generally flat and almost wholly featureless, save for some mature trees and a small stable building. Access to the land from Halls Close, independent of No.10 itself, is possible via a field gate.
- 1.2 The residential properties of Halls Close bound the site to the north. To the east lies further residential development. Directly south lies Little Smith Farm and to the west and southwest lies a site allocated for development in the Drayton Neighbourhood Plan (DNP). This site is the subject of a current application from Bloor Homes for 140 houses.
- 1.3 The site falls within the Lowland Vale landscape designation and also within Flood Zone One, the area at least risk of flooding.
- 1.4 It should be noted that the council has sought the advice of a QC in respect of this proposal, particularly focussing on matters of principle given the presence of the made Drayton Neighbourhood Plan (DNP). This advice is discussed in detail in Section 6 of the report.
- 1.5 A location plan is **attached** as Appendix One.

2.0 **PROPOSAL**

- 2.1 This application seeks outline planning permission for the erection of 28 dwellings on the site, with only access arrangements considered in detail. Matters of appearance, landscaping, layout and scale are reserved matters.
- 2.2 The application also does not seek to specify the housing mix, but does confirm that 11 of the units will be retirement homes for the over 55s, 11 units will be affordable housing (representing 40% of the total) and 6 units will be market housing. The retirement homes will be built and managed thereafter by the applicant, who specialises wholly in this type of age-restricted accommodation. The applicant intends to build out, and then sell, the affordable and market housing.
- 2.3 The existing detached garage serving No.10 Halls Close will be relocated to create sufficient space for an upgraded access into the land.
- 2.4 The Planning Statement accompanying the application confirms that the housing will be a mixture of bungalows, one ½ storey and 2 storey dwellings.
- 2.5 Following negotiations between officers and the applicant, the proposed indicative layout has been amended. Officers consider that the initial submission failed to demonstrate that the site could accommodate 28 units in a satisfactory manner whilst also providing appropriate open space, parking and connections into the adjacent land. The indicative layout now proposed also reacts to the recently submitted application by Bloor Homes on land to the south and west, creating the potential for future links between the two sites. The road layout also allows for future connectivity to the south, should this land be needed for development in the future.
- 2.6 The following documents have been submitted in support of the application:
- Planning Statement
 - Design and Access Statement

- Affordable Housing Statement
- Landscape and Visual Recommendations
- Arboricultural Impact Assessment and Tree Protection Plan
- Arboricultural Method Statement
- Ecological Appraisal
- Flood Risk Assessment and Drainage Strategy
- Ground Investigation Phase One report
- Historic Environment Desk-based assessment
- Transport Statement
- Utilities Statement
- Foul Water Strategy

Extracts from the current application drawings are **attached** at Appendix 2.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 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.

<p>Drayton Parish Council</p>	<p>Objects. Their main concerns on the original scheme may be summarised as follows:</p> <ul style="list-style-type: none"> • The site is not an approved housing development site within the Drayton Neighbourhood Plan (DNP) • To approve this proposal, contrary to the DNP, would be contrary to public interest and would undermine local democracy and the Localism Act • The DNP allocates sufficient housing to the village to meet the emerging housing target for the Vale • Development represents an extension beyond the defined built limits of the village, contrary to the DNP • Layout suffers from poor connectivity • Lack of play area on site • Traffic Issues, including the junction with the High Street and parking • Increased flooding • Foul sewer capacity • Archaeology <p>The Parish Council maintain their objection following the submission of the amended plans, raising the following additional concerns:</p> <ul style="list-style-type: none"> • Although open space is now adequate, the layout does not relate well to the adjacent site allocated for housing and currently subject of a planning application • Travel Plan is inadequate <p>The full response of the Parish Council to the original and amended submission is attached as Appendix 3.</p>
<p>Neighbours</p>	<p>15 letters of objection have been received. The main concerns raised may be summarised as follows:</p> <ul style="list-style-type: none"> • Site is not allocated in the DNP • Additional traffic on local roads

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	<ul style="list-style-type: none"> • Loss of agricultural land • Harm to amenity of neighbouring properties • Increased flood risk • Lack of capacity in foul sewer network • Inappropriate housing mix • Development could not achieve a high level of sustainable construction
Ed Vaizey MP	<p>Objection</p> <ul style="list-style-type: none"> • Site is not allocated in the DNP
Planning Policy	<p>Objection</p> <ul style="list-style-type: none"> • Site is not allocated in the DNP and is not supported by any other policies in the DNP, the emerging Local Plan nor the existing Local Plan 2011
Oxfordshire County Council Highways	<p>No objections</p> <ul style="list-style-type: none"> • Section 106 contribution requests to improving frequency of x1 (Wantage-Harwell-Didcot-Sutton Courtenay-Abingdon-Oxford) and x2 (Wallingford-Didcot-Steventon-Abingdon-Oxford) bus routes. £795 per dwelling requested, totalling £22,260 • Section 106 contribution request for £2,000 to improve bus stops at Halls Close • Conditions covering Travel Information pack, car and cycle parking, estate roads, visibility splays, construction traffic management plan and drainage requested
Oxfordshire County Council Archaeology	<p>No objections</p> <ul style="list-style-type: none"> • Conditions relating to Written Scheme of Investigation and programme of archaeological investigation requested
Oxfordshire County Council Education	<p>No objections</p> <ul style="list-style-type: none"> • Section 106 contribution of £50,076 to expansion of Drayton Primary school requested • No Section 106 contributions are requested to secondary school infrastructure as existing capacity is forecast to be sufficient • No Special Educational Needs education contribution is requested due to concerns of pooling of financial contributions as outlined in Regulation 123 of the Community Infrastructure Regulations 2010
Oxfordshire County Council Property	<p>No objections</p> <ul style="list-style-type: none"> • Section 106 contribution of £1,332.80 is requested to local library book stock • Section 106 contributions towards the local library itself, the central library, waste management, the museum resource centre and adult day care are not requested due to concerns of pooling of financial contributions as outlined in Regulation 123 of the Community Infrastructure Regulations 2010
Oxfordshire	No objections

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County Council Minerals and Waste	<ul style="list-style-type: none"> • Site lies in an area underlain by sand and gravel, of which the quality is uncertain • Existing site constraints such as existing housing mean this proposal would have limited impact on the amount of material that could be worked.
Environmental Protection Team	No objections
Thames Water Development Control	<p>No objections</p> <ul style="list-style-type: none"> • Requests Grampian style condition relating to foul sewers requiring a drainage strategy to be agreed prior to work commencing and for the agreed strategy to be implemented prior to occupation • No conditions required related to surface water drainage
Environment Agency	No comments
Drainage Engineer	<p>No objections</p> <ul style="list-style-type: none"> • Requests pre-commencement conditions relating to strategy for surface water drainage from the site and strategy for foul drainage
Leisure	<p>No objection</p> <ul style="list-style-type: none"> • Section 106 contributions in relation to local sport and recreation facilities requested and maintenance of on-site open space if adopted by the Parish.
Countryside Officer	<p>No objections</p> <ul style="list-style-type: none"> • Condition necessary to secure biodiversity mitigation, compensation and enhancement in line with proposals of Ecological appraisal accompanying the application
Housing	<p>No objections</p> <ul style="list-style-type: none"> • Confirms mix of housing and tenure types needed for a policy compliant provision of affordable housing
Urban Design Officer	<p>No overall objection following receipt of amended plans</p> <ul style="list-style-type: none"> • Design of footpath connecting the two vehicular routes is poor • At detailed design stage, Plots 5-9 will need to be double fronted units to ensure an active frontage to the south • Boundary treatments will be a key element of any detailed application • Different surface materials will help clarify the road hierarchy at the detailed application stage • Need for defensible space between public and private spaces – particularly Plot 16 and the apartment block • Apartment block is dominated by a parking court and the communal amenity space is compromised as a result
Landscape Architect	<p>No overall objections</p> <ul style="list-style-type: none"> • No objection with regard to landscape and visual impact. The proposal will have a localised moderate to minor landscape harm and a minor visual harm on the Lowland Vale.

	<ul style="list-style-type: none"> Impacts relate to the extension of the village form southwards and the impact on views from the bridleway to the south
Forestry Officer	<p>No overall objections</p> <ul style="list-style-type: none"> Most of the trees to be felled are young and in good condition – they would be replaceable within a new landscaping scheme A mature Ash tree (T9 within the arboricultural survey) should be retained within a detailed layout The proposed retention of an mature Oak (T10) is welcomed but a detailed layout would exclude the current proposed development within the root protection area of this tree The orchard (G2) should also be retained
Waste Management	<p>No objections</p> <ul style="list-style-type: none"> Section 106 financial request towards provision of wheeled bins for each house requested General comments on council's waste contract provided

4.0 **RELEVANT PLANNING HISTORY**

4.1 **P14/V2078/SCR** – EIA not required (01/10/2015)

Request for screening opinion relating to residential development

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.

Policy No.	Policy Title
GS1	Developments in Existing Settlements
GS2	Development in the Countryside
DC1	Design
DC3	Design against crime
DC5	Access
DC6	Landscaping
DC7	Waste Collection and Recycling
DC8	The Provision of Infrastructure and Services
DC9	The Impact of Development on Neighbouring Uses
DC12	Water quality and resources
DC13	Flood Risk and Water Run-off
DC14	Flood Risk and Water Run-off
H11	Development in the Larger Villages
H13	Development Elsewhere
H15	Housing Densities
H16	Size of Dwelling and Lifetime Homes
H17	Affordable Housing
H23	Open Space in New Housing Development
HE10	Archaeology
NE9	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:-

Policy No.	Policy Title
Core Policy 1	Presumption in favour of sustainable development
Core Policy 2	Co-operation on unmet housing need for Oxfordshire
Core Policy 3	Settlement hierarchy
Core Policy 4	Meeting our housing needs
Core Policy 5	Housing supply ring-fence
Core Policy 7	Providing supporting infrastructure and services
Core Policy 8	Spatial Strategy for Abingdon & Oxford Fringe sub-area
Core Policy 22	Housing mix
Core Policy 23	Housing density
Core Policy 24	Affordable housing
Core Policy 33	Promoting sustainable transport and accessibility
Core Policy 35	Promoting public transport, cycling and walking
Core Policy 36	Electronic communications
Core Policy 37	Design and local distinctiveness
Core Policy 38	Design strategies for strategic and major development sites
Core Policy 39	The historic environment
Core Policy 42	Flood risk
Core Policy 43	Natural resources
Core Policy 44	Landscape
Core Policy 45	Green infrastructure
Core Policy 46	Conservation and improvement of biodiversity

5.3 Supplementary Planning Guidance

- Design Guide – March 2015
The following sections of the Design Guide are particularly relevant to this application:-
 - Responding to Site and Setting*
 - *Character Study (DG6) and Site appraisal (DG9)*
 - Establishing the Framework*
 - *Existing natural resources, sustainability and heritage(DG10-13, 15, 19)*
 - *Landscape and SUDS (DG14, 16-18, 20)*
 - *Movement Framework and street hierarchy (DG21-24)*
 - *Density (DG26)*
 - *Urban Structure (blocks, frontages, nodes etc) DG27-30*
 - Layout*
 - *Streets and Spaces (DG31-43)*
 - *Parking (DG44-50)*
 - Built Form*
 - *Scale, form, massing and position (DG51-54)*
 - *Boundary treatments (DG55)*
 - *Building Design (DG56-62)*
 - *Amenity, privacy and overlooking (DG63-64)*
 - *Refuse and services (DG67-68)*
- Open space, sport and recreation future provision – July 2008
- Sustainable Design and Construction – December 2009
- Affordable Housing – July 2006

- Flood Maps and Flood Risk – July 2006
- Planning and Public Art – July 2006

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

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

5.6 **Neighbourhood Plan**

Drayton has an adopted neighbourhood plan which carries full weight. The plan includes allocations for about 250 dwellings across three sites, defines a settlement boundary for the village outside which development is restricted and allocates land for non-residential uses. The plan is supported by an evidence base and sustainability appraisal. The Sustainability Appraisal considered alternative sites to its allocations, including this site.

The 250 dwellings proposed within the Neighbourhood Plan are intended to contribute towards the requirement of 5,438 dwellings identified for the Abingdon-on-Thames and Oxford Fringe sub-area within the emerging Local Plan 2031.

Environmental Impact

- 5.7 Prior to the submission of this application, the applicants requested a screening opinion for residential development on the land (See Para 4.1). The council confirmed its opinion was that an EIA was not required for residential development on this site.

Other Relevant Legislation

- 5.8
- 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 **Case Law and Appeal decisions**

The council has had due regard to the following recent case law when assessing this application. These cases have also factored into the QC opinion received by the council during the assessment of the application.

- Crane v SSCLG [2015] EWHC 425 (Admin)
- Woodcock Holdings Limited v SSCLG [2015] EWHC 1173 (Admin)
- Wenman v SSCLG [2015] EWHC 925 (Admin)

The following appeal decisions are also relevant

- APP/H2835/A/14/2221102 – 39 houses at Earls Barton, Northamptonshire
- APP/P1615/A/14/2218921 – 200 houses at Lydney, Gloucestershire

5.10 **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.

5.11 **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**

The relevant planning considerations in the determination of this application are:

1. Principle of the development
2. Locational Credentials
3. Affordable Housing and Housing Mix
4. Design and Layout
5. Residential Amenity and future living conditions
6. Landscape and Visual Impact
7. Open Space and Landscaping
8. Flood Risk and Surface/Foul Drainage
9. Traffic, Parking and Highway Safety
10. Protected Species and Biodiversity
11. Archaeology
12. Developer Contributions

The Principle of Development

- 6.1 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 for this application currently comprises the saved policies of Vale of White Horse Local Plan 2011 and the Drayton Neighbourhood Plan (DNP). 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).
- 6.2 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.
- 6.3 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. As of March 2015, the housing land supply in the district is 4.2 years.
- 6.4 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.
- 6.5 How the DNP sits with the requirements of Paragraph 49 is a key factor in this case. The Council's QC advice is quite clear on this point, stating, *"Therefore, notwithstanding the very recent adoption of the DNP, its relevant policies for the supply of housing must be treated as out of date, it being a component of the development plan. This will include the extent of its housing allocations and their "obvious counterpart", the defined settlement boundary."*

- 6.6 The relevant housing policies of the adopted and emerging local plan (including the DNP) hold reduced material planning weight in light of the lack of a 5 year housing supply. The weight that can be applied to the DNP is different to the adopted Local Plan due to how recently it was adopted, its degree of consistent with the NPPF as a whole and the policies of the NPPF relating to neighbourhood plans.
- 6.7 Nonetheless, this application still needs to be considered against the NPPF and its presumption in favour of sustainable development (Paragraph 14). Sustainable development is seen as the golden thread running through the decision making process. This means that the adverse impacts of a development would need to significantly and demonstrably outweigh the benefits if the proposal is to be refused. In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles.
- 6.8 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.
- 6.9 Drayton is one of the district's larger villages and is around 3 miles south of Abingdon, the largest town in the Vale. As such, the principle of new housing in Drayton is acceptable and accordingly the DNP allocates three sites for housing in Drayton, totalling about 250 houses. This site is not one of them. This site also sits outside the defined settlement boundary of the DNP, and ordinarily would be dismissed out of hand were it not for the fact this policy must be considered out of date.
- 6.10 The central issue to whether this scheme represents sustainable development is the tension between the DNP which seeks to allocate housing in line with the SHMA requirement and resist housing on unallocated sites outside the village boundary against the overall lack of supply in the district. This is a relatively untested area of planning, and in making their recommendation, officers have had due regard to the limited relevant case law listed at Para 5.9.
- Case Law discussion*
- 6.11 The Crane case relates to the provision of 111 dwellings on open undeveloped land at Broughton Astley in Harborough. The Core Strategy for the District proposed at least 400 dwellings in Broughton Astley, based on a revoked Regional Plan figure that was not compliant with the NPPF requirement for an objectively assessed housing need (OAN). Thus, there was insufficient housing land supply. In January 2014, the Broughton Astley neighbourhood plan was made, allocating three sites for housing to a total of 528 dwellings, in excess of the 400 required by the Core Strategy. The Crane site was not one of the allocated sites. The Neighbourhood Plan also sought to secure improvements to recreation, leisure, retail and employment alongside the housing growth and so is comparable to the DNP.
- 6.12 The District Council refused the Crane application and the appeal was recovered by the Secretary of State (SoS) once his Inspector recommended allowing the appeal. The Inspector noted that the neighbourhood plan had considered and rejected this site, the neighbourhood plan would help address housing land supply shortfall and that allowing the appeal would have a demoralising effect in terms of local perception of the value of neighbourhood planning but it would not render the process as a whole pointless.

- 6.13 The Inspector attached only moderate weight to the conflict with the Neighbourhood Plan and concluded the benefits in allowing the appeal outweighed that harm. The SoS took a different view, attaching “*very substantial negative weight*” to the conflict between the proposal and the Neighbourhood Plan. This, when coupled with identified landscape harm, led the SoS to conclude the overall harm significantly and demonstrably outweighed the benefits of housing.
- 6.14 The SoS decision was challenged by the applicant at the High Court and the claim was rejected. Justice Lindblom made clear the NPPF does not prescribe how much weight should be given to policies that are out of date. Instead the weight given to such policies “*will vary according to the circumstances, including, for example, the extent to which the policies actually fall short of providing for the required five year supply, and the prospect of development soon coming forward to make up the shortfall.*” Justice Lindblom then went on to reiterate that “*the critical question*” was whether the benefits of the development were significantly and demonstrably outweighed by the harm. Justice Lindblom was satisfied that the SoS had carried out this balancing exercise and had not erred in law in concluding the harm did significantly and demonstrably outweigh the benefits.
- 6.15 It is important to note that the SoS gave “*substantial weight*” to the ability of the proposal to assist in addressing the housing land supply shortfall. However, the SoS gave “*very substantial [negative] weight*” to the conflict with the neighbourhood plan, attaching great importance to Paragraph 185 of the NPPF which states, “*neighbourhood plans will be able to shape and direct sustainable development in their area.*” The SoS also referenced Paragraph 198 of the NPPF which includes a presumption against development that “*conflicts with a neighbourhood plan.*”
- 6.16 The Woodcock case related to a proposal of 120 dwellings at Sayers Common, West Sussex, which is close to and within the same parish as Hurstpierpoint, which had an emerging Neighbourhood Plan that allocated four housing sites for around 252 dwellings, which was within the identified housing range for the parish. No allocations were proposed at Sayers Common, where development was proposed to be capped at 40 dwellings. The neighbourhood plan included a settlement boundary like the DNP.
- 6.17 The Inspector recommended the appeal be allowed but the SoS disagreed as the proposal conflicted with the emerging Hurstpierpoint and Sayers Common Neighbourhood Plan. There were no technical objections to the proposal. Again, the applicant challenged the SoS decision in the High Court and in this instance Justice Holgate agreed with the applicants claim. Crucially, in this instance the SoS did not apply paragraph 49 as he did not regard it as applicable to draft development plans. Justice Holgate found this approach was wrong, inadequate and contrasted unfavourably with the reasoning he had given in the Crane case. Justice Holgate placed particular weight on the fact “*the draft neighbourhood plan did not proposed any allocations at Sayers Common or discuss the relative merits of sites. It merely proposed, in the absence of a core strategy or [OAN] to cap the number of new dwellings for the village...*” As the SoS had failed to acknowledge that Paragraph 49 was engaged, he had also failed to apply the planning balance exercise required by Paragraph 14. The SoS had not demonstrated that the harm from this proposal “*significantly and demonstrably*” outweighed the benefits.
- 6.18 One recent appeal case determined by the SoS relevant to this application is the Earls Barton case, which was a proposal for 39 dwellings in an area without a five year supply but with an emerging neighbourhood plan that was approaching

referendum. The neighbourhood plan allocated land for a mixed use development that included 280 dwellings and planning permission had already been granted. Again, this neighbourhood plan included a settlement boundary policy.

- 6.19 The SoS confirmed that the housing supply policies in the district were out of date and identified a supply of only 3.58 years. The SoS noted that the site was well contained and there was no landscape harm. The SoS concludes *“In terms of the location of the appeal site and its relationship to Earls Barton, the Secretary of State agrees with the Inspector that there is little to demonstrate that the proposal would be unacceptable. There is a wide range of services and facilities in the village...and the proposal would make contributions via the S106 Undertaking to expanding these provision...”*
- 6.20 The SoS accepted that the development conflicted with the emerging neighbourhood plan, which had been through examination and thus had significant weight. However, the SoS concluded that the harm did not significantly and demonstrably outweigh the benefits of this sustainable development. He noted local concern about the cumulative effect of development on the load road network, schools and medical services but considered the financial contributions appropriate mitigation. The application was allowed on appeal.
- 6.21 The most recent relevant appeal decision determined by the SoS relates to the Lydney case, which proposed 200 dwellings, again in a district without a five year supply but with an emerging Local Plan and an emerging neighbourhood plan that was approaching referendum. The Lydney neighbourhood plan allocated land for housing, but this site was not one of those allocations. The SoS concluded that, *“the lack of a [housing land supply] and the contributions that the appeal proposal would make to increasing the supply of market and affordable housing weigh substantively in favour of the appeal. Also weighing in favour of the appeal are...social, economic and environmental benefits...”*
- 6.22 However, the SoS proceeded to give “moderate” weight to the conflict with the emerging Local Plan and the emerging Neighbourhood Plan and further “moderate” weight to adverse impacts on the landscape and character of the area. The SoS also gave “limited” weight to traffic impacts and to harm to air quality. The SoS concludes, *“Overall...the adverse impacts of the appeal proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the [NPPF] when taken as a whole.”*
- 6.23 *Planning Balance in respect of this case*
The Council’s QC has derived the following principles from the Crane and Woodcock cases:
- Paragraph 49 of the NPPF does not displace the statutory presumption in favour of the development plan. Section 38 (6) applies to out of date policies, but the weight afforded to those policies is influenced by Paragraph 49 being engaged in times of housing land shortfall
 - Paragraph 49 does not prescribe the weight to be given to policies which are out of date – this is left to the decision maker
 - It can be inferred the presumption in favour of sustainable development weighs against out of date housing policies
 - Paragraph 198 of the NPPF does not afford neighbourhood plans any special status in terms of the application if Paragraph 49 – i.e. the decision maker cannot give a neighbourhood plan that is out of date any more weight than an out of date Local Plan policy, regardless of the age of the respective plans
 - The weight to be afforded to out of date policies will turn on case-by-case

circumstances that will include the extent to which the neighbourhood plan complies with Paragraphs 184 and 185 of the NPPF, the extent of the housing shortfall and the prospect of development soon coming forward to address the shortfall

- However much weight is applied to out of date polices, the critical balance of whether the harm significantly and demonstrably outweighs the benefits remains.
- A decision maker can attach very significant weight to conflicts with out of date polices

- 6.24 The Council's QC considers that the Earls Baron appeal demonstrates that where there is a significant shortfall in the five year supply, no early prospect of that being addressed and a modest sustainable development comes forward, conflict with a neighbourhood plan is unlikely to outweigh the presumption in favour. The Lydney appeal decision was published after the QC completed his advice note.
- 6.25 From the review of these cases, the Council's QC advises that the following factors should be taken into account as part of the planning balancing exercise for this case:
- i. The extent of the housing land supply deficit
 - ii. The steps the Council are taking to address that shortfall, and the length of time over which it is likely to persist
 - iii. The extent to which the DNP makes provision for the OAN and addressing that shortfall
 - iv. The scale of the contribution from the proposal itself to addressing that shortfall
 - v. The implications of permitting the application for the development strategy of the Neighbourhood Plan – for example, would it frustrate, inhibit or delay any of its proposals
 - vi. The consideration given to the application site within the DNP making process and the reasons for preferring the alternatives
 - vii. The local impacts of the application proposal and their significance
- 6.26 To consider each of these points in turn, the Council has recently published an updated position in respect of housing land supply as part of the necessary Hearing Statement for the Local Plan Examination in Public scheduled for February 2016. This confirms that the Council has 4.2 years of supply at the current time. This is a significant deficit to which substantial weight should be attached in the planning balance.
- 6.27 The emerging Local Plan 2031 intends to allocate sufficient land for housing to provide the district with a five year supply. It is intended that the Local Plan will be adopted in the latter half of 2016. However, as outlined above, this plan has relatively limited weight at this time, particularly due to the significant level of unresolved objections that remain at the time of writing. These objections will be considered at the forthcoming Examination in Public of the Plan.
- 6.28 Officers are mindful that the DNP allocates land for 250 houses. This is in excess of the 200 houses that an earlier version of the emerging Local Plan intended for the village prior to the DNP being progressed. Significant weight can be afforded to these allocations in the planning balance as it can clearly be argued that the DNP is making a meaningful contribution to addressing the housing shortfall in the district. However, it is important to note that no final allocation of housing numbers to the village was agreed in the preparation of the Local Plan 2031 and the final DNP allocations did not need to be rigorously tested against the OAN in the same way the

Local Plan would. In the Crane case, the neighbourhood plan sought to overprovide for the Core Strategy housing requirement, whilst in the Woodcock case, there was an under-provision against housing requirements and the Neighbourhood Plan still sought to “cap” housing numbers. This was an important point that allowed the planning balance to fall in support of the neighbourhood plan in the Crane case.

- 6.29 Given the relatively small scale of this development, officers accept that the contribution this development would make to the housing shortfall in the Vale is minor. However, similarly, the harm the development will cause is equally limited. The Council’s QC concludes on this point, *“The scale of the proposed development is important to the balance in two respects. Firstly, a smaller scheme will make less of a contribution to addressing the shortfall and, therefore, whilst the housing benefit should still be accorded substantial weight, that weight will be less than would be given to a larger scheme. Secondly, on the other side of the balance, the smaller the scheme, in general the less impact it will have on the strategy of the neighbourhood plan and district planning strategy.”*
- 6.30 Paragraph 183 of the NPPF states, *“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”* Paragraph 184 of the NPPF states *“The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them.”*
- 6.31 Officers are satisfied that the DNP is aligned with the emerging strategic policies for the Vale, particularly in the manner in which it allocates housing. However, the fact the DNP has come forward ahead of the adoption of the Local Plan has led to the policy “vacuum” that makes the DNP housing policies out of date. Crucially, officers are satisfied that allowing housing to come forward on this site will not frustrate, inhibit or delay the allocations of the DNP. Indeed, at the time of writing, an application for one of the allocated sites has been approved, whilst a current application has been lodged for a second. This proposal can be built out independently of these allocations, although officers have worked to ensure potential links between this site and the adjacent site, which is allocated for housing and the subject of a current application from Bloor Homes, are possible in the future
- 6.32 To that end, officers are satisfied that the overall strategy of the DNP would not be significantly undermined by this site coming forward for housing. As is discussed later in the report, the development is considered to be in accordance with the relevant policies of the DNP, apart from those considered out of date due to the lack of housing supply.
- 6.33 It is a crucial point that this site was considered as part of the DNP sustainability appraisal and identified as having longer term development potential. Officers accept that the allocated sites were assessed as more sustainable options. But the DNP sustainability appraisal found no technical reasons why this site should not come forward for housing. This ties with officers’ own assessment of this particular scheme, which are discussed in more detail in later sections of this report.
- 6.34 In addition, there is no evidence that a further 28 dwellings would place an unacceptable strain on village services or facilities or would be considered

unsustainable development when assessed against the relevant development management policies of the NPPF.

- 6.35 The DNP sustainability appraisal confirms that this site was simply promoted too late in the process to allow appropriate public consultation whilst keeping to the committed DNP timetable. The document states, *“Drayton 2020 declined to meet with Blue Cedar Homes on the grounds that it was not possible to publicly consult on a further site and still keep to our tight timetable of getting to referendum stage by Feb 2015. We could not set a precedent that might encourage yet more landowners to come forward, in which case the Plan might have been postponed indefinitely. In any case, the whole purpose of the Plan was to put decisions in the hands of local people, and prevent developers from sidestepping the Plan process with speculative applications. The decision to not review any more sites is **not** based on the suitability of those sites. Drayton agrees with the SHLAA that DRAY13 is suitable in principle for development – but not within the current Plan period to 2031.”*
- 6.36 Whilst Officers acknowledge the sound reasons why this site was not promoted through the DNP, these reasons do not carry significant weight in the assessment of this application due to the lack of housing supply.
- 6.37 Officers are mindful of the argument that the DNP allocates its “fair share” of the OAN and thus the village should be protected from further speculative development in response to the five year supply shortfall. On this point, the Council’s QC concludes, *“I would caution against relying on any kind of “fair share” argument. Unless there is evidence that the strategy of a neighbourhood plan will be materially prejudiced by additional development or that local services or facilities could not cope with the additional burden of development, the fair share argument has no planning substance. As an argument this is tantamount to a claim that neighbourhood plans are entitled to special treatment in the context of paragraph 49 which would be contrary to the Woodcock judgment.”*
- 6.38 Finally, as the later sections of this report consider, the local impacts of this proposal are relatively limited, both in terms of their amount and their significance.
- 6.39 Thus, overall, the judgement on the acceptability of the principle of this case is very finely balanced. Paragraph 198 of the NPPF states, *“Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.”* It is of course the case that, were it not for the fact the DNP policies relating to housing are out of date, this scheme would be refused. However, the case law summarised above makes clear that it is to the individual decision maker to decide how much weight can be applied to out of date policies. In the planning balance, officers have attached great weight to the policies of the DNP. This is particularly the case as the DNP seeks to allocate housing in line with the emerging housing target of the Vale of White Horse Local Plan 2031.
- 6.40 However, as outlined above, the extent of the housing shortfall within the Vale remains significant and substantial weight must be afforded to this fact in the planning balance. It is clear that Paragraph 14 of the NPPF is engaged, which confirms the presumption in favour of sustainable development applies, stating, *“where the development plan is absent, silent or relevant policies are out of date, [this means] granting permission unless...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole...”*
- 6.41 Given the lack of technical objections to the scheme, the main adverse impact of

allowing this scheme is the conflict with the DNP. However, as outlined above, the approval of this proposal will not prevent, nor delay, the DNP growth strategy being implemented. The sustainability appraisal supporting the DNP found no reason to resist the site coming forward apart from timing and that other sites were preferable.

6.42 In terms of the benefits, the development will provide housing to address the shortfall in the district in a sustainable manner. It will provide 11 specialist housing for the elderly, for which there is an identified need in the district and 11 affordable units which again there is a clear need. Significant weight must be applied to these benefits.

6.43 It is important to note that the planning balance in this case is not a “flat” balance of the benefits against the harm. Due to the presumption in favour of sustainable development that applies, it is not enough for the harm to outweigh the benefits. That harm must “*significantly and demonstrably*” outweigh the benefits. This is a very high bar for the harm to clear. Officers have reached the carefully considered conclusion that the identified harm does not significantly and demonstrably outweigh the benefits of this scheme and so the principle of this application should be supported.

Cumulative Impact

6.44 The NPPF does not suggest that populations of settlements should be limited in some way or not be expanded by any particular figure. It expects housing to be boosted significantly. Through the preparation and adoption of the DNP, it has been ascertained that the village can expand by 250 dwellings in a sustainable manner. The addition of a further 28 dwellings to this would represent only an 11.2% increase beyond the allocations of the DNP. This is not considered significant. Furthermore, no technical consultee has raised objection to the scheme based on its cumulative effects with other development in Drayton or the wider area. Financial contributions have been agreed to local infrastructure where those contributions are necessary, related and proportionate to the impacts of this development.

Locational Credentials

6.45 The NPPF requires the need to travel to be minimised and the use of sustainable transport modes to be maximised (paragraph 34). Drayton is one of the district’s larger villages and boasts a good range of services that can support, and benefit from, an increase in the population. The site lies immediately adjacent to the existing built limits of the village and lies less than 80 metres from the High Street. From here, the Wheatsheaf and Red Lion public houses and the village Post Office are within 400-500 metres walk. The recreation ground is around 800 metres walk whilst the primary school is within a kilometre. All of these facilities can be accessed by pedestrians easily via existing footpaths.

6.46 Bus services operate along the High Street, particularly the X1 service that links Wantage to Oxford via Harwell, Didcot and Abingdon. There are bus stops next to the junction of Halls Close and the High Street. The X2 service operates from the Abingdon Road, which also links the village to Oxford, Didcot, Abingdon and Wallingford. The proximity of Drayton to Abingdon is also an important factor, with Abingdon being the largest settlement in the district.

6.47 In terms of its location relative to existing facilities, the ease of footpath links to those facilities and the availability of regular bus services, the proposal is considered a sustainable form of development and provides the opportunity to minimise travel and maximise the use of non-car modes of transport.

Affordable housing and housing mix

- 6.48 The application makes provision for 40% affordable housing which accords with Policy H17 of the adopted local plan. As the application is in outline form, the applicant has chosen not to specify the housing mix. Nonetheless, the council's housing officer has confirmed that the affordable housing mix and tenure split will need to be as shown in the below table to meet local needs.

	1 bed	2 bed	3 bed	4+ bed	Total
Rent	2	4	1	1	8
Shared Ownership	0	3	0	0	3
Total	2	7	1	1	11

- 6.49 Policy H16 of the Adopted Local Plan requires 50% of market houses to have two beds or less. However, as stipulated at paragraph 47 of the NPPF this policy is out of date as it is not based on recent assessments of housing need. The Oxfordshire Strategic Housing Market Assessment 2014 (SHMA) is the most recent assessment and estimates the following open market dwelling requirement by number of bedrooms (2011 to 2031) for the District:

	1 bed	2 bed	3 bed	4+ bed	Total
SHMA %	5.9%	21.7%	42.6%	29.8%	100%

- 6.50 The application is submitted in outline and therefore the details of mix have not been provided. It would therefore be expected that any reserved matters submission should reflect as far as possible the mix set out above but also reflect the edge of village location.

Design and Layout

- 6.51 The NPPF provides that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 60). It gives considerable weight to good design and acknowledges it is a key component of sustainable development.

- 6.52 A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (Policies DC1, DC6, and DC9). In March 2015 the council adopted its design guide, which aims to raise the standard of design across the district. The assessment below is set out in logical sections similar to those in the design guide however it must be acknowledged that this is an outline application with all matters reserved other than access therefore the masterplan is illustrative. As and when reserved matters are submitted the scheme would also need to be assessed against the detailed design policies in the DNP.

Site, Setting and Framework

- 6.53 Principle DG26 of the design guide states that density should be appropriate to the location, and it requires a range of densities for larger development proposals. Policy H15 of the adopted local plan requires densities of at least 30 dwellings per hectare. The proposed development aims to deliver a density of around 28 dwellings per hectare within the residential area of the site. This is higher than Halls Close and other surrounding residential development, which is generally very low density. However, given the need to secure an efficient use of land as required by the Local Plan policy, this density can be accepted.

- 6.54 In terms of the site setting, one of the key opportunities is the ability to link the site with the adjacent allocated site. The amended layout places the public open space next to the shared western boundary with the adjacent site and demonstrates where a future link between the two could be established. At the time of writing, the current

application for this allocated site (Planning Ref: P15/V2447/FUL) is at an early stage. However, it is likely to be determined before any reserved matters application comes forward on this site, so that detailed proposal will need to react to any approved layout on the adjacent land.

Spatial Layout

- 6.55 Throughout iterations of the layout, the applicant has made clear the need for the retirement homes to benefit from a separate access drive and for the site to be effectively split into two. This is due to the fact the applicant will continue to manage the retirement homes whilst the remaining units will be sold. This separation is not normally acceptable as it fails to deliver properly integrated communities. However, on a site of this relatively small size and given the particular nature of the proposal, this does not represent a reason to refuse consent. The amended illustrative layout does include a pedestrian link between the two “halves” of the development which is welcomed. However, as noted by the urban design officer, the footpath currently shown suffers from poor natural surveillance and this will need to be addressed by a detailed application.
- 6.56 In the northern part of the site, the housing backs onto the private boundaries of Halls Close and this is acceptable. The open space is well-integrated, being a central part of the layout within the market/affordable housing part of the site and enjoys good natural surveillance. An apartment block in the southwestern corner of the site has an “L” shaped plan form that allows active surveillance of the open space to the north, the access road to the side and the open countryside to the south. This apartment block is regrettably dominated by parking and the communal private amenity space is lacking. Redressing this balance would be a matter for the detailed application.
- 6.57 The retirement housing backs onto the open countryside to the south and this is not normally acceptable. However, the applicant has confirmed their intention to use “dual-fronted” housing in this part of the site. This is a matter of detail, as is the associated boundary treatments that will be crucial in ensuring this site faces outwards.

Built form

- 6.58 Although illustrative at this stage the Planning Statement refers to the built form of the development as being largely of single, one ½ and two storey dwellings. This reflects the scale of development within the immediate surrounding area as recommended by principle DG51, and also the need for retirement accommodation. It is intended that where necessary, buildings will turn corners and provide landmark features to aid legibility through the development as required by principle DG30 of the design guide.
- 6.59 Parking is mainly on plot and where a parking court is proposed to serve the apartment block, it will be well-overlooked. Landscaping is a reserved matter and the details will need to ensure that the on street parking is softened by landscaping to prevent large expanses of tarmac as recommended by principle DG46.
- 6.60 Overall it is considered that the illustrative layout is largely acceptable and if followed to reserved matters will result in a high quality scheme as recommended by the NPPF. The detailed scheme will need to pay particular attention to the requirements of the Drayton DNP, in particular Policies P-LF3, P-LF6, P-H4 and the associated DNP Design Guide.
- 6.61 **Residential Amenity and future living conditions**

Adopted local plan 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. Protecting amenity is a core principle of the NPPF. Design principles DG63-64 of the Design Guide pertain to amenity, privacy and overlooking.

- 6.62 The indicative layout indicate that the 21 metre back-to-back distance between the new and existing properties can be achieved, with the exception of 10 Halls Close itself. However, judging by the relative footprints of the proposed dwellings in this part of the site, the housing adjacent to No.10 will be bungalows, thereby mitigating the harm caused by the reduced distance between the two. This is a matter for a detailed application.
- 6.63 In all other respects, the illustrative masterplan demonstrates this quantum of development can be accommodated without material harm to neighbouring amenity.
- 6.64 Without a definitive housing mix, it is hard to be clear as to whether the illustrative masterplan demonstrates that the occupants of the new properties will benefit from appropriate house and garden sizes. However, generally, the houses all enjoy good sized gardens. The main concern for the detailed application in this respect will be the communal amenity space for the apartment block, which appears clearly deficient at the current time. However, it is noted that these residents benefit from the immediately adjacent public open space.

Landscape and Visual Impact

- 6.65 The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph 109). This site falls within the Lowland Vale, which is a local landscape designation. Policy NE9 of the Local Plan seeks to protect the long, open views that characterise this part of the district.
- 6.66 In considering the landscape impact of this proposal, it is important to highlight the housing allocation to the west and southwest. This is a much larger single field and its development will impact the landscape to a greater degree than this proposal. Once that site is developed, which appears highly likely, the landscape value of this site will be reduced and consequently so is the harm from it being developed for housing. In consultation, the council's landscape architect has confirmed the harm to the local landscape from this proposal will be "moderate to minor". The landscape architect also considers that the impact on long open views will be minor.
- 6.67 Given the above, officers are satisfied that the landscape impact of this proposal is not a reason for objection. A detailed scheme will need to ensure that sufficient space is left to site boundaries to preserve existing hedgerows and mature vegetation that the applicant intends to retain.

Open Space, Landscaping and Trees

- 6.68 Adopted Local Plan Policy H23 of the adopted Local Plan requires a minimum of 15% of the residential area to be laid out as open space. The illustrative layout for this scheme demonstrates that in excess of 15% open space can be provided. This could, in part, mitigate the lack of communal amenity space for the apartment block.
- 6.69 The current proposals for the site suggest the removal of a mature Ash tree. Whilst the tree does not benefit from any formal protection, it is a high quality tree that offers amenity value to the site. Officers consider it could, and should, be retained within the layout. The illustrative masterplan shows a garage block in the approximate location of the Ash tree. This part of the site could easily be amended to retain this

tree.

6.70 The illustrative masterplan also shows the retention of a mature Oak tree. This is welcomed although some re-alignment of the access road is necessary to ensure it can be retained. In addition, the council's forestry officer believes a small orchard in the southeastern corner of the site should be retained in any detailed application.

6.71 A number of smaller trees will need removal to accommodate this scheme but they can be replaced as part of a detailed landscaping scheme that would form part of any reserved matters application.

Flood Risk and Surface/Foul Drainage

6.72 The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). It states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution (Paragraph 109).

6.73 Adopted local plan policy DC9 provides that new development will not be permitted if it would unacceptably harm the amenities of neighbouring properties or the wider environment in terms of, amongst other things, pollution and contamination. Policy DC12 provides that development will not be permitted if it would adversely affect the quality of water resources as a result of, amongst other things, waste water discharge. Policies DC13 and 14 are not considered to be consistent with the NPPF, because they do not comply with paragraphs 100 to 104 which require a sequential approach to locating development and provide that flood risk should not be increased elsewhere.

Surface Water

6.74 The application site falls within Flood Zone One, the area at least risk of flooding. Therefore, the main risk of flooding from this development relates to surface run off in times of rainfall. The application is supported by a Flood Risk Assessment that proposed two options, either a) a soakway feature in the southwestern corner which is the low point of the site or b) an attenuation crate in the southwestern corner that will require a requisition across third party land to achieve a connection into an existing watercourse. Surface water runoff will be limited to accepted Greenfield run-off rates.

6.75 In consultation, none of the council's drainage engineer, the County Council as lead flood authority nor Thames Water have raised concerns over surface water flooding, subject to a pre-commencement condition that will require further details of the SUDS strategy to be agreed and thereafter implemented prior to occupation.

Foul Water

6.76 Thames Water have identified there appears to be a local capacity issue in the foul sewer network. As is normal practice, a Grampian style condition is necessary that will require the applicant to agree a foul drainage strategy prior to work commencing and implement it, including any necessary network upgrades, prior to first occupation. Due to site levels, an on-site pumping station is necessary to pump flows to the proposed connection point on the High Street.

6.77 **Traffic, Parking and Highway Safety**

Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. The NPPF (Paragraph 32) requires plans and decision to take account of whether:-

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

- 6.78 Paragraph 32 goes on to state: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.79 Policy P-T1 of the DNP requires a detailed Travel Plan to be provided that incorporates a robust strategy for reducing traffic volume. Direct mitigation measures such as car-pooling are encouraged.
- 6.80 The application is supported by a Transport Statement that predicts the likely increase in traffic movement associated with this development and the impacts on local roads and junctions. This is based on commonly used databases and evidence from other Blue Cedar Home sites so as to gain a more accurate picture of how the retirement housing will affect overall traffic movements.
- 6.81 The Transport Statement predicts that the site will generate low levels of vehicular trips, with seven movements in the AM and PM peak hours. The Transport Statement concludes this will not have a material impact on the operation of the highway network. In consultation, the County Council Highways Liaison Officer has reviewed the methodology and conclusions of the Transport Statement and found them to be sound. Thus, there is no objection to this proposal on grounds of traffic generation.
- 6.82 There are no concerns with visibility at the chosen point of access from Halls Close. Similarly, the existing junction of Halls Close with the High Street is appropriate for the level of traffic it will accommodate if this development were built.
- 6.83 The illustrative layout demonstrates that an appropriate amount of parking can be accommodated within the layout, although final parking levels will be dependent on the finalised housing mix.
- 6.84 Officers note the DNP requirement for a Travel Plan. Given the outline nature of the application, it is considered appropriate to secure this via condition. In terms of reducing traffic volume, officers consider that the most appropriate means of achieving this is through the pump-priming of bus services, namely the x1 and x2 discussed above. The County Council are seeking a financial contribution towards increasing the regularity of these services, both of which can be easily accessed from this site. In addition, the County Council require a small contribution to improving the bus stops close to Halls Close to encourage their use. These contributions have been agreed by the applicant.
- 6.85 It is also important to reiterate how well this site is located in relation to local facilities and that existing footpaths will allow easy access to them. In that regard, this proposal will reduce the reliance on the private car, relative to developments in less sustainable locations.
- 6.86 Overall, there are no material concerns that, in the planning balance, the harm to

highway safety from this proposal would represent a justifiable reason for refusal.

Ecology and Biodiversity

6.87 Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 118 states that “...*if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*”

6.88 In consultation, the council’s countryside officer has confirmed the existing habitats on the site have a low ecological value and there are no significant issues relating to protected species. There is some evidence of badgers using the northwestern corner of the site but this can be easily mitigated.

6.89 The application is supported by an Ecological Appraisal that proposes appropriate mitigation and enhancement measures and these can be secured via a compliance condition.

Historic Environment and Archaeology

6.90 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight should be given to this requirement.

6.91 Paragraph 132 of the NPPF confirms that “*When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be*”. The NPPF adds at paragraph 133 that proposals causing substantial harm to or total loss of significance of a designated heritage asset should be refused unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 of the NPPF explains that less than substantial harm to the significance of the heritage asset should be weighed against the public benefits of the proposal.

6.92 Policy HE4 of the adopted local plan seeks to protect the setting of listed buildings. No.44 High Street is a Grade II listed building that lies immediately east of the junction of Halls Close and the High Street. The proposed development would lie around 75 metres south of this property, with the existing Halls Close development between. Inter-visibility between the two will be very limited and there are no concerns that this proposal will harm the setting of this or other listed buildings on the High Street. Visually, the High Street and this site are very distinct and separate from one another.

6.93 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In this case considerable importance and weight is given to the desirability of protecting or enhancing the character or appearance of the conservation area.

6.94 Policy HE1 of the adopted local plan seeks to preserve or enhance the character or appearance of the conservation area.

6.95 At the closest point, the site lies around 20 metres from the southern boundary of the

Drayton conservation area. The northern part of Halls Close falls within the conservation area that predominantly incorporates the High Street, Church Lane, Gravel Lane, Manor Farm and Henleys Lane. Despite the proximity, officers do not consider that this proposal will have a significant impact on the conservation area. The development will be seen in the context of Halls Close, which is a relatively modern estate with very limited historical interest.

6.96 It is also important to note that the northernmost part of the allocated site to the immediate west falls within the conservation area, whereas no part of this site does. This allocation indicates that a certain level of change to this part of the conservation area has been accepted as part of the DNP. Officers consider that this proposal would have less of an impact on the character and interest of the conservation area than this housing allocation for 140 houses.

6.97 Policy HE10 of the adopted Local Plan states that development will not be permitted if it would cause damage to the site or setting of nationally important archaeological remains, whether scheduled or not. In consultation, the County Archaeologist has confirmed no objections to this proposal subject to standard pre-commencement conditions related to a staged programme of archaeological investigation in advance of the development.

Viability, affordable housing and Section 106 contributions

6.98 The NPPF advises that planning obligations should only be sought where they meet all of the following tests (paragraph 204):

- 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.
- Policy DC8 of the Adopted Local Plan provides that development will only be permitted where the necessary physical infrastructure and service requirements to support the development can be secured.

6.99 Paragraph 204 of the NPPF also quotes this expectation. The NPPG provides further guidance on how to apply these tests and notes the following:

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

6.100 Policy DC8 of the Adopted Local Plan provides that development will only be permitted where the necessary physical infrastructure and service requirements to support the development can be secured. Regard also need to be had to the restrictions of pooling of any financial contributions to no more than 5 schemes. The application provides for 11 affordable dwellings in line with policy.

6.101 The following developer contributions have been requested. In terms of the Vale of White Horse District Council contributions, the items and amounts sought are consistent with the previous consent on the Abingdon Road Neighbourhood Plan site (P14/V2504/FUL). These contributions meet the tests outlined above and will support the delivery of local infrastructure in line with the Drayton Neighbourhood Plan.

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- 6.102 In determining the previous application, it was assumed that 263 houses will be delivered in the village. Whilst this application was not factored into this assumption, for sake of consistency and robustness, the methodology for determining the overall level of contribution has remained the same.
- 6.103 It is important to note the council's leisure team also requested contributions towards local sports facilities. However, this list is considered to better reflect local requirements and the aims of the Neighbourhood Plan. Thus, some of the leisure team contributions are replaced by identified projects in the DNP, whilst others have not been demonstrated to meet the above tests and so are not justified.
- 6.104 The County Council requests are considered to meet the tests with the exception of library book stock.

Vale of White Horse District Council	<i>Proposed Contributions</i>	<i>Comments on justification</i>
Swimming Pools	£12,401	Not justified – no project identified
Sports Halls	£16,052	Not justified – no project identified
Artificial Grass Pitch	£1,802	Not justified – no project identified
Rugby Pitches	£1,115	Not justified – no project identified
Football Pitches	£65,015.55	Justified – identified project in DNP
Pavilion	£18,231.92	Justified – identified project in DNP
Pitch Maintenance	£10,806.04	Justified – identified project in DNP
Pavilion Maintenance	£364.56	Justified – identified project in DNP
Tennis Courts	£5,889	Justified – identified project in DNP
Play Maintenance	£3,533	Justified – identified project in DNP
Public Open Space Maintenance	£39,855	Not justified – open space will be passed to management company
Village Hall	£26,616.10	Justified – identified project in DNP.
Pre-school	£7,984.60	Justified – identified project in DNP
Skate Park/MUGA	£3,992.49	Justified – identified project in DNP
Cycle Path Improvements	£9,315.56	Justified – identified project in DNP
Footpath/Information Board improvements	£266.19	Justified – identified project in DNP
Allotment provision	£3,194.68	Justified – identified project in DNP
Burial Ground Expansion	£3,726.30	Justified – identified project in DNP
Waste bin provision	£4,760 (£170 per unit)	Justified – money towards bin provision at each property that would be at the cost to the Council otherwise.
Public Art	£8,400 (£300 per unit)	Justified – proportionate contribution.
Street Naming	TBC	Justified – proportionate contribution
Monitoring	£1,735	Justified – cost to the council involved in monitoring the S106.
Total VoWH package sought	£175,405.99	
Oxfordshire County Council (3Q15 indexed)	<i>Proposed Contributions</i>	
Primary Schools	£50,076	Justified – proportionate contribution

		to expansion of Drayton Primary School
Strategic bus services	£22,260	Justified – proportionate contribution to improving bus services easily accessed from site
Bus stop improvements	£2,000	Justified – specific to the development to facilitate bus stops outside the site.
Library book stock	£1,332.80	Not justified – not a necessary contribution to make scheme acceptable
OCC Monitoring	£500	Justified – monitoring costs.
Total County Council package sought	£74,836	
OVERALL S106 PACKAGE	£250,241.99	
Contribution per unit	£8,937.21	

7.0 CONCLUSION

- 7.1 In view of the council's housing land supply shortfall, the presumption in favour of sustainable development applies and permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole" (NPPF paragraph 14). Paragraph 7 of NPPF identifies three mutually dependant dimensions to sustainable development; it should fulfil an economic role, a social role and an environmental role.
- 7.2 The proposed development would perform an economic role, at least in the short term, in that it would provide employment during the construction phase. It would also create investment in the local and wider economy through the construction stage and new residents and their spending. This should enhance the vitality and viability of existing local services and facilities in Drayton village. Through increasing the housing stock, it would contribute to an expansion of the local housing market and could potentially improve the affordability of open market housing. In the Highworth Road, Faringdon appeal case (proposed up to 94 dwellings) it is noted that the Secretary of State considered that the "benefits of the scheme would include the provision of much needed market and affordable housing to contribute towards acknowledged substantial shortfalls, and would generate considerable economic benefits of the type arising from housing development" and that he gave these benefits significant weight (application no. P13/V1366/O, appeal reference APP/V3120/A/13/2210891).
- 7.3 The scheme would have a social role as it will provide in general additional housing that the District needs together with much needed affordable housing units. It would also provide equally needed accommodation for the elderly. The housing mix for the private housing will need to be addressed at the detailed application stage.
- 7.4 There are no technical objections to the proposal. Subject to the recommended conditions, there are no concerns regarding the impact of this proposal in terms of highway safety, landscape, design, neighbouring amenity, the amenity of future occupiers, the provision of public open space, the Drayton conservation area, trees or ecology.

7.5 Whether the principle of this development can be accepted is a very finely balanced judgement. The Drayton Neighbourhood Plan provides for housing allocations in line with the emerging housing targets within the Local Plan 2031 and seeks to restrict other housing developments outside the settlement boundary. However, these policies, despite their recent adoption, must be considered out of date due to the lack of housing supply in the district. Nonetheless, substantial weight has been applied to the conflict this proposal has with those policies.

7.6 Overall, and in view of the emphasis in the NPPF to boost significantly the supply of housing, 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, to which very substantial weight is attached. Consequently, the application is recommended for approval subject to conditions and a legal agreement to secure affordable housing and developer contributions.

8.0 **RECOMMENDATION**

It is recommended that authority to grant planning permission is delegated to the head of planning subject to:

1. A S106 agreement being entered into with both the county council and district council in order to secure contributions towards local infrastructure and to secure affordable housing; and

2. Conditions as follows:

- 1. Commencement within two years or six months after reserved matters approval.**
- 2. Approved plans.**
- 3. Tree protection to be agreed.**
- 4. Landscaping scheme to be agreed.**
- 5. Implementation of landscaping scheme to be agreed.**
- 6. Surface water drainage scheme to be agreed.**
- 7. Foul drainage works to be agreed.**
- 8. Construction traffic management plan to be agreed.**
- 9. Green travel plan to be agreed.**
- 10. Written scheme of archaeological investigation to be agreed.**
- 11. Programme of archaeological mitigation to be agreed.**
- 12. Access as agreed.**
- 13. Visibility splays as agreed.**
- 14. No surface water drainage to highway.**
- 15. Biodiversity enhancement as agreed.**

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