
APPLICATION NO.	P15/V2545/O
APPLICATION TYPE	OUTLINE
REGISTERED	02.11.15
PARISH	EAST CHALLOW
WARD MEMBER	Yvonne Constance
APPLICANT	Greenlight Developments
SITE	Land at Challow Park (including former Council depot), Challow Road, East Challow
PROPOSAL	Outline Application with all Matters Reserved for a Residential Development of up to 36 Dwellings, including up to 14 Affordable Dwellings, with Associated Car Parking and Amenity Space, and On-Site Public Open Space (As clarified by Flood Risk Assessment Addendum received December 2015 and by Geophysics Report accompanying agent's email of 18 January 2016 and as subsequently amended by Illustrative Layout Drawings AAH5292-04-1 Rev F and 04-2 Rev F and updated Flood Risk Assessment accompanying agent's letter of 20 January 2016)
AMENDMENTS OFFICER	One – layout changes as above Peter Brampton

SUMMARY

This application comes to Committee due to an objection from East Challow Parish Council and the number of objections received from local residents. The application seeks outline planning permission with all matters reserved for the provision of up to 36 dwellings.

The main issues to consider in determining the application are:

- Whether the principle of development is acceptable
- Whether the application is suitable to meet the district's five year housing supply deficit in terms of the sustainability of the proposed scheme relative to its surroundings
- The impact of the development on the character of the area and wider landscape, which forms part of the Lowland Vale and is designated as important open space
- Whether the indicative layout demonstrates a high quality housing scheme
- Whether the scheme will mitigate impacts on highway safety, flood risk and sewer capacity
- Whether the scheme will provide necessary infrastructure contributions

This site is (largely) previously developed land that lies in a relatively isolated rural location between Wantage and East Challow. The principle of housing on this site is considered to be acceptable, particularly in light of the extant consent and the lack of a five year land supply. Government advice in the NPPF is also relevant as it is considered more up to date and relevant to the assessment of this scheme than the housing policies of the adopted Local Plan 2011 and the emerging Local Plan Part One 2031.

Given the strong boundary planting around the site and a previous planning permission for a school on the land, the landscape impact of this proposal is considered acceptable. The impact on traffic is not considered so severe that it would warrant objection. Through the use of Grampian style conditions, the impact of this development on flood risk and sewer capacity can be mitigated.

Following the submission of amended plans, the scheme will provide for a policy compliant level of affordable housing.

Overall, the proposal is considered sustainable development meeting the three roles (economic, social and environmental) referenced in the NPPF. The limited harm this proposal would cause is not considered to significantly and demonstrably outweigh the benefits, which is the test within the NPPF that must be applied to this proposal.

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 1.85 hectares and relates to land on the northern side of Challow Road (A417). The site is split into two parts, divided by a public footpath. This leads from Challow Road and runs north and east towards East Challow. The western part of the site is a former council depot site, whilst the eastern part of the site is part of the garden curtilage of Challow Park. The remainder of Challow Park consists of the dwelling itself and its garden and is now used as a music recording studio.
- 1.2 The site is surrounded on all sides by undeveloped agricultural land, save for Challow Park and a single residential property known as Greencare that sits alongside part of the western boundary. The site is relatively flat, with mature planting defining all of the boundaries.
- 1.3 The applicant argues that the entirety of the site constitutes previously developed land. This is an important point in the determination of the application that is discussed in more detailed in the report.
- 1.4 Both the council depot and the garden of Challow Park benefits from vehicular access onto Challow Road. Whilst neither part of the site is currently in active use, access to the public footpath remains possible.
- 1.5 The site falls within the Lowland Vale. This is a local landscape designation within the Vale Local Plan 2011. It also falls within an area of landscape designated as “Important Open Land” between Wantage and East Challow. This designation is also enshrined in a Local Plan policy.
- 1.6 A location plan is **attached** as Appendix One.

2.0 PROPOSAL

- 2.1 This application seeks outline planning permission with all matters reserved for the erection of up to 36 houses on the site, with associated car parking and amenity space, and an area of public open space. The application has been amended to address concerns over the initial illustrative layout and to demonstrate that a policy compliant 40% affordable housing could be provided on site.
- 2.2 The amended illustrative plan shows a single vehicular access, re-using the council depot entrance in the southwestern corner of the site. The existing footpath will be retained and enhanced as an integral part of the layout. An area of public open space sits close to the northern boundary.

- 2.3 The illustrative plan shows the retention of the majority of boundary trees, particularly along the southern boundary with Challow Road and with the northern boundary that backs onto the open countryside.
- 2.4 A mixture of detached and semi-detached properties are shown on the illustrative plan. The Design and Access Statement indicates the housing will be two-storey across the site, with a number of single storey garage blocks. Parking is shown to be on-plot.
- 2.5 The following documents have been submitted in support of the application:
- Planning Statement
 - Design and Access Statement
 - Landscape and Visual Appraisal and Landscape Proposals Plan
 - Arboricultural Impact Assessment and Tree Protection Plan
 - Ecological Appraisal
 - Flood Risk Assessment (amended)
 - Geo-Environmental Investigation Phase One and Phase report
 - Historic Environment Desk-based assessment
 - Transport Statement
 - Statement of Community Involvement
 - Geophysics report (submitted in response to Archaeologist objection)

Extracts from the current application drawings are **attached** at Appendix 2. Full scale versions of the plans, and the above documents, can be seen on our website (www.whitehorsedc.gov.uk).

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.

East Challow Parish Council	<p>Objects. Their main concerns on the original scheme may be summarised as follows:</p> <ul style="list-style-type: none"> • Principle of development and weight that should be afforded to emerging Local Plan 2031 • Lack of community involvement • East Challow is an unsustainable location for further housing development due to lack of facilities or bus services • Loss of potential employment land • Site is within protected open land • Increase in traffic on local roads • Inaccurate traffic surveys in Transport Statement • School capacity • Foul Sewer capacity <p>The full response of the Parish Council to the original submission is <u>attached</u> as Appendix 3. The updated response from the Parish Council to the amendment will be provided as part of the Addendum Report for this committee meeting.</p>
Neighbours	<p>4 letters of objection from residents have been received. The main concerns raised may be summarised as</p>

	<p>follows:</p> <ul style="list-style-type: none"> • Lack of local school places • Increased traffic on local roads • Insufficient visibility at chosen point of access • Harm to setting of Challow Park • Coalescence between East Challow and Wantage • Impact on footpaths • Surface Water drainage strategy will affect neighbouring land
Oxfordshire County Council Highways	<p>No objections subject to:</p> <ul style="list-style-type: none"> • Section 106 contributions to maintenance of new Zebra crossing, public consultation on Zebra crossing, amendment to speed limit, improved bus services and provision of bus stops requested • Section 278 agreement to footways, guard-railing, Zebra crossing and road markings necessary • Standard highway conditions covering access, visibility, parking, construction traffic management plan and Travel Information Pack • Conditions relating to footpath also requested
Oxfordshire County Council Archaeology	<p>No objections</p> <ul style="list-style-type: none"> • Following submission of Geophysical survey and subject to conditions covering Written Scheme of Investigation and scheme of mitigation
Oxfordshire County Council Education	<p>No objections</p> <ul style="list-style-type: none"> • Section 106 contributions to expansion of St Nicholas primary school and local nursery education requested • No Section 106 contributions to secondary education and special educational needs education requested due to CIL Regulation pooling restrictions
Oxfordshire County Council Property	<p>No objections</p> <ul style="list-style-type: none"> • Section 106 contribution to local library book stock requested. • Section 106 contributions to local library improvements, central library improvements, waste management, museum resource centre and adult day care not requested due to CIL Regulation pooling restrictions.
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

	<p>agreed strategy to be implemented prior to occupation</p> <ul style="list-style-type: none"> No conditions required related to surface water drainage
Drainage Engineer	<p>No objections following submission of amended FRA</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"> Conditions necessary to secure biodiversity mitigation, compensation and enhancement and updated badger survey with associated mitigation
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	No overall objection following receipt of amended plans
Landscape Architect	<p>No overall objections</p> <ul style="list-style-type: none"> Comments on amended scheme to be provided in full within Addendum Report
Forestry Officer	<p>No overall objections</p> <ul style="list-style-type: none"> Large Beech tree within remaining grounds of Challow Park has short life expectancy and is not a constraint to development Number of mature trees already felled so landscaping condition necessary to secure replacement planting Tree protection condition necessary, particularly due to existing orchard on site Comments on amended scheme to be provided in full within Addendum Report
Waste Management	<p>No objections</p> <ul style="list-style-type: none"> General comments on council waste collection contract provided. £170/property requested to provide each new house with wheeled bins.

4.0 RELEVANT PLANNING HISTORY

4.1 P05/V1586/RM – Approved 23/03/2006

New girls school including teaching and residential accommodation, chapel, sports facilities, auditorium and staff accommodation. Playing fields and tennis courts.

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
NE10	Important Open Land

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 20	Spatial Strategy for Western Vale 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

There are no formal plans for an East Challow Neighbourhood Plan at the present time.

5.7 Environmental Impact

This site falls below the screening thresholds outlined in Schedule Two of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and so the council is not required to screen this proposal for the need for an Environmental Statement.

5.8 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Equality Act 2010

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

5.9 Relevant Case-law

- Dartford Borough Council v Secretary of State for communities and local government and ORD (2016)

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. Cumulative Impact
3. Use of Land
4. Locational Credentials
5. Affordable Housing and Housing Mix
6. Design and Layout
7. Residential Amenity and future living conditions
8. Landscape and Visual Impact
9. Open Space and Landscaping
10. Flood Risk and Surface/Foul Drainage
11. Traffic, Parking and Highway Safety
12. Protected Species and Biodiversity
13. Archaeology
14. 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. 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 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. 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.
- 6.6 Policy H11 of the Local Plan seeks to restrict residential development in the larger villages to infill development. This scheme is clearly contrary to that policy, being an isolated location outside the built limits of East Challow. However, the relevant housing policies of the adopted and emerging Local Plans hold limited weight in the light of the lack of a five year housing supply. Having a five year supply is considered an essential part of sustainable development within the NPPF. Thus, this proposal is acceptable in principle unless adverse impacts can be identified that would significantly and demonstrably outweigh the benefits of the proposal. Both the benefits and negative impacts of this proposal are discussed in detail in later sections of this report.

Cumulative Impact

- 6.7 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.
- 6.8 71 houses were permitted at the Nalder Estate in East Challow under Planning Application P12/V1261/FUL. This development is nearing completion. Previously, planning permission has been granted for 14 homes at Challow Country Club although the current status of that application is unclear. There is a current application for 50 houses at Windmill Place under Planning Application P14/V0298/FUL.
- 6.9 Additional housing can help support and secure local services and it may be possible to address infrastructure deficiencies through planning conditions or through a legal agreement. Cumulative impacts are considered where relevant in the topics below.

Use of Land

- 6.10 Paragraph 17 of the NPPF encourages the effective use of land by reusing sites that have been previously developed providing that it is not of high environmental value. A good portion of this site is previously developed land being previously the council depot. This part of the site is now deserted, being areas of broken-up hardstanding

and wasteland. It cannot be described as having high environmental value. Therefore, the fact this part of the site is brownfield and will be brought back into use through the provision of housing is a factor weighing positively in the planning balance.

- 6.11 The remainder of the site is part of the garden of Challow Park. It has previously been argued in national policy that residential gardens are undeveloped “greenfield” sites. However the applicant has referred the council to a January 2016 High Court ruling on this particular point (See Para 5.9). The glossary to the NPPF defines previously developed land as including “*land in built-up areas such as private residential gardens.*” The High Court judgement related to the finding of an Inspector that this definition could not be read to include private residential gardens not located in built up areas. This judgement is quite clear that residential gardens such as Challow Park are not greenfield land. Instead, they are considered to be previously developed land. The purpose of including gardens in built up areas is primarily to prevent “garden-grabbing”. This is not something the NPPF seeks to restrict in the same way in more isolated and rural locations such as this.
- 6.12 Overall, it is important to note that this High Court judgement is very recent and it is not known if the government will move to clarify this issue. However, at the time of writing, it seems to be the case that the entirety of this site can be considered previously developed land. In line with the preference within the NPPF to bring forward previously developed land ahead of greenfield sites, the use of this site for housing is to be encouraged unless substantial and demonstrable harm can be demonstrated.
- 6.13 Officers are mindful of the previous permission on this site for a school. However, that permission has expired and very little progress was made on its implementation. As such, very limited weight has been placed on it in the assessment of this scheme.

Locational Credentials

- 6.14 The NPPF requires the need to travel to be minimised and the use of sustainable transport modes to be maximised (paragraph 34).
- 6.15 East Challow is one of the district’s larger villages so is considered to have some facilities to support an increase in the population. Under the emerging Local Plan, it is considered one of the Local Service Centres of the Western Vale sub-area and so it is likely the village will need to accommodate some of the identified housing need for the sub-area. The village does benefit from a primary school, playground, village hall, cricket club and public houses these can be reasonably reached on foot from the site. The parish council raise concern that the village lacks a shop and this is noted. Officers are also mindful that this sites is divorced from the village and this separation undermines any application for housing’s credentials as a sustainable location for new housing.
- 6.16 However, the proximity to Wantage, one of the towns of the district, cannot be ignored. As one of the largest settlements in the Vale, Wantage has a wide range of retail, employment, recreation and education opportunities that will be relatively easily accessible from this site. King Alfred’s School West lies opposite the site, whilst footpaths (combined with the planned Zebra crossing) will link the development to the town. It is noted that distances from the site to the town centre are beyond the desirable distance outlined in the Institution of Highways Transportation guidelines for journeys on foot (published 2000). These guidelines do indicate that distances up to 800 metres are acceptable and 1,200 metres (1.2 kilometres) is a preferred maximum.
- 6.17 The major Limbrough Road retail park is around 1.3 kilometres walk from the site, with the historic town centre around 200 metres further away. Given the amount of

retail offered in central Wantage, officers consider that it would not be unreasonable for people to walk this far. Furthermore, this site will make financial contributions to improve local bus services along the A417 that will link Wantage to Faringdon. Bus stops will be provided close to the site to allow easy access to sustainable modes of transport. Also, the development will deliver improvements to the footpath running through the middle of the site, also assisting the options available to people wishing to walk to local facilities.

- 6.18 Overall, officers are satisfied that this site benefits from acceptable access to services and facilities within East Challow and Wantage. Spatially, the site is very well located for access to a wide range of services and local facilities. Residents will be able to enjoy regular bus services to local service centres.

Affordable housing and housing mix

- 6.19 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 the necessary affordable housing mix and tenure split to meet local needs and the Section 106 agreement will specify this.
- 6.20 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%

- 6.21 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

- 6.22 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.
- 6.23 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

- 6.24 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. 36 dwellings on a site of 1.85 hectares represents a density of 19.46

dwellings to the hectare. Given the isolated nature of the site, with only two detached properties as neighbours, this density is obviously at odds with the immediate surroundings. However, the density is consistent with residential estates on the western edge of Wantage, beyond King Alfred's, and with parts of East Challow. This, combined with the need to secure efficient use of land, leads officers to the conclusion that the density is acceptable.

- 6.25 The site layout is based around a single main access drive, from which private drives lead. Given the size of the site, this arrangement is acceptable. The other main opportunity of the scheme is the footpath running centrally through the site and this is incorporated into the illustrative masterplan. The layout also needs to react to the strong boundary planting around the site and ensure a sensitive edge with the countryside.

Spatial Layout

- 6.26 The illustrative layout demonstrates that active frontages can be achieved throughout the development, with good natural surveillance shown in respect of the main access road, the footpath, the public open space and towards Challow Road. It is important to note this layout proposes houses backing onto the open countryside to east, north and west. This is not normally desirable. However, given the size and shape of the site, officers have concluded that to have houses facing out of the site would likely cause significant harm to the internal layout. On balance, it is better that a strong internal layout with a bespoke landscape buffer with the open countryside is proposed, and this will be a matter for any detailed application.
- 6.27 The detailed layout will need to demonstrate that parking in line with standards can be delivered on plot, so that it does not overly dominant the street scene. The illustrative plan shows a good amount of street tree planting that should be incorporated into the detailed layout so that the site can benefit from a verdant character representative of the more rural surroundings. Hard landscaping will also be an important detail of the reserved matters application. The site will need to achieve appropriate manoeuvring space for larger vehicles without an over-reliance on black tarmac and large kerbstones that could give the scheme an unduly harsh appearance. Where private gardens sit alongside the public realm, the boundaries will need to be defined by brick walls rather than fencing.
- 6.28 Overall, officers are satisfied that the illustrative masterplan demonstrates that 36 houses can be built on this site in line with Design Guide principles and a high quality development can be delivered on this site.

Built form

- 6.29 Given the outline nature of the application, details on built form are limited. The Design and Access Statement shows the housing will be two-storey. Officers would encourage the use of feature buildings on important plots within the development to aid legibility and add visual interest. Materials will be important, with a high quality brick and plain tile being the most appropriate materials for this location.

Residential Amenity and future living conditions

- 6.30 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.

- 6.31 Any detailed application will need to demonstrate that each house benefits from an appropriate amount of amenity space in line with Principle DG63 of the Design Guide. Similarly, back-to-back and back-to-side distances will need to accord with the Design Guide, both in terms of between the new units and with the two neighbouring properties. The illustrative masterplan indicates meeting these guidelines should be achievable.

Landscape and Visual Impact

- 6.32 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. Paragraphs 7.67 and 7.68 of the Local Plan states, *“the long views over the patchwork quilt of fields, farms and village in the Vale are an essential part of the landscape quality of the District”* and that *“insensitively located or designed proposal could have an adverse impact on these open vistas and on the intrinsic qualities of the Lowland Vale.”* The site also falls within a designated important open gap between settlements, as defined by Policy NE10 of the Local Plan. This policy states, *“In the...important open gaps between settlements...development or changes of use which would harm their essentially open or rural character will not be permitted.”*
- 6.33 Officers acknowledge that permitting housing on this site will have some impact on the quality of the landscape. However, it is important to consider the characteristics of the site and the associated contribution to the local landscape. As outlined previously, the site is well-contained within existing mature trees. This mature planting reflects the previous commercial use of the site that would have its own negative impact on this important open gap. Officers consider that the policy exists predominantly to restrict the development of open fields between settlements. This is not the case here. Officers consider that the residential development of this particular site would not have a materially harmful impact on the open gap between Wantage and East Challow. Any detailed scheme will be required to supplement the existing strong mature planting around the boundaries of the site and also provide replacement planting for the mature trees already felled on the site.
- 6.34 Officers note that the Planning Statement queries whether Policy NE10 is consistent with the NPPF, as the policy does not include a balancing exercise within it and instead only suggests that schemes will be resisted if harm is identified. The council is satisfied that the policy is fully consistent with the NPPF and place no weight on the applicant's argument in reaching their conclusion on this point. The crucial point is that the council must apply an overall balance when determining this application. To that end, officers consider that this development will cause some harm to the landscape. However, for the reasons outlined above, that harm is not considered severe nor material.

Open Space, Landscaping and Trees

- 6.35 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 Design and Access Statement confirms that the illustrative masterplan provides comfortably in excess of 15% open space. This will need to be carried through into any detailed application to achieve policy compliance. It is likely that play equipment will be provided within that open space and this will be secured through a Section 106 agreement accompanying the application. Alternatively, a financial contribution to the recreation ground in East Challow could be secured to improve this neighbourhood facility.

- 6.36 As outlined above, mature trees are an important characteristic of this site, particularly around the boundaries. There is also an orchard within the site, which the applicant states is nearing the end of its expected life and so is proposed for removal. Any detailed layout will need to incorporate a replacement orchard, which can be secured through condition. The Forestry Officer is in agreement with this approach.
- 6.37 The mature trees around the boundary will need to be retained for the reasons discussed earlier in this report. The illustrative layout demonstrates this can happen, to the satisfaction of the council's forestry officer. One element of concern that tree protection and landscaping conditions can cover is that some of the important boundary trees are within the back gardens of the new houses on the illustrative layout. As such, the management of these trees will be an important part of the implementation of any landscaping strategy, again an issue to be covered by the detailed application. Finally, the introduction of new planting to supplement the boundaries of the site and provide character within the development will be an important part of any detailed application. A tree protection condition will be applied at outline stage to protect the trees shown to be retained. This includes a large Beech tree within the rear garden of Challow Park, which has a large root protection area that affects the layout in its northeastern corner. It is noted that the forestry officer considers this tree is also close to the end of its life expectancy.

Flood Risk and Surface/Foul Drainage

- 6.38 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).
- 6.39 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.
- 6.40 *Surface Water*
The application has been supported by a Flood Risk Assessment, which confirms that the entirety of the site is located within Flood Zone 1, the area at least risk of flooding. Therefore, the primary risk of flooding is surface water run-off from heavy rainfall. The applicant is expected to demonstrate a drainage strategy that accords with Sustainable Urban Drainage System (SuDS) principles so that the development does not increase flood risk outside its boundaries and discharges water in a controlled manner.
- 6.41 SuDS principles indicate that infiltration is the preferred method of surface water disposal. However, due to soil conditions this will not work on this site, due to underlying Gault Clay and the water table in this part of the district. A gravity outfall, west across the site to the nearby watercourse is feasible but requires crossing third party land. The owner of this land has raised concern at the proposed solution. An alternative option is to send surface water into a public sewer under Challow Road.
- 6.42 The strategy will rely on attenuation crates and oversized pipes (below ground) to hold sufficient water to accommodate the necessary 1 in 100 year flood event with a 30%

allowance for climate change. A pump station will be required to manage flows into the chosen public sewer or watercourse.

- 6.43 Following the submission of additional details, the council's drainage engineer has confirmed no objections to the principle of the drainage strategy. As is normal practice, a pre-commencement condition will secure a detailed design for the surface water drainage strategy. This will need to confirm whether the site will drain across third party land or into the sewer underneath the A417. Both options are feasible but it will be for the developer of the site to negotiate a solution to satisfy this condition.
- 6.44 *Foul Water*
Thames Water have identified a lack of capacity in the local sewer network to accommodate the additional flows from this development. Therefore a Grampian style condition is necessary that requires the developer to agree upgrade works to the public sewer and implement them prior to first occupation.
- 6.45 The PPG refers to funding wastewater infrastructure. It advises that companies such as Thames Water *"are subject to a statutory duty to 'effectually drain' their area. This requires them to invest in infrastructure suitable to meet the demands of projected population growth. There is also statutory provision for developers to fund additional sewerage infrastructure required to accommodate flows from a proposed development"*. Funding is therefore, a matter for Thames Water and the developer and not for this authority to adjudicate on.
- 6.46 Thames Water, have a legal obligation under Section 94 of the Water Industries Act 1991 (WIA 1991) to provide developers with the right to connect to a public sewer regardless of capacity issues. This, when read in conjunction with Section 91(1) of the Act in effect makes it effectively impossible for Thames Water to object or for the Council to refuse to grant planning permission for development on the grounds that no improvement works are planned for a particular area.
- 6.47 The PPG states: *"If there are concerns arising from a planning application about the capacity of wastewater infrastructure, applicants will be asked to provide information about how the proposed development will be drained and wastewater dealt with..."*
The drainage strategy discussed above covers this point and subject to the identified conditions, there are no concerns that this proposal will unduly increase the risk of surface or foul water flooding in the area.
- 6.48 The FRA accompanying the application states that a pumping station will be necessary to pump foul flows into the public sewer in Hedge Hill Lane, or again crossing third party land to the west. Both options are feasible and the preferred solution will be subject to detailed design work as part of the Grampian condition discussed above.

Traffic, Parking and Highway Safety

- 6.49 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.

- 6.50 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.”*
- 6.51 The application is supported by a Transport Statement that address traffic generation, pedestrian and cycle links, the point of access, visibility and parking. One of the main objections from the parish council relates to the increase in traffic on local roads from this and other developments, both within East Challow and neighbouring settlements such as Wantage and Stanford in the Vale. The Parish Council has contracted a consultant to undertake a “Technical Assessment” of the potential impacts of development on the A417. This assessment concludes, *“there will be significant transport and highway related reasons why any proposed future developments in and close to East Challow should not be encouraged...”* Officers are mindful of these findings but equally it must be borne in mind that this document was produced independently for the parish council and its findings have not been adopted by this council or the Highways Authority in any way. Instead, the council is required to judge this application on its individual merits.
- 6.52 Turning to the findings of the Transport Statement, this is based on the original submission for 35 dwellings. It states that this many dwellings would result in two-way vehicles trips of 15 in the morning peak hours (8-9am) and 14 in the evening peak hours (5-6pm). Overall, 35 houses would result in 131 movements onto the A417 a day.
- 6.53 The Highways Authority have cast doubt on the veracity of these findings, stating, *“The highway authority observes that some of the sites selected [in the survey] appear not to be relevant...The derived trip rates are considered to be inappropriately low for residential development in this location...However, the highway authority recognises that even applying higher, more appropriate, trip rates the impact of the additional traffic on the local highway network would not be severe.”*
- 6.54 Thus, whilst officers are mindful of the findings of the Parish Council’s Technical Assessment, the conclusion from the Highways Authority that this scheme will not have a “severe” impact on traffic levels is clear, be it independently or cumulatively is clear. As such, an objection on traffic generation grounds cannot be sustained.
- 6.55 Although, slightly unusually, access is a reserved matter with this application, the Transport Statement confirms that the intention is to use the existing vehicular access to the council depot. This access has been improved recently in response to the previous planning permission for the school. The Highways Authority considers that further upgrades may be required to ensure it is fit for purpose.
- 6.56 To achieve visibility splays appropriate for the current 40mph speed limit, vegetation removal at the point of access will be necessary. At this outline stage, it is unclear what amount of vegetation removal will be needed and further details will need to be secured by condition. However, it is important to note that the Highways Authority also require a Traffic Regulation Order to reduce the speed limit along this stretch of Challow Road to 30mph. This will have a corresponding impact on the necessary visibility splays and associated vegetation removal that will need to be confirmed through conditions. Overall, the Highways Authority is satisfied that a safe level of visibility can be achieved at the point of access.
- 6.57 In terms of pedestrian and cycle access leading from the site, there is a footpath linking Wantage to East Challow on the southern side of Challow Road. The proposals associated with this scheme include a footpath along the site frontage on the northern side of Challow Road and a pedestrian (Zebra) crossing to the existing footpath. This

will be positioned so as to be easily used by people using the existing East Challow footpath running through the site. These improvements will be secured through the usual Section 278 agreement for works within the public highway and through Section 106 contributions relating to the Zebra crossing.

Bus services operate along the A417 and will pass this site, namely the 67A route. The Highways Authority confirm there is an aspiration for this route to connect the Faringdon and Science Vale areas with higher frequency journeys (ideally every 30 minutes). A contribution towards that from this development is requested and is considered reasonable, fair and proportionate. As part of the Section 278 agreement, the developer will be required to provide bus stops accessible by footpath to the residents of this development.

- 6.58 The applicant has confirmed that car parking would be provided in accordance with parking standards, although the Highways Authority note an under-provision of visitor spaces within the amended illustrative layout. This will be a matter for a detailed scheme, as will issues of turning and manoeuvrability for larger vehicles.
- 6.59 Overall, subject to the Section 106 contributions discussed and the conditions outlined at Section 8 of the report, officers are satisfied that any harm to highway safety as a result of this development will not be “severe” and thus that harm, in line with the guidance of the NPPF, does not warrant a refusal of planning permission.

Ecology and Biodiversity

- 6.60 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...”
- 6.61 In consultation, the council’s countryside officer has confirmed there are no priority habitats on the site and so the ecological interest is largely limited to the hedges and trees around the site boundaries. The need to retain these features has been highlighted in respect of landscape impact and tree protection in earlier sections of this report. Their ecological value strengthens their importance further.
- 6.62 There is evidence of badger activity along the northern boundary and so a condition is necessary requiring an updated badger survey that ascertains the level of current activity on the site and outlines an appropriate mitigation strategy.
- 6.63 More generally, there is a need for this scheme to promote the preservation and enhancement of biodiversity as required by the NPPF. A pre-commencement condition requiring a method statement for biodiversity enhancements is therefore necessary.

Archaeology

- 6.64 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

6.65 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.

6.66 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.

6.67 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 up to 14 affordable dwellings in line with policy.

6.68	Vale of White Horse District Council	<i>Proposed Contributions</i>	<i>Comments on justification</i>
	Swimming Pool at Mably Way, Wantage	£15,548	Justified but not collected due to pooling restrictions
	Sports Hall at Mably Way, Wantage	£20,125	Justified but not collected due to pooling restrictions
	Artificial Grass Pitch at Mably Way, Wantage	£2,580	Justified but not collected due to pooling restrictions
	Health and Fitness provision at Mably Way, Wantage	£7,737	Justified but not collected due to pooling restrictions
	MUGA Improvements at East Challow Recreation Ground	£1,957	Justified – identified project
	Rugby Pitches at Grove Rugby Club	£1,394	Justified – identified project
	Football Pitches at Stanford in the Vale	£5,580	Justified – identified project
	Cricket Pitch at Challow and Childrey Cricket Club	£2,729	Justified – identified project
	Pavilion at East Challow Recreation Ground	£11,632	Justified – identified project
	Play Equipment at East Challow	£1,848	Justified – identified

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recreation ground		project
Public Open Space Maintenance	£143,478	Not justified – open space will be passed to management company
Waste bin provision	£6,120 (£170 per unit)	Justified – money towards bin provision at each property that would be at the cost to the Council otherwise.
Public Art	£10,800 (£300 per unit)	Justified – proportionate contribution.
Street Naming	TBC	Justified – proportionate contribution
Community Facilities/Projects	TBC	Under negotiation with East Challow Parish Council
Monitoring	£1,175	Justified – cost to the council involved in monitoring the S106.
Total VoWH package sought	£43,235	NB: Justified and costed contributions only
Oxfordshire County Council (3Q15 indexed)	<i>Proposed Contributions</i>	
Expansion of St Nicholas Primary School	£115,814	Justified – proportionate contribution to expansion of Drayton Primary School
Expansion of nursery accommodation to replace temporary building at The Windmill Nursery	£11,691	Justified – proportionate contribution to nursery accommodation in East Challow
Strategic bus services – Route 67A	£30,510	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.
Future maintenance of Zebra crossing	£5,000	Justified – zebra crossing is necessary part of highway mitigation

Public consultation on Zebra crossing	£5,000	Justified – zebra crossing is necessary part of highway mitigation
Traffic Regulation Order	£3,000	Justified – TRO is necessary part of highway mitigation
OCC Monitoring	£500	Justified – monitoring costs.
Total County Council package sought	£173,515	NB: Justified and costed contributions only
OVERALL S106 PACKAGE	£216,750	NB: Justified and costed contributions only
Contribution per unit	£6,020	NB: Justified and costed contributions only

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 East Challow. 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 housing and affordable housing to meet the needs of present and future generations through the provision of a range of housing types and sizes and would meet the social dimension of sustainable development which should be afforded significant weight. Other social benefits will arise through the contributions to local infrastructure identified including towards local bus services and recreation and sport facilities which in turn could benefit existing residents of East Challow and Wantage.
- 7.4 The proposal has an environmental role including providing housing in a reasonably accessible location, biodiversity enhancements, new highway infrastructure, provision of public open spaces and new tree planting.

- 7.5 It is accepted that the proposal will have some adverse impacts. In particular, there will be a negative impact on the important open land between East Challow and Wantage, although this is reduced due to the strong boundary planting around the site. It is also acknowledged that traffic concerns on the A417 exist and that this proposal will add to that.
- 7.6 However, 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**

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 : Reserved matters application(s) to be submitted within 18 months with commencement on site within 6 months of final reserved matters approval

2 : Approved plans.

3 : Tree protection to be agreed.

4 : Scheme for replacement of orchard to be agreed.

5 : Access details to be agreed.

6 : Visibility splay details to be agreed.

7 : Closure of existing access to Challow Park to be agreed.

8 : Construction traffic management plan to be agreed.

9 : Travel information pack to be agreed.

10 : Sustainable urban drainage scheme for surface water to be agreed.

11 : Foul drainage strategy to be agreed.

12 : Written scheme of archaeological investigation to be agreed.

13 : Programme of archaeological monitoring and mitigation to be agreed.

14 : Badger survey and mitigation to be agreed.

15 : Biodiversity enhancement to be agreed.

16 : New estate roads to highway authority specification.

17 : No drainage to highway.

18 : No occupation until surface and foul drainage strategies implemented.

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