

APPLICATION NO.	P15/V1752/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	23.7.2015
PARISH	STANFORD IN THE VALE
WARD MEMBER(S)	Robert Sharp
APPLICANT	Blue Cedar Homes Ltd
SITE	Land at Penstones Farm, Horsecroft, Stanford in the Vale, SN7 8LL
PROPOSAL	Variation of condition 2 of planning permission P14/V0080/FUL: Residential development on land at Penstones Farm, Stanford in the Vale to provide 18 dwellings (8 for the over 55 age range, 7 affordable and 3 open Mmrket dwellings) with landscaping and associated infrastructure.
AMENDMENTS	Removal of internal access gate
GRID REFERENCE	434537/193437
OFFICER	Shaun Wells

SUMMARY

The planning application has been called to planning committee because of 6 objections received from individuals. The proposal is supported by officers for the following reasons:

- The application seeks permission to vary the layout and several house types of the approved scheme allowed on appeal P14/V0080/FUL
- The changes to house types and other minor changes to detail are considered acceptable and have not raised objections from technical consultees
- A varied s.106 legal agreement with the County Council, and new legal agreement with the District Council will secure appropriate affordable housing and other contributions

1.0 INTRODUCTION

- 1.1 This is a Section 73 type application which seeks the variation of condition 2 of approved application P14/V0080/FUL. The initial application was recommended for approval by Officers but refused by the Planning Committee 29th May 2014. The application was later allowed on appeal 2nd April 2015. Condition 2 stated that the development should be carried out in accordance with the plans submitted. The application before us now seeks a variation of some house types and minor consequential changes to layout.
- 1.2 The number of dwellings proposed remains the same as allowed on appeal, and the scheme would provide 7 affordable units as previously approved.
- 1.3 The site is relatively flat greenfield land, approximately 0.95 hectare in area, presently used as a paddock, on the eastern edge of the village. It is entirely undeveloped and is roughly rectangular in shape. The site is bounded to the north by a moderate quality hedgerow over a post-and-wire fence. The same style of enclosure exists to the west, with a more mature hedgerow being on neighbouring land. The western boundaries

are the rear gardens of existing residents of either Horsecroft or Ock Meadow, which have relatively low or open boundary enclosures. The site is open to the south (with paddock and other fields beyond) To the east is the property Long Acre which is grade II listed with stables in the curtilage. Horsecroft becomes single track and more rural in character beyond this point. A site plan is **attached** at Appendix 1.

2.0 **PROPOSAL**

2.1 The application proposes to vary condition 2 (essentially the approved plans) of application P14/V0080/FUL. The changes include variation in house types and minor changes in layout/detail as follows:-

Changes in house types are proposed at Plots 9, 10, 14,15,16,17 and 18. Plots 9 and 10 were formerly open market units but will fall under the retirement homes element of the scheme. Plots 14 and 15, (part of the retirement homes element) will be a smaller house type to that previously approved. Plots 16, 17 and 18(also retirement homes) were approved as two storey dwellings but would be replaced by bungalows.

Other minor alterations include:

- Garden sheds added to affordable housing plots 2,3,4,5,6,7 and 8 to comply with Housing Association requirements
- Rear patios and paths added
- Plot 1- addition of gable porch and windows on ground floor widened, garage and drive width reduced (to 5.5m garage width)
- Plots 2 and 3 –Gardens reduced slightly in favour of additional public open space
- Plots 4,5 and 6-The introduction of one central chimney (rather than previous two)
- Plot 8-Chimney introduced to gable end
- Plots 11 and 12- Dormers in rear elevations replaced with two velux windows and dormer added to front
- Plot 12- Garage now detached, set back and adjoins garage of plot 13
- Plot 13- Unit has rotated , and garage relocated adjacent to plot 12. Introduction of bay window, and two other small windows
- Bin store/managers office relocated
- 1 no visitor parking space omitted.

An extract of the plans is **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.

Stanford in the Vale Parish Council	No objections- iniitally objetced to inclusion of gate between market and affordable housing as did not consider this to be inclusive design. The internal gate has been removed in an amended plan now addressing the concerns of the parish council.
Neighbours	6 objections received- concerns in summary:- -Opposition to principle of development, outside of settlement boundary, disagreement with Inspectors decision to allow the initial development -Drainage concerns

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	<p>-Access concerns down narrow 'Horsecroft'</p> <p>-Plans seek to increase number of properties for elderly thereby increasing potential accident risk and the need for improved public transport</p> <p>-Plans show introduction of gates secluding retirement properties- this is not inclusive design and would not allow access to area of open space.</p> <p>-Further clarification in plans required for hedging, fencing, footpaths</p> <p>-Timing of proposed development not stated, or construction management etc</p> <p>-Archaeological digs adjacent Penstones Farm Field have revealed significant finds and a watching brief should be applied.</p>
<p>Oxfordshire County Council One Voice Transport-</p> <p>Archaeology-</p> <p>Land and Property-</p>	<p>No objections</p> <p>The proposal alters the approved scheme without any significant implications to highway matters. Legal agreement required to secure: Planning obligations of the approved scheme should be transferred to this proposal either by means of a deed of variation or a new undertaking.</p> <p>Conditions: Conditions of the approved scheme should be imposed on any grant of permission; albeit, those conditions will require slight amendment to take account of the revised scheme.</p> <p>Views awaited (although no objections to initial scheme)</p> <p>The planning application is made under S73 of the Town and Country Planning Act 1990 and seeks to vary conditions relating to the existing planning permission P14/V0080/FUL. A S106 agreement to secure necessary contributions toward the provision of infrastructure was attached to P14/V0080/FUL. A deed of variation to this agreement will therefore be required, in order to incorporate any new planning permission that may be granted into the existing agreement.</p>
Conservation Officer	No objections
Historic England	No objections
Urban Design Officer	No objections. Initial concern with regard to gated access to retirement properties- the scheme has now been amended to remove the gate.
Countryside Officer	No objections.
Natural England	No objections
Health and Housing	No objections
Environment Agency	No objections
Forestry Officer	No objections The site was allowed at appeal and within the schedule of conditions issued by the Inspector, Condition 8 required that the tree protection measures contained in the submitted arboricultural impact assessment were followed. This application will not have an adverse impact on the implementation of those tree protection measures.
Thames Water	No objections
Drainage Engineer	No objections subject to the foul and surface water drainage strategy is in accordance with drawing 1308-20 Appendix 4 as included in TPA report dated December 2013 submitted with

	approved application P14/V0080/FUL.
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4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/V0080/FUL](#) - Refused (29/05/2014) - Approved on appeal (02/04/2015)
18 dwellings (8 no. dwellings for the Over 55 age range, 7 no. affordable and 3 no. Open Market dwellings) with landscaping and associated infrastructure.

[P13/V1981/PEJ](#) - Other Outcome (05/11/2013)
Erection of 23 dwellings (9 dwellings for over 55 age range, 9 affordable dwellings and 5 open market) landscaping and associated infrastructure.

[P06/V0745](#) - Approved (13/07/2006)
Two storey side extension with covered veranda

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
DC1	Design
DC5	Access
DC6	Landscaping
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
H16	Size of Dwelling and Lifetime Homes
H17	Affordable Housing
H23	Open Space in New Housing Development
HE5	Development involving the setting to a listed building
HE10	Archaeology
NE9	Lowland Vale

Emerging Local Plan 2031 – Part 1

5.2 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 7	Providing supporting infrastructure and services
Core Policy 22	Housing mix
Core Policy 23	Housing density

Core Policy 24	Affordable housing
Core Policy 37	Design and local distinctiveness
Core Policy 42	Flood risk
Core Policy 43	Natural resources
Core Policy 44	Landscape
Core Policy 46	Conservation and improvement of biodiversity

Supplementary Planning Guidance

5.3

- 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)*
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- Affordable Housing – July 2006
- Flood Maps and Flood Risk – July 2006

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

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

5.6 **Neighbourhood Plan**

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.

5.7 An application has been received for a neighbourhood planning designation area but to date a neighbourhood plan has not been submitted to the Council. Consequently no weight can be given to any policies that may be emerging in any draft neighbourhood plan.

5.8 **Environmental Impact**

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

Regulations to provide a screening opinion.

5.9 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

5.10 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

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

1. Principle of the development
2. Landscape Impact
3. Design and Layout
4. Residential Amenity
5. Flood Risk and Surface/Foul Drainage
6. Traffic, Parking and Highway Safety
7. Affordable Housing and Housing Mix
8. Developer Contributions

The Principle of the Development

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

6.3 In this instance, the principle of development has already been established through the grant of planning permission on appeal for the development of the site for 18 dwellings.

Landscape Impact

6.4 The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph 109). The site is within Lowland Vale which is afforded protection under policy NE9 of the Local Plan.

6.5 The Inspector in their judgement on the initial application P14/V0080/FUL was of the opinion that overall the proposal would not harm the rural setting of the village, or give

rise to any significant harm to views across, or from, the Lowland Vale and would not conflict with policy NE9 or harm the intrinsic character of the surrounding countryside. It is not considered that the scheme has altered to a degree which would change this position, and the proposal is considered appropriate in the landscape and would not be at significant odds with policy NE9 or the NPPF(para109) in this context.

Design and Layout

- 6.6 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.
- 6.7 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.
- 6.8 The alterations to the scheme are described in paragraph 2.1 above. The access and internal road remain largely unchanged. Initial plans submitted with the current application did show gated access adjacent to plot 9 which would have segregated the Blue Cedar Homes for the 55's from the remainder of the site including the affordable housing element and open market dwelling at plot 1.
- 6.9 The layout plan has been amended to remove this gated element however in order that the development is inclusive, and there is no segregation. The amended plan is considered acceptable on the advice of the Urban Design officer. Open space is retained as previously approved and landscaping does not differ from the approved scheme.
- 6.10 The changes to house types would not have a significant impact upon the overall layout of the scheme or its acceptability. The proposal is considered to be in general accordance with Local Plan policies DC1, DC6 and DC9, and the NPPF in this regard.

Residential Amenity

- 6.11 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.
- 6.12 There would be no potential for impact upon neighbours as adequate distances are observed from proposed to existing dwellings (in excess of 21 metres in most cases) and the proposal does not reduce any distances as previously approved. In this context The application is considered to be in general accordance with Policy DC9 of the Local Plan and the Design Guide SPD.

Flood Risk and Surface/Foul Drainage

- 6.13 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).
- 6.14 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.

- 6.15 In allowing the initial scheme the Inspector was satisfied that the site could be adequately drained of surface and foul waters. No objections have been received from either the Drainage Engineer OCC or from Thames Water. Subject to standard conditions being applied, the proposal is considered to accord with the relevant local plan policies and NPPF in this context.

Traffic Parking and Highways Safety

- 6.16 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.
- 6.17 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.”*
- 6.18 The access point remains as previously approved and adequate visibility splays would be provided. Adequate parking is provided within the scheme, and whilst one visitor bay has been removed central to the site, the Highways Authority are satisfied with the provision and offer no objections to the revised scheme.
- 6.19 The proposal is considered to be in general accordance with local plan policy DC5 and paragraph 32 of the Local Plan as the road network can accommodate the traffic arising from the development safely and as adequate parking provision is demonstrated.

Affordable Housing and Housing Mix

- 6.20 The number of total units (18) has not altered from that previously approved and the application also makes provision for 7 affordable units, which was considered an acceptable level of provision by the Planning Inspector with regard to the initial scheme. This would be 38.8% of the total provision, this is only marginally short of the 40 % affordable housing required under Policy H17 of the adopted local plan. The proposed affordable housing mix is 1 x 3 bed unit and 6 x 2 bed units (two storey houses). The level of affordable housing and the mix is considered appropriate as it remains unaltered from that previously allowed on appeal. The affordable housing will be secured by way of revised legal agreement with the applicant. The remaining 11 units would be open market with 8 units being designed for the over 55's as part of the applicants (Blue Cedar Homes) managed assisted accommodation for the elderly scheme.

Developer Contributions

6.21 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.

6.22 Two separate legal agreements are in place with regard to the initial application, prior to the ‘pooling’ restrictions and were in place also prior to the Inspectors decision being made. A standard bi-party section 106 legal agreement is in place with the County Council and a unilateral undertaking is in place for contributions to the District and Parish Council’s.

6.23 The Planning Inspector struck out a number of those contributions which in their opinion did not meet the tests as set out in the NPPF. As such, a varied legal agreement with the County Council will secure contributions to them, and the Council’s legal department have advised on a new bi-party standard legal agreement for contributions to the District and Parish. The legal agreements will reflect the contributions considered appropriate by the Inspector and will secure the following:-

<p>NB: Variation required on section 106 agreement with County from previous application P14/V0080/FUL, given that the Inspector struck out requirement for Strategic Waste and Recycling Management and facility serving the site (£2944).</p> <p>COUNTY CONTRIBUTIONS:-</p>	
<p>1)Provision of Primary Education Infrastructure, Secondary Infrastructure(including Sixth Form Infrastructure) and Special Needs Infrastructure serving the site</p>	<p>£109, 062</p>
<p>2)Library Infrastructure serving the site</p>	<p>£3,910</p>
<p>3)Social and Health Care Infrastructure service to site</p>	<p>£11,000</p>
<p>4)The Council’s Museum and Resource Centre at Standlake</p>	<p>£230</p>
<p>5)Integrated Youth Support Facilities and Infrastructure serving the site</p>	<p>£792</p>
<p>6)Skills and Learning Facilities and Infrastructure serving the site</p>	<p>£560</p>
<p>NB: New separate section 106 legal agreement required to secure District and Parish Requirements as follows:-</p>	
<p>1)Football pitch contribution</p>	<p>£2871</p>
<p>2)MUGA contribution</p>	<p>£3682</p>

3)Waste and recycling contribution	£3060
4)Street name and numbering	£500
5)Village Hall Contribution	£2340

7.0 CONCLUSION

- 7.1 In this instance, the principle of development has already been established through the grant of planning permission on appeal for the development of the site for 18 dwellings.
- 7.2 The Inspector in their judgement on the initial application P14/V0080/FUL was of the opinion that overall the proposal would not harm the rural setting of the village, or give rise to any significant harm to views across, or from, the Lowland Vale and would not conflict with policy NE9 or harm the intrinsic character of the surrounding countryside. It is not considered that the scheme has altered to a degree which would change this position, and the proposal is considered appropriate in the landscape and would not be at significant odds with policy NE9 or the NPPF(para109) in this context.
- 7.3 The changes to house types and other minor variations to the layout would not have a significant impact upon the overall layout of the scheme or its acceptability. The proposal is considered to be in general accordance with Local Plan policies DC1, DC6 and DC9, and the NPPF in this regard.

- The varied scheme is considered acceptable with regards to maintaining residential amenity, safe access and parking provision, adequate drainage, the adequate provision of affordable housing and relevant contributions and in all other respects.
- 7.4

8.0 RECOMMENDATION

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

1. A varied S106 agreement being entered into by the applicant with the county council to secure:

- **Provision of primary education infrastructure, secondary infrastructure (including sixth form infrastructure) and special needs infrastructure serving the site - £109, 062.**
- **Library infrastructure serving the site - £3,910.**
- **Social and health care infrastructure service to site - £11,000.**
- **The Council's museum and resource centre at Standlake - £230.**
- **Integrated youth support facilities and infrastructure serving the site - £792.**
- **Skills and learning facilities and infrastructure serving the site - £560.**

2. A new S106 agreement being entered into by the applicant and the district council to secure:

- **Football pitch contribution - £2,871.**
- **MUGA contribution - £3,682.**
- **Waste and recycling contribution - £3,060.**
- **Street name and numbering - £500.**
- **Village hall contribution - £2,340.**

3. Conditions as follows (as previously agreed by the Planning Inspectorate):

- 1. Time limit.**
- 2. Approved plans.**
- 3. Materials to be submitted/agreed.**
- 4. Landscape details to be submitted.**
- 5. Landscape management plan to be submitted/agreed.**
- 6. Development to be carried out in accordance with arboricultural method statement.**
- 7. Details of foul and surface water drainage to be submitted/approved.**
- 8. Construction management plan to submitted/agreed.**
- 9. Removal of class A permitted development rights.**

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