

APPLICATION NO.	P15/V1319/O
APPLICATION TYPE	OUTLINE
REGISTERED	4.6.2015
PARISH	EAST HENDRED
WARD MEMBER(S)	Michael Murray
APPLICANT	Mr E. Clayton
SITE	The Lynch East Hendred Wantage, OX12 8LB
PROPOSAL	Outline application with all matters except access reserved for future determination, for four detached two storey houses
	(Application amended 18 November 2015_ reduction in house numbers; updated red edge plan)
	(Additional Information received 27 January 2016_ ownership certificate and additional highway information.)
AMENDMENTS	As above
GRID REFERENCE	445587/188472
OFFICER	Sarah Green

SUMMARY

- The application is referred to planning committee due to objections from the parish and local residents
- The application is for outline permission for 4 dwellings with approval for access. All other matters are reserved.
- The main issues are the impact on the landscape and AONB, impact on traffic and use of The Lynch
- The proposal is considered to have limited impact upon the wider landscape and there is no objection from highways to the proposal.
- The application is recommended for approval subject to conditions

1.0 INTRODUCTION

1.1 The application is referred to planning committee due to objections from the parish and local residents.

1.2 The site is located on the south western side of East Hendred. It currently forms part of an agricultural field which wraps around the existing housing. Running along the south boundary of the site is a public footpath which joins The Lynch. The Lynch is an unmade road which serves 10 properties and joins the public highway at the junction of Ford Lane and Horn Lane. The site is within the AONB. A location plan is **attached** at Appendix 1.

2.0 PROPOSAL

2.1 The application seeks outline planning permission with approval for access for four dwellings on the site. All other matters are reserved for future determination. An illustrative site plan has been submitted to show how the dwellings could be accommodated on the site. The proposal also includes providing a small strip of land to No 1 The Lynch. Extracts of the plans are **attached** at Appendix 2.

2.2 This is an amendment from the original scheme which sought approval for access,

layout and scale for five dwellings.

- 2.3 The ownership of The Lynch has been raised as an issue in this application. To address this matter ownership certificate D and a copy of its accompanying press advert has been submitted by the agent. This is the correct ownership certificate and officers are satisfied the application is valid.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Below is a summary of the responses received to both the original plans and the amendments. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

<p>3.1 East Hendred Parish Council</p>	<p><i>Original scheme</i></p> <ul style="list-style-type: none"> • Holding objection • Main concern is highways and additional traffic issue. • Some concern site is visible from key vantage points in AONB. • Application incomplete – details of access missing <p><i>Amendments</i></p> <ul style="list-style-type: none"> • Objection • Harm to the countryside and AONB • Insufficient information on visibility and access • 1988 appeal dismissed on highway grounds • If minded to grant, seek 2m path along Lynch, access road in keeping with narrow lanes, £20,000 to improve restrictive byway.
<p>Neighbour Objection</p>	<p><i>Original scheme –</i> 16 letters of objection were received to the original consultation. The concerns raised may be summarised as follows:</p> <ul style="list-style-type: none"> • Increase in traffic, parking issues, roads not suitable • Impact on views across fields • Ownership of The Lynch • Set precedent for further development • In AONB • Outside village envelope • Impact on neighbour amenity • Houses not affordable <p><i>Amendments –</i> 6 further letters of objection received.</p> <ul style="list-style-type: none"> • Increase in traffic, parking • Ownership of The Lynch • Designated parking will endanger all users • OCC stated would not adopt road. • The Lynch as a public highway will set precedent for further developments.
<p>Neighbour Support</p>	<p>13 letters of support were received to the original consultation. These may be summarised as follows:</p> <ul style="list-style-type: none"> • Sensible in size and scale. • Boundary will prevent further development towards west.

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	<ul style="list-style-type: none"> • Enhance view of village • Existing houses on The Lynch benefit from properly surfaced, drained road • Positive step forward for the local community • Would be very beneficial for all young families looking to stay in this village community. • Site comfortably within existing village boundaries • Fulfil need for small, sustainable and sensitively build homes
Neighbour - No strong views	<p>3 general comments that were received on the scheme have been received. These may be summarised as follows:</p> <ul style="list-style-type: none"> • Not objecting to houses being built but hope impact on traffic given appropriate consideration. • Access roads are narrow and winding and become very congested at school times, feel this should be addressed by some form of traffic calming before any construction work and its associated traffic be allowed. • Council property includes some land on The Lynch
Highways Liaison Officer (Oxfordshire County Council)	<p>No objections in principle, subject to conditions.</p> <ul style="list-style-type: none"> - Vicinity of site constrained but not untypical of village layout - Does not add significant number of traffic movements to network - Reasonable The Lynch is reconstructed to adoptable standards
OCC Rights of way	<p><i>Original Scheme</i> No objection The plans suggest that The Lynch (up to the entrance of the new development) would be improved to an adoptable standard; this would be satisfactory.</p> <p><i>Amendments (informal comments to officers)</i> Informally has no objection to reconstructing to adoptable standard. Parking bays should not be designated.</p>
Thames Water Development Control	No objection
Drainage Engineer (Vale of White Horse District Council)	No objection subject to conditions on surface water drainage drainage scheme and foul water drainage strategy
County Councillor Stewart Lilly	<p><i>Original scheme</i> I see no logical reason in planning terms and the current NPPF to refuse this logical and sensible application. Obviously subject to appropriate conditions with regard to materials in this semi-rural setting. I support the application.</p> <p><i>Amendments</i> I support this application</p>
The Hendreds	School contributed financially to the construction of the

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Primary School	boardwalk encouraging a safe route to and from school for individual children and families. Extra traffic generated by the planning application will not pose an extra risk or problems for access to and from the school by children and parents. With two primary schools in the village extra dwellings could be of assistance in maintaining the viability of small schools
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4.0 **RELEVANT PLANNING HISTORY**

4.1 [P64/V6013](#) - Approved (23/01/1964)
Overhead line

[P63/V6016](#) - Refused (07/05/1963)
Site of approx. 3 acres for residential development

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse District Council Local Plan 2011**

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

- DC1 - Design
- DC5 - Access
- DC6 - Landscaping
- DC9 - The Impact of Development on Neighbouring Uses
- GS2 - Development in the Countryside
- H11 - Development in the Larger Villages
- H13 - Development Elsewhere
- L10 - Safeguarding and Improving Public Rights of Way
- NE6 - The North Wessex Downs Area of Outstanding Natural Beauty

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:-

- Core Policy 1 Presumption in favour of sustainable development
- Core Policy 3 Settlement hierarchy
- Core Policy 4 Meeting our housing needs
- Core Policy 15 Spatial strategy for South East Vale sub-area
- Core Policy 37 Design and local distinctiveness
- Core Policy 44 Landscape

Design Guide – March 2015

National Planning Policy Framework (NPPF) – March 2012

National Planning Practice Guidance 2014 (NPPG)

Neighbourhood Plan

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

plan.

Environmental Impact

The site is within the AONB. However 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. This proposal is not EIA development.

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)

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.

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:

- Principle of development
- Landscape and AONB
- Design and Layout
- Locational Credentials
- Traffic, Parking and Highway Safety
- Rights of Way
- Residential Amenity
- Flood Risk and Surface/Foul Drainage

6.2 Principle of 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.

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- 6.4 Adopted and emerging local policy positions
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.
- 6.5 The site is on the edge of East Hendred village but is considered outside the built up area. It would therefore be contrary to Policy H11 of the adopted Local Plan. In the Emerging Local Plan the village is designated a larger village.
- 6.6 National policy position
At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means *approving development proposals that accord with the development plan without delay; and 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 this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.*
- 6.7 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.
- 6.8 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".
- 6.9 Therefore policy H11 is not considered up to date. The emerging local plan also has limited weight at this time as it is under examination.
- 6.10 However, it is important to note that, given the AONB location of the site the presumption in favour of sustainable development within the NPPF is not engaged and paragraph 14 in effect, transfers assessment of the application to paragraphs 115 and (if appropriate) 116 of the NPPF.
- 6.11 Paragraph 115 of the NPPF confirms that great weight should be given to conserving and enhancing the character and qualities of the AONB which have the highest status of protection. This reinforces the statutory duty placed on the council under S85 of the Countryside Rights of Way Act 2000 to conserve and enhance the natural beauty of its landscape. In addition, the PPG is clear that great weight must be given to the 'have regard' duty of S85 of CROW "to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." Policy NE6 of the adopted local plan relates to developments in the AONB and further enforces the need to conserve or enhance the natural beauty of the landscape.
- 6.12 Paragraph 116 relates to major developments within such designated areas and that they should be refused unless there are exceptional circumstances and where it is in

the public interest to grant planning permission. This development is for 4 dwellings. In the context of the size of East Hendred and the relative size of the proposal, officers consider that this application does not constitute major development in the AONB as set out in the NPPF. Therefore paragraph 116 is not relevant to this consideration. It should be assessed against paragraph 115.

6.13 Landscape and AONB

Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty (paragraph 115 NPPF). The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph 109). Local plan policy NE6 relates to developments in the AONB and seeks to prevent developments which would be visually prominent or would detract from the character of the area.

6.14 The site lies on the edge of the village. The Lynch is a restricted byway which continues as a bridleway to West Hendred. Further to the west is a BOAT which runs north. The site also slopes down from south to north.

6.15 The development would extend built form to the west and would provide a landscaped hedge to the western boundary. There are plots of land to the north with a strong hedge boundary to them, which the site would not extend as far west as. The site boundary would extend further west than the dwellings along the south side of The Lynch. The illustrative layout shows how the dwellings could be accommodated on site.

6.16 Whilst officers may not wholly agree with the submitted layout, it does show that four dwellings can be accommodated within good landscaped plots. The low density and ability for good landscaping to be incorporated, including a 5m landscape buffer to the west boundary, will in your officers view reduce the visual impact of the development significantly. When viewed from the west the development will be seen in the context of the existing development along The Lynch and within East Hendred. The creation of a strong landscape boundary to the west would be in keeping with other hedge boundaries to the north. The proposal would result in a small impact on the visual amenity of the wider landscape. Officers consider that an increase in density on this site would however increase the visual impact to the detriment of the landscape in this particular case. The level of development therefore proposed is considered acceptable in this location and would not harm the wider AONB landscape.

6.17 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.

6.18 The application only seeks outline approval and approval for access. All other matters are reserved. An illustrative layout plan has been submitted to show how the dwellings could be laid out on site. This shows all four dwellings sited along the length of the site with rear gardens and a landscaped boundary to the west. Your officers consider it would be more beneficial if the site had more of a frontage to The Lynch and had a more informal layout. The exact layout can be determined at reserved matters stage. Details of the landscaping and design of the south eastern corner and access point onto The Lynch will be important to ensure the two relate well to each other. At this outline stage officers are satisfied that four dwellings can be accommodated on the site in a manner that will not harm the character of the area.

6.19 **Locational Credentials**

The NPPF requires the need to travel to be minimised and the use of sustainable transport modes to be maximised (paragraph 34).

6.20 East Hendred is one of the larger villages in the District. The Inspector for the appeal for 21 houses west of Portway Villas to the north of the village in 2013 noted that it “contains a shop/post office, schools, public houses and a church. It is currently served by bus routes, including one to Didcot Parkway, where there are rail connections to London and elsewhere.” This site is located to the south west of the village and is within walking distance to the primary school and other facilities within the main village. It is therefore considered to be relatively sustainable in locational terms.

6.21 **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.

6.22 A number of the objections received relate to the impact upon the village roads and the increase in traffic from the development, as well as the construction traffic to the site. The ownership of The Lynch has also been raised.

6.23 The application is supported by a Transport Statement. It was considered due to the site’s existing farming use, the characteristics of the village and its highway and footway links, it would not be suitable for the proposed site to accommodate more than 5 residential units. It is stated that this threshold was agreed with OCC to ensure the number of traffic movements upon the local highway network would remain at a similar level to the agricultural movements currently being generated.

6.24 The highway officer has commented that whilst the vicinity of the site may be considered constrained, it is not untypical of a village layout and environment and there are no reported injury accidents in the vicinity of the proposed site. He considers that the development would not add a significant number of traffic movements to the network such that ‘severe harm’ could be demonstrated as required by the NPPF. Reference has been made by the parish council to an 1988 appeal for an additional house on The Lynch which was dismissed on Highway grounds. The current application has to be assessed against the current policy framework and in light of the information submitted with the application. On this basis the highway officer does not object to the proposal.

6.25 With regards to construction traffic, given the location of the site, the existing village roads and the primary school in the vicinity, it is reasonable to require a construction traffic management plan prior to commencement of the development. This will include details such as delivery times to the site, which should exclude school times.

6.26 As part of the application, the applicant is proposing to reconstruct The Lynch to a standard that could be adoptable by the county council. Currently the road is an unmade private road which informal parking takes place along. At the request of the highway officer further plans were submitted to show the inclusion of designated parking bays along The Lynch. However the rights of way officer has informally highlighted that this would not be supported from a rights of way perspective. Your officers consider that the need for designated bays along here are not necessary for the development and could result in an overly suburban appearance to the road. The materials and layout for the road can be agreed by condition to ensure they are appropriate for this rural location. A Grampian style condition can ensure the works are carried out before the development.

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- 6.27 It has been raised by objectors that the ownership of The Lynch is unclear. There is no requirement for an applicant to own land to be able to submit an application on it. The requirement is to serve notice on the owner(s) or if the owner is unknown, a press advert must be placed in the paper. To address this issue in relation to The Lynch, ownership certificate D and its accompanying press advert has been submitted for the application. In planning terms the application is valid and can be determined.
- 6.28 Disputes over ownerships are a civil matter and applicant would need to address this outside of the planning process, should permission be forthcoming. It has also come to light that part of The Lynch in front of Nos 1 - 4 and around the corner to No 5 and 6 is owned by the district council. The council's property team have not raised any objection to the application.
- 6.29 **Rights of Way**
A restricted byway runs along The Lynch and continues westwards. The proposals would involve reconstructing The Lynch and part of the byway up to the access to the site. The Countryside Access Team at the County Council have no objection to the proposal. Making The Lynch up to an adoptable standard is satisfactory in their view. As set out above, the designation of parking bays would not be supported by them and is not necessary. Full details of the materials and layout to be used for The Lynch can be conditioned to ensure it is appropriate for the area. Rights of access over the public right of way is a separate matter to planning.
- 6.30 **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.
- 6.31 The application is in outline and therefore the siting of the dwellings are not fixed at this stage. However officers are confident the dwellings could be accommodated on the site without overlooking or being overbearing on the neighbouring occupiers.
- 6.32 **Flood Risk and Surface/Foul Drainage**
The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). The site is not within a flood zone. The drainage engineer had reviewed the proposal and he has no objection subject conditions requiring a sustainable surface water scheme and a fully detailed foul water drainage strategy prior to commencement of the development.
- 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 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. It is noted that The Hendreds Primary School support the application in this regard and the assistance it could bring on maintaining the viability of small schools. Through increasing the housing stock, it would contribute to an expansion of the local housing market. The scheme would have a social role as it will provide in general additional housing that the District needs.

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7.3 The proposal will have some environmental implications resulting from localised landscape impact. Considerable weight has been given to conserving the landscape of the AONB. The low density of the development and proposed mitigation from the landscape buffer can ensure that the beauty of the wider AONB is conserved and is not harmed in this case.

7.4 Overall, and in view of the emphasis in the NPPF to boost significantly the supply of housing, the development is considered to amount to sustainable development, and whilst there will be some limited adverse effects, these do not significantly and demonstrably outweigh the benefits. Consequently, the application is recommended for approval subject to conditions.

8.0 **RECOMMENDATION**

8.1 **It is recommended that planning permission is granted subject to the following conditions:**

1. **Time limit – outline application.**
2. **Submission of reserved matters.**
3. **Approved plans.**
4. **No development to commence until The Lynch is reconstructed to Oxfordshire county council adoptable standards in accordance with details to be submitted and approved.**
5. **Prior to commencement details of access and visibility to the site from The Lynch to be submitted and approved.**
6. **Prior to commencement construction traffic management plan to be submitted and approved.**
7. **Prior to commencement details of landscape strip on western boundary to be submitted and approved.**
8. **Landscape strip to be implemented in accordance with approved details above.**
9. **No development to commence until sustainable surface water drainage scheme submitted and approved.**
10. **Prior to commencement of development foul water drainage strategy to be submitted.**

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