

APPLICATION NO.	P15/V2025/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	1.9.2015
PARISH	KINGSTON BAGPUIZE
WARD MEMBER(S)	Eric Batts
APPLICANT	Auclum Properties Ltd
SITE	Land off Oxford Road, Kingston Bagpuize, Abingdon, OX13 5AP
PROPOSAL	Erection of 8 two storey residential dwellings and associated infrastructure (as amended by plans and documentation received on 24 November 2015).
AMENDMENTS	24/11/15 – Reduction in number of dwellings, amended layout 17/02/16 – Minor amendments to windows
GRID REFERENCE	440829/198168
OFFICER	Holly Bates

SUMMARY

The application is referred to committee due to an objection from Kingston Bagpuize with Southmoor Parish Council.

The application is seeking planning permission for the erection of eight dwellings with associated amenity space, car parking and landscaping.

The main planning issues for consideration are:

- The impact of the development on the character and appearance of the conservation area;
- The impact of the development on the setting of adjacent listed buildings
- The design and layout of the development;
- The impact of the proposal on neighbouring dwellings;
- The implications for ecology;
- The impact on highway safety.

Officers conclude that the development amounts to sustainable development and that the public benefits of the proposal outweigh any less than substantial harm identified to the heritage assets.

The recommendation is therefore to approve the application subject to conditions and a section 106 agreement to secure 40% affordable housing and maintenance of the amenity space provided.

1.0 INTRODUCTION

1.1 The application site, approximately 0.7ha in size, is located towards the eastern edge of the village of Kingston Bagpuize. Abingdon Road, the main north-south route through the village, runs along the south-west boundary of the site, while Oxford Road runs along the northern boundary of the site.

1.2 The site is currently an area of trees, vegetation and scrubland. It forms part of the historic estate of Kingston Bagpuize House, a grade II* listed building located approximately 215 metres to the south of the site.

- 1.3 Neighbouring dwellings are located to the east, west, and north. The neighbouring site to the east, Appleby House, has a resolution for eight new dwellings to be built in the large rear garden.
- 1.4 The application site is located within the Kingston Bagpuize Conservation Area. Grade II listed buildings and structures including the Church of St John the Baptist and Old School House are located to the south-west of the site on the opposite side of Abingdon Road.
- 1.5 A public footpath, Kingston Bagpuize with Southmoor Footpath 7, runs in an arc through the site from the north-east corner to a mid-point along the south-west boundary with Abingdon Road. The site is also washed over by the North Vale Corallian Ridge, a local landscape designation.
- 1.6 A site location plan is **attached** at appendix one.

2.0 PROPOSAL

- 2.1 The application seeks planning permission for the erection of eight new detached two-storey dwellings. Vehicular access would be taken from Oxford Road to the north, and the proposed dwellings would form a mix of 2, 3 and 4 bed properties focussed around a central green area. Private amenity spaces, car parking and additional landscaping would be provided.
- 2.2 The proposal would provide three affordable dwellings, meeting the council’s current affordable housing policy H17 which requires 40% of the dwellings to be affordable. The application is not classified as a major application and therefore contributions are not being sought as they would not be reasonably related in scale and kind to the nature of the development proposed for eight new dwellings.
- 2.3 The application proposal has been amended during the application process; the key amendment being to reduce the number of dwellings from nine to eight. The proposed layout and design has also been amended to address comments made by technical officers. Additional information has also been supplied in relation to ecology issues.
- 2.4 A selection of the application plans are **attached** at appendix two.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 3.1 Below is a summary of the responses received to the application, including those received as part of the re-consultation. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

<p>3.2 Kingston Bagpuize with Southmoor Parish Council</p>	<p>Object for the following reasons:</p> <ul style="list-style-type: none"> • Mitigation works do not compensate for the conservation area setting; • No reason to build in conservation area; • Housing not within allocation; • Access not adequate; • Footpath not addressed; • No affordable housing or contributions; • Housing too large; • Unacceptable loss of trees and open space; • Biodiversity concerns; • Note that a footpath is being provided on this application but not on the site opposite.
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Vale of White Horse District Council – Committee Report – 2 March 2016

Neighbours - Object	<p>One representation raising the following concerns:</p> <ul style="list-style-type: none"> • The Council has a duty to protect and enhance areas of special architectural and historic interest; • Significant loss of the natural environment including trees; • Density of housing is inappropriate; • Harmful to the character of the conservation area; • Insufficient pedestrian access; • Insufficient information on the public footpath; • Factual inaccuracies; • Impact on Great Crested Newts and other wildlife
Neighbours - Support	<p>One representation has been received, supporting the application for the following reasons:</p> <ul style="list-style-type: none"> • The development will enhance the area and not impinge on the Millennium Green; • Housing should be in character and is a good use of otherwise unusable land; • Infill development much more suitable than the massive developments by the A420; • Would suggest that some traffic calming should be introduced along the entry to the village on the A415 from Abingdon.
Conservation Officer – Vale of White Horse	<ul style="list-style-type: none"> • Layout is an improvement on the original layout; • Footpath is more defined and well overlooked; • Still some concerns over shading from trees; • Overall there is less than substantial harm that results from loss of open space which is outweighed by the improved management of the green space and other public benefits.
Highways Liaison Officer – Oxfordshire County Council	No objections, subject to conditions.
Urban Design Officer – Vale of White Horse	The amended scheme addresses some of the original concerns raised however some concerns remain regarding housing mix, edges of the development, location of parking, footpath route and trees.
Landscape Officer – Vale of White Horse	No objections, subject to conditions.
Forestry Officer – Vale of White Horse	The amended layout provides a better proximity between retained trees and dwellings by reducing the number of plots. Would have preferred that many of the trees classed as having a low amenity value were retained.
Countryside Officer – Vale of White Horse	No objections, subject to conditions
Drainage Engineer – Vale of White Horse	No objections, subject to conditions.
Environmental Protection Team –	No objections, subject to conditions.

Vale of White Horse	
Housing Team – Vale of White Horse	No additional comments provided from the original comments which raised no objections.
Countryside Access – Oxfordshire County Council	<ul style="list-style-type: none"> • Pleased to see the amended plans show most of the footpath is clearly segregated and defined through the site; • A footpath diversion under section 257 will be required.
Thames Water Development Control	No objections.
Archaeology Team – Oxfordshire County Council	No objections subject to conditions.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no relevant recent planning history directly related to the application site. The adjacent site at Appleby House has a resolution to grant permission for 8 dwellings under application P14/V1321/O.

4.2 Pre-application History

4.3 [P15/V0190/PEM](#) - (16/04/2015)

Erection of 9 dwellings.

Pre-application advice, including an office meeting, was given on a scheme for nine houses on the site. The following issues were discussed:

- Policy position
- Heritage issues would be paramount to a successful scheme: listed building setting, and conservation area context;
- Careful consideration would need to be given to: achieving a low density rural settlement appropriate character, high focus on landscaping, retaining key trees which contribute to the appearance of the area, high quality materials;
- Key technical issues to address would be: ecology, archaeology, the line of the footpath, potential road noise.

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 Number	Policy Title
GS1	Developments in Existing Settlements
DC1	Design
DC5	Access
DC6	Landscape
DC9	The Impact of Development on Neighbouring Uses
DC10	The Effect of Neighbouring or Previous Uses on New Development
H11	Development in the Larger Villages
H15	Housing Densities
H16	Size of Dwelling and Lifetime Homes

H17	Affordable Housing
HE1	Preservation and Enhancement: Implications for Development
HE4	Development within setting of listed building
HE10	Archaeology
NE7	North Vale Corallian Ridge
L10	Safeguarding and Improving Public Rights of Way

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 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 3	Settlement Hierarchy
Core Policy 4	Meeting our housing needs
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 37	Design and local distinctiveness
Core Policy 39	The historic environment
Core Policy 44	Landscape
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)
- 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)

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 Kingston Bagpuize with Southmoor has not submitted a 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
- 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. Locational credentials
3. Affordable housing
4. Historic environment
5. Design and layout
6. Residential amenity
7. Trees and landscaping
8. Ecology and biodiversity
9. Traffic, parking and highway safety
10. Flood risk and drainage
11. Public right of way

6.2 **Principle of the development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority

shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

- 6.3 Other material planning considerations include national planning guidance within the NPPF and NPPG and the emerging Vale of White Horse Local Plan: Part 1-Strategic Sites and Policies and its supporting evidence base.
- 6.4 Paragraph 47 of the NPPF expects local planning authorities to *"use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area"*... The authority has undertaken this assessment through the April 2014 SHMA which is the most up to date objectively assessed need for housing. In agreeing to submit the emerging Local Plan for examination, the Council has agreed a housing target of at least 20,560 dwellings for the plan period to 2031. Set against this target the Council does not have a five year housing land supply.
- 6.5 Paragraph 49 of the NPPF states *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*. This means that the relevant housing policies in the adopted Local Plan are not considered up to date and the adverse impacts of a development would need to significantly and demonstrably outweigh the benefits if the proposal is refused. In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles.
- 6.6 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.
- 6.7 The application site is considered to lie within the built up limits of the village; with existing development located to the north and west of the site, and a resolution approved for dwellings to the east of the site.
- 6.8 Officers are also mindful of the committee resolution to grant outline planning permission for up to 280 new dwellings to the north-east of the site, identified as a potential strategic housing site in the emerging local plan 2031, part 1.
- 6.9 Kingston Bagpuize with Southmoor is identified as a larger village by policy H11 of the existing adopted local plan 2011. The town and village facilities study update February 2014 also identifies Kingston Bagpuize with Southmoor as one of the district's larger villages; in which it ranks 15th of the 54 settlements identified.
- 6.10 The relevant housing policies of the adopted and emerging local plan hold very limited material planning weight in light of the lack of a 5 year housing supply. Consequently the proposal should be assessed under the NPPF where there is a presumption in favour of sustainable development. Sustainable development is seen as the golden thread running through the decision making process. Having a deliverable 5 year

housing supply is considered sustainable under the 3 strands: economic, social and environmental.

- 6.11 However, the application site is located within a conservation area which is a designated heritage asset and this means that the presumption in favour of sustainable development is not engaged.
- 6.12 Paragraph 14 of the NPPF confirms that the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means where the development plan is absent, silent, or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.
- 6.13 The second point is elaborated upon in a footnote, and confirms that policies relating to designated heritage assets are examples of these aforementioned specific policies.
- 6.14 This means that even with the lack of a five year housing supply, specific policies relating to heritage assets may outweigh the presumption in favour of sustainable development, depending on the specific circumstances.
- 6.15 The assessment remains as to whether the proposal would represent sustainable development when assessed against the policies within the NPPF as a whole, but having specific regard to any harm the proposal would cause to the designated heritage asset in line with the policies of the NPPF.
- 6.16 It is your officer's opinion that the proposal does constitute sustainable development when assessed against the policies of the NPPF as a whole and that there are no adverse impacts which would significantly and demonstrably outweigh the benefits and there is no conflict with the policies within the NPPF relating to designated heritage assets which would restrict development.
- 6.17 These issues will be discussed in detail within this report.
- 6.18 **Locational credentials**
The NPPF requires the need to travel to be minimised and the use of sustainable transport modes to be maximised (paragraph 34). Kingston Bagpuize with Southmoor is located approximately 6 miles north of Wantage, 5 miles west of Abingdon and 10 miles south-west of Oxford and is well connected to each settlement via the A415, A420 and A338.
- 6.19 The village is one of the larger villages within the district and has good access to a range of services and facilities including a school, place of worship, pub, shop and post office. The site itself is within walking distance of many of the facilities and bus stops along Abingdon Road and Faringdon Road, further into the village. For example, the site is approximately 165m from the closest pub, 530m from the post office and 170m from the entrance to the Millennium Green area of public open space (measured from the site access). These are acceptable walking distances, according to the Institution of Highways Transportation guidelines for providing journeys on foot (2000). The site is also in close proximity to Kingston Bagpuize Business Park, to the south, providing employment opportunities.
- 6.20 The village is served by public transport which connects to other towns and villages

within the district and beyond. This includes the x15 bus which runs along Abingdon Road to the south of the site and connects the village to both Abingdon, Witney and other services and facilities such as Fairacres Retail Park in Abingdon and Millets Farm Garden Centre in Frilford.

- 6.21 The approximate walking distance from the access point on the northern boundary of the site to the closest bus stop on Abingdon Road is about 140 metres. The proposed development also includes provision of a pedestrian footpath along the northern boundary of the site to aid connectivity to the services and facilities, including the bus stops, which are located to the west. The public footpath running through the site also exits out directly onto Abingdon Road further to the south.
- 6.22 Furthermore, the NPPF puts strong emphasis on housing being used to further enhance rural vitality and the proposal would help to ensure the long term provision of existing facilities.
- 6.23 Given the demand for additional housing in the district, how the site relates to the existing village and the proximity of the site to local services, the application site is considered a sustainable location for housing development when assessed against the NPPF.
- 6.24 **Cumulative Impact**
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.
- 6.25 This application would provide eight new dwellings which is a relatively small number, and would be considered acceptable in principle (subject to details) under policy H11 of the existing local plan 2011 which provides for up to 15 dwellings on infill sites in the village. Therefore, while officers are mindful of other larger scale housing developments that have been permitted, or resolved to be permitted, within Kingston Bagpuize with Southmoor this does not preclude smaller infill sites coming forward. In addition, the district still has a deficit in its five year housing supply.
- 6.26 **Affordable Housing**
The application makes provision for 40% affordable housing (3 units) which accords with policy H17 of the adopted local plan. Officers are of the opinion that the proposed mix of 2, 3 and 4 bedroom houses appropriately reflects the edge of settlement character and sensitive conservation area location to ensure a lower density, more spacious development of larger dwellings which still achieves the affordable housing requirement. As such the proposed mix is considered to be appropriate for the application given its scale and is considered acceptable.
- 6.27 **Historic Environment**
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.
- 6.28 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.

- 6.29 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.
- 6.30 Policy HE1 of the adopted local plan seeks to preserve or enhance the character or appearance of the conservation area. Policy HE4 of the adopted local plan seeks to protect the setting of listed buildings.
- 6.31 The application site lies within the Kingston Bagpuize Conservation Area and forms part of the historic estate of Kingston Bagpuize House, a grade II* listed building to the south-west of the site. However, the application site is physically separated from the rest of the estate by Abingdon Road, and contains no listed structures. Kingston Bagpuize House is some 215m away from the application site; other listed buildings and structures associated with this historic estate are closer to the site but all are positioned on the other side of Abingdon Road.
- 6.32 The grade II listed Old School House and its attached school and walls are about 10m from the south-west boundary of the site, and the grade II listed Church of St John the Baptist along with its gate piers and gates, lies slightly further away at about 65m from the south-west boundary. However, the historic link with the estate is not overly apparent, physically or visually, and the site itself is not read in conjunction with the context of Kingston Bagpuize House and its grounds on the south-west of Abingdon Road.
- 6.33 The site is read more within the context of the development to the north-east side of Abingdon Road. It is not considered to form a significant connection to the historic setting of Kingston Bagpuize House and does not play a crucial role in this part of the conservation areas’ special interest or relationship with its landscape setting. In addition, given its position and relatively well contained nature, officers do not consider that the site plays an overly important role in terms of views within, into or out from the conservation area. Officers therefore consider that this site does not significantly contribute to the special character and appearance of the conservation area.
- 6.34 The proposal will clearly have a visual impact on the appearance of the site. However, the low density, open and spacious plots, central green aesthetic and high quality design utilising traditional materials all contribute to creating a development which would complement the local vernacular and grain. The harm caused to the character and appearance of the conservation area is therefore considered to be less than substantial and consequently must be weighed against the public benefits of the proposal, in line with paragraph 134 of the NPPF.
- 6.35 The NPPG, at paragraph 020, states: “Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework”. 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 could help secure local facilities or make them more robust. 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. 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.

- 6.36 Officers also consider that there would be a broadly neutral environmental impact of the development, taking into account the loss of the trees within the site but the preservation of the mature trees along the boundaries of the site which make a positive contribution to the character and appearance of the area. The development is also of a high quality design and layout and in respecting its context, also allows for better use of this currently un-used site including enhancing a public right of way directly through it.
- 6.37 Therefore, officers consider that there would be economic and social public benefits to the proposal, and neutral environmental impacts. As such, the public benefits are considered to outweigh the less than substantial harm to the conservation area.
- 6.38 The distance of the proposed development from the Grade II* listed buildings is considerable, and while the grade II listed building and structures are closer to the site, these remain physically and visually separated from the application site. The sympathetic design, layout, materials (including boundary treatments) and retained and proposed landscaping provide a sensitive setting to the listed structures on the other side of the road. As such the proposal is considered to respect the special historic setting of these listed structures and would not result in any harm to their setting.
- 6.39 The proposal therefore complies with Local Plan Policies HE1 and HE4 of the adopted local plan 2011, the NPPF, NPPG and the council's design guide 2015.
- 6.40 **Design and Layout**
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.
- 6.41 A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (including 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.
- 6.42 *Spatial Layout*
The proposal responds to its village edge location and sensitive conservation area setting by presenting a relatively low density scheme which incorporates spacious plots and emphasis on landscaping. A green corridor lies across the site, adding to the spacious and green feel. This would provide the realigned public footpath with an open green buffer either side and connects the development both to the north and south, so integrating it with its surroundings. The development would also provide a new footpath along the northern boundary of the site along Oxford Road to enable connectivity into the village and its facilities.
- 6.43 The urban design approach is dwellings fronting onto the shared open green space. While this approach creates an inward facing development, care has been taken with the fenestration to achieve active elevations to the external as well, including windows,

bay windows, gabled projections and varied orientations. Public and private spaces remain well defined and natural surveillance of public spaces including the public footpath would be achieved.

- 6.44 Officers consider this approach acceptable in this case as there is a strong emphasis for the character of the development to retain the mature trees along the boundary with Abingdon Road and Oxford Road, which form a key characteristic of the appearance of the area.
- 6.45 *Built form*
Principle DG51 of the council's design guide 2015 seeks new development which generally reflects the scale of the existing settlement and principle DG52 seeks that the form of new development should be kept simple, in most cases with a rectangular floor plan and pitched roof.
- 6.46 The proposed dwellings respond to these design principles, presenting detached two storey dwellings based on rectangular, and some L-shaped formations with pitched roofs. While all of a similar form in this regard, the dwellings would present a variety of sizes, layouts and orientations to add subtle diversity to the street scene. The proposed dwellings would be constructed from brick and Cotswold stone with tiled roofs and casement windows to reflect the character and appearance of the local area.
- 6.47 *Architectural Detailing*
Gable-end chimneys, steep roof pitches and dormer windows are all features proposed to be incorporated within the dwellings, as well as stone lintels and cills as identified in the submitted design and access statement. These specific architectural details comply with the zone 1A characteristics as set out in the design guide 2015.
- 6.48 The proposal is therefore considered to comply with local plan policies DC1, HE1, HE4 and NE7 of the adopted local plan 2011, the NPPF, NPPG and the council's design guide 2015.
- 6.49 **Residential Amenity**
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.
- 6.50 Corner House, located to the north-west of the application site, would be bordered by plots 8 and 7. The dwelling on plot 7 would be located approximately 36 metres from the rear elevation of Corner House, and would present a gabled side elevation with no upper floor windows to this neighbouring property. The rear garden to plot 8 would adjoin Corner House with a 1.8m high close boarded fence, along with a single storey double garage approximately 26m from the side elevation of Corner House. There would be no upper floor windows contained within the west elevation of plot 8, or the garage.
- 6.51 Appleby House, located to the east of the application site, would be bordered by plot 1. Appleby House itself is located some distance off of the boundary (about 28m) and the rear elevation of plot 1 would be set off of the boundary by about 6m. The dwellings on plots 1, 2, 3 and 4 would also border the dwellings as approved under application P14/V1321/O. All upper floor habitable room window distances would meet the 21 minimum required by the design guide 2015, and some plans have been amended in relation to window arrangements to ensure no harmful overlooking of

amenity areas occurs.

- 6.52 Park Cottage, located to the south-east of the application site, would not directly adjoin the site and would be located about 30m from plot 4, the southern-most plot within the application site.
- 6.53 As such, given the distances involved and the compliance of the scheme with the council's design guide 2015, it is not considered that the proposal would result in any harm to the amenities of the neighbouring dwellings. The proposal would therefore comply with local plan policy DC9, the NPPF, NPPG and the council's design guide 2015.
- 6.54 **Trees and landscaping**
The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph109).
- 6.55 Local Plan Policy DC6 requires proposals for development to include hard and soft landscape measures designed to protect and enhance the visual amenities of the site and its surroundings, including, where appropriate, existing important landscape features.
- 6.56 The trees on the site are currently afforded protection due to the conservation area location. One of the key characteristics of the appearance of Abingdon Road are the mature trees along the site boundary here, which make a positive contribution to the entrance to the village and conservation area setting.
- 6.57 The applicant has sought to retain most of those trees that have been categorised in the tree assessment as good or moderate quality, including those bordering Abingdon Road, but has removed all of the other trees in order to achieve a useable and high quality layout. In total 37 trees are to be removed from the site, although no category A trees (trees of high quality and value) are to be removed.
- 6.58 The council's forestry officer, while noting the intention to retain the majority of the good or moderate quality trees, would have preferred that more of the low amenity trees were retained. Officers acknowledge this position. However, in the weighing up of the social and economic benefits to the proposal and the concerted efforts at retention of some of the highest quality trees on the site in the wider interests of the conservation area context, officers consider that these benefits outweigh the loss of the other low amenity trees on the site. Additional tree planting and landscaping is also proposed to augment the retained trees and will complement the design layout and make a positive contribution to the character and appearance of the conservation area. Officers do not consider that unacceptable shading of amenity areas would occur from existing or proposed planting as a result of the proposal.
- 6.59 **Ecology and biodiversity**
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..."*
- 6.60 The site contains habitats used by Great Crested Newts (GCN) which breed in the nearby Millennium pond and the trees have been assessed for their potential to support roosting bats.

- 6.61 Significant weight has been given to the protection of these species and the council's countryside officer has engaged in detailed discussions with the agent's ecological advisers resulting in a mitigation strategy which should ensure that the proposals can be implemented without any harm to GCN or the local bat population.
- 6.62 The completed scheme should ensure that there is no net loss of terrestrial habitats for GCN and the council's countryside officer is satisfied that provided the works are completed under an appropriate protected species licence there should be no long term harm to the GCN population. Conditions have been recommended by the countryside officer, which are included in section 8.3 of this report. As such the proposal is considered to comply with the NPPF and NPPG.
- 6.63 **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) states: "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*"
- 6.64 The local highways authority has raised no objections to the amended proposal, subject to conditions. The local highways authority have confirmed that the proposed vehicular access, including visibility splays, to Oxford Road is acceptable subject to detailed conditions; as is the level of parking provision proposed for the dwellings. Therefore the proposal complies with local plan policy DC5 and the NPPF.
- 6.65 The development for eight dwellings would not result in a significant addition of traffic movements into the road network and as such it would not be reasonable or necessary to seek any off-street highway works to mitigate the output of traffic from the site because it would not be fairly and reasonably related in scale or kind to the development.
- 6.66 **Flood risk and surface/foul water drainage**
The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103).
- 6.67 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.
- 6.68 The application site is not located within a flood zone and the council's drainage engineer has no objections to the proposal subject to the submission of a detailed sustainable surface and foul water drainage strategy. Thames Water also raise no objections in terms of sewerage infrastructure capacity and water infrastructure capacity. As such the proposal is considered to comply with the NPPF and NPPG.
- 6.69 **Public right of way**
The proposal would impede the line of the existing Kingston Bagpuize with Southmoor Footpath 7, which traverses the application site in an arc from the north-east corner to a mid-point along the south-west boundary. As a result, the applicant has proposed that the existing footpath be diverted and rerouted through the site. The Oxfordshire

County Council rights of way officer has raised no objection to the diversion, and has confirmed that as the footpath will not be accommodated of its definitive line the applicant will need to apply for a footpath diversion under section 257 of the Town and Country Planning Act 1990.

- 6.70 The applicant will need to apply separately to the Council for the formal diversion, which is the proper process to follow and any granting of planning permission would not prejudice this. As such the proposal is considered to comply with local plan policy L10, the NPPF and NPPG.

7.0 CONCLUSION

- 7.1 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 While the presumption in favour of sustainable development is not engaged due to the site being located within a conservation area, the assessment remains as to whether the proposal would represent sustainable development when assessed against the policies within the NPPF as a whole, but having specific regard to any harm the proposal would cause to the designated heritage asset in line with the policies of the NPPF.
- 7.3 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 could help secure local facilities or make them more robust. 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.
- 7.4 The scheme would have a social role as it will provide in general additional housing that the District needs given the current five year housing supply shortfall, together with much needed affordable housing units for the village.
- 7.5 Considerable weight has been given to the policies in the NPPF which relate to the protection of designated heritage assets, which also indicate that local planning authorities should look for opportunities for new development within conservation areas to enhance and better reveal their significance.
- 7.6 It is acknowledged that a degree of harm to the conservation area would occur as a result of the development, given the loss of the majority of trees on the site and the change in appearance. However, as explained earlier in the report, this degree of harm is considered to be less than substantial due to the site's limited contribution to the significance of the conservation area, distance from listed buildings and traditional, low density approach which is sensitive to its context.
- 7.7 Therefore, any harm identified is limited and not substantial; and the proposal is not considered to conflict with any of the policies in the NPPF which relate to development in the setting of designated heritage assets.
- 7.8 The proposal has economic and social public benefits and a broadly neutral environmental impact. It would also make a contribution to the need for housing in the District. It is considered that these significant benefits outweigh the less than substantial harm identified.

7.9 Overall, and in view of the emphasis in the NPPF to significantly boost the supply of housing, the development is considered to amount to sustainable development and while there will be some adverse effects, these do not significantly and demonstrably outweigh the benefits. Consequently the application is recommended for approval subject to conditions and a legal agreement to secure affordable housing and the maintenance of the on-site amenity areas.

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 S106 agreement being entered into with the district council in order to secure affordable housing and open space maintenance by way of a management company; and**
2. **Conditions as follows:**
 1. **Commencement within three years.**
 2. **Approved plans list.**
 3. **Details of materials to be submitted.**
 4. **Details of windows, doors, cills, lintols etc. to be submitted.**
 5. **Details of boundary treatments to be submitted.**
 6. **Surface water drainage details to be submitted.**
 7. **Foul water drainage details to be submitted.**
 8. **Licence from Natural England required (great crested newts).**
 9. **Development to be carried out in accordance with protected species mitigation report.**
 10. **Landscaping scheme to be submitted.**
 11. **Landscaping (implementation).**
 12. **Details of tree protection scheme to be submitted.**
 13. **Archeaological written scheme of investigation (WSI) to be undertaken.**
 14. **Archeaological scheme of evaluation and mitigation to be undertaken in accordance with the WSI.**
 15. **Development to be implemented in accordance with submitted noise assessment report.**
 16. **Access, parking and turning space in accordance with submitted plans.**
 17. **New roads to be constructed in accordance with Oxfordshire county council specifications**
 18. **Vehicular access to be taken from Oxford Road only.**
 19. **No surface water shall be discharged onto the highway.**
 20. **Permitted development restriction on fences and walls.**
 21. **Garage accommodation to be retained for parking purposes only.**
 22. **Obscure glazing to referenced bathroom/en-suite windows.**

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