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<b>APPLICATION NO.</b>	<a href="#">P16/V0637/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	29.3.2016
<b>PARISH</b>	WEST HANNEY
<b>WARD MEMBER(S)</b>	Matthew Barber
<b>APPLICANT</b>	Beaumont Developments Ltd
<b>SITE</b>	Land adjacent to Church Farm, West Hanney, OX12 0LW
<b>PROPOSAL</b>	The demolition of an existing building and the erection of 8 no. dwellings with associated outbuildings and access.
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	440758/192834
<b>OFFICER</b>	Sarah Green

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### SUMMARY

- This is a full planning application for 8 dwellings on land adjacent to Church Farm in West Hanney. It is referred to planning committee as the officer recommendation is contrary to that of the parish council
- The main issues are lack of five year supply of housing, the impact upon the landscape, setting of listed buildings and conservation area, neighbour impact, highway impact, biodiversity, delivery of affordable housing, drainage.
- The proposal would not provide on-site affordable housing in accordance with development plan policy. It is considered the proposed off-site financial contribution and gift of land to the parish council would not outweigh this failing
- The proposal would have some environmental impact but this could be mitigated and it provides for biodiversity enhancements.
- The application is recommended for refusal.

### 1.0 INTRODUCTION

- 1.1 This is a full planning application for eight dwellings on land adjacent to Church Farm in West Hanney. It is referred to planning committee as the officer recommendation is contrary to that of the parish council. There is also an alternative application for 11 units on the same site which is also to be considered by committee (ref P16/V0635/FUL)
- 1.2 The site is approximately 1.3ha in size and is shown on the location **attached** at appendix 1. To the north and west of the site are residential properties and their gardens. To the east and south the site is enclosed by a hedge, beyond which are open fields. Two public rights of way run around the outside of the site.
- 1.3 Part of the access and a small area of the site is within the conservation area which is located to the west of the site. There is also a listed building to the north of the site and a number to the west of the site, most notably St James Church which is grade II\* listed.
- ### 2.0 PROPOSAL
- 2.1 The proposal is for eight market houses. There will be a single vehicular access to the site, through the existing Church Farm development, with two pedestrian footpaths to the public rights of ways to the east and south. It also includes a carport block for the two properties to the west of the application site.

- 2.2 This application also includes an area of 2.8ha of land to the south of the site, which the applicant will gift to the parish council for community use.
- 2.3 Some minor amendments and additional information have been submitted during the application process. They include:
- Vehicle tracking and boundary treatments
  - Available open space on site
  - A planting plan
  - Clarification of proposed use of carport opposite plot 5
  - A phase 1 habitat survey and bat survey report
  - A contaminated land report
  - An affordable housing statement
- 2.4 Extracts of the plans are **attached** at appendix 2.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Below is a summary of the responses received to application. A full copy of all the comments made can be viewed online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).

West Hanney Parish Council	Fully supports the application
Neighbours – Eight letters of objection	<ul style="list-style-type: none"> <li>• Impacts views of Church Tower and conservation area</li> <li>• Impact on listed building to north,</li> <li>• No screening proposed to neighbouring properties</li> <li>• overlooking</li> <li>• Increase in traffic;</li> <li>• Impact on character of area</li> <li>• Not enough infrastructure in village</li> <li>• Drainage</li> <li>• Over development</li> <li>• No access to The Farmhouse from carport</li> <li>• Not in keeping with village</li> <li>• Too many applications in villages</li> <li>• Extends line of village</li> <li>• Prefer these 8 dwellings to 11 dwellings</li> <li>• In good keeping with immediate neighbours</li> <li>•</li> </ul>
Contaminated Land	No objection
Conservation Officer	No objection, suggests conditions
Countryside Officer	No objection, suggests conditions
Forestry Team	No objection, suggests conditions
Drainage Engineer	No objection, suggests conditions
Waste Team	No objection
Housing Development	Objection. Not compliant with policy

County Highways Officer	No objection, suggest conditions
County Archaeologist	No objection, suggests conditons
Thames Water	No objection

#### 4.0 **RELEVANT PLANNING HISTORY**

##### 4.1 [P15/V2291/FUL](#) - Withdrawn (18/12/2015)

Demolition of existing building. Erection of 5 no. dwellings with associated outbuildings and access.

Most recent applications on adjacent site at Church Farm:

##### [P16/V0377/FUL](#) - Approved (04/04/2016)

Variation of condition 2 of Planning Permission P15/V0657/FUL

##### [P15/V0658/LB](#) - Approved (23/07/2015)

Conversion of grade II listed stone barn to provide 1no. residential dwelling. Demolition of existing barn structures and erection of 5no. residential dwellings and associated amenity space, car parking and associated works.(as amended by drawing received 20 May 2015)

##### [P15/V0657/FUL](#) - Approved (23/07/2015)

Conversion of grade II listed stone barn to provide 1no. residential dwelling. Demolition of existing barn structures and erection of 5no. residential dwellings and associated amenity space, car parking and associated works.(Amended Access Detail received 20 May 2015 and additional parking spaces, highways ownership and visibility splays rec 15 June 2015)

#### 5.0 **POLICY & GUIDANCE**

##### 5.1 **Vale of White Horse Local Plan 2011**

This is the development plan for this area. The following policies relevant to this application were 'saved' by direction on 1 July 2009.

DC1 - Design

DC5 - Access

DC6 - Landscaping

DC7 - Waste Collection and Recycling

DC9 - The Impact of Development on Neighbouring Uses

GS1 - Developments in Existing Settlements

GS2 - Development in the Countryside

H12 - Development in the Smaller Villages

H17 - Affordable Housing

HE1 - Preservation and Enhancement: Implications for Development

HE4 - Development within setting of listed building

HE4 – Development within the setting of listed building

HE10 - Archaeology

##### 5.2 **Emerging Local Plan 2031 – Part 1**

This is not currently adopted policy. Whilst the plan has been through examination the final report of the inspector has not been received and objections to it remain unresolved. The emerging local plan policies therefore carry limited weight for decision making.

The relevant policies would be:-

Core Policy 1 Presumption in favour of sustainable development  
Core Policy 2 Co-operation on unmet housing need for Oxfordshire  
Core Policy 3 Settlement hierarchy  
Core Policy 4 Meeting our housing needs  
Core Policy 7 Providing supporting infrastructure and services  
Core Policy 15 Spatial strategy for South East 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 37 Design and local distinctiveness  
Core Policy 39 The historic environment  
Core Policy 42 Flood risk  
Core Policy 44 Landscape  
Core Policy 46 Conservation and improvement of biodiversity

### 5.3 **Supplementary Planning Guidance**

- Design Guide – March 2015
- Affordable Housing – July 2006

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

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.

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"*

Paragraph 49 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"*.

Paragraph 55 states *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby."*

### 5.5 **Planning Practice Guidance 2014 (PPG)**

### 5.6 **Neighbourhood Plan**

An area designation has been made but to date no neighbourhood plan has not been submitted to the Council.

### 5.7 **Environmental Impact**

The proposal is not EIA development and there is no requirement under the EIA regulations to provide a screening opinion. It does not exceed 150 dwellings, the site area is under 5ha and is not within a 'sensitive area' as defined by the EIA regulations. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

**5.8 Other Relevant Legislation**

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- 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 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.

**5.10 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
- Location
- Wider landscape and heritage setting impact
- Design and layout
- Amenity
- Highway impact and public rights of way
- Ecology and biodiversity
- Housing mix and Affordable housing
- Drainage and flooding

**6.2 Principle of development**

The Council's Strategic Housing Market Assessment has objectively assessed the need for housing in the district. The district's housing target is of at least 20,560 dwellings to 2031. Against this target the council currently does not have a five year housing supply and therefore its housing policies are out of date.

**6.3 Paragraph 14 of the NPPF states that where relevant policies are out of date, 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, or specific policies in the Framework indicate development should be restricted.**

**6.4 The proposal is therefore acceptable in principle unless any adverse impacts would significantly and demonstrably outweigh the benefits. In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles.**

**6.5 Location**

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.

**6.6 West Hanney is identified as a smaller village in the settlement hierarchy, where**

housing policy would normally seek to allow a limited number of houses within the built up area. This site is on the edge of the built up area and is contained within a defined existing natural field boundary which separates it from the wider open fields to the east and south.

- 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. At paragraph 55 the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example where there are groups of smaller settlements, development in one village may support services in a village nearby. East Hanney is in close proximity to West Hanney and both villages share services and facilities. Officers consider the proposal accords with this advice.

**6.8 Wider landscape and heritage setting impact**

The site is on the edge of the village and therefore the relative low density of the scheme is considered to be appropriate. The site is contained within the existing hedge boundary and this will be kept. A site analysis has been undertaken in the design and access statement. The buildings have been orientated to allow views westwards through the site towards the conservation area and the Church. Ridgelines vary on the buildings and will be seen against the other buildings of Church Farm and West Hanney from the east and south. There will be substantial new planting within the development, as shown on the submitted planting plan which will help soften the development's impact. There will be some visual impact upon the landscape, however the existing field boundary to the site forms a substantial natural barrier to prevent development encroaching eastwards towards East Hanney. It will be important for this hedge to be maintained along this boundary. A condition could be used to prevent the height of the hedge below that stated on the planting plan. The overall wider landscape impact is considered to be small and would not constitute 'significant' harm.

- 6.9 In terms of listed buildings, St James Church is a grade II\* and situated approximately 70m to the west of the site. The Dower House and buildings on Church Farm are closer to the site to the west, and Lamb Cottage is located to the north along School Road. As set above the buildings have been orientated to allow views through to the Church. The proposal is low in density and its layout seeks to reflect a collection of agricultural buildings that would be found on the edge of rural settlements, in accordance with advice in the design guide. Whilst there would be some impact upon the setting of the listed buildings, the conservation officer supports the proposal. The development is not considered to harm the setting of the listed buildings or the character or appearance of the conservation area.

- 6.10 The site lies on the edge of the historic core of the village. Church Farm is thought to be 17<sup>th</sup> Century and lidar surveys identify there were medieval cultivations across the application area. The county archaeologist has recommended an archaeological written scheme of investigation is submitted and a staged archaeological programme is carried out during construction. These can be conditioned.

**6.11 Design and layout**

The layout of the site has aimed to reflect an agricultural collection of barns and follows the approach on the adjacent Church Farm site, thorough which access to this site will be gained. Plots 3 and 7 reflect the 'farm house' architectural style, and the rest will reflect 'agricultural barns'. The design is a contemporary interpretation of the traditional forms. Materials proposed include stone, brickwork and timber boarding and both slate and tile for roofing. The internal boundary treatments would be a mixture of stone walls, brick walls and timber fencing. These materials are appropriate for the context of the

site. The overall concept for the development reflects the guidance in the design guide at DG78.

**6.12 Amenity**

Guidance on amenity is set out in the design guide. All the new dwellings would have sufficient garden space and there would informal open spaces within the site, which would equate to just under 15% of its area. As part of this application, the applicant is also proposing to gift an area of 2.8ha to the south of the site adjacent to the existing community woodland to the parish council.

- 6.13 The neighbouring properties to the west of the site would all be more than 21m away from the new dwellings, which is the minimum distance to ensure privacy. Thus the development will not cause harm from overlooking over-dominance. Comments have been received about the boundary treatment along this boundary with the neighbour. Details of this can be requested by condition.

- 6.14 The closest distance between plot 1 and the rear of the neighbouring properties to the north would be approximately 34m, in excess of the 21m recommended in the design guide. To the rear of the listed building, Lamb Cottage, it would be nearly 39m. These distances are acceptable would not result in overlooking or to the new dwellings feeling overbearing on these neighbouring properties. A new hedge is proposed along the rear of Valeside, Magdalen, Lamorna and Old Orchard, and the existing trees will be kept. The boundary treatment long the rear of Lamb Cottage have not been shown but this could be required by condition to ensure it would have an acceptable impact on the neighbour and the setting of the listed building.

**6.15 Highway impact and public rights of way**

The access to the site will be through the existing Church Farm development. The highways officer has no objection to this arrangement. Further to the highways officer's original comments, tracking plans have been submitted for the site as well as details of the boundary treatments for each plot. Sufficient parking is provided on each plot and an additional visitor parking area, as requested by the highways officer is also provided to the south of the site. Thus the highways officer's comments have been addressed and the proposal would not result in severe harm to highway safety, the relevant test in the NPPF.

- 6.16 Conditions relating the construction traffic management plan, travel information pack, and provision of parking could be added to any permission.

- 6.17 Public rights of way run alongside boundaries of the site. They are West Hanney Footpath 3 to the south and West Hanney Footpath 5 to the east. The proposal makes provision for connections to these which will help provide more connection through the development. Given these lie outside of the site and beyond the existing hedgerow, the construction phase of the development should not negatively impact upon the use of these footpaths.

**6.18 Ecology and biodiversity**

The issues raised by the countryside officer have been addressed. A number of bat emergence and re-entry surveys have been carried out and no bats were observed roosting in the trees.

- 6.19 The development will result in the loss of eight fruit trees within the site. A new orchard/woodland of approximately 2,050m<sup>2</sup> is to be created to the south of the site adjacent to the existing woodland, as compensation to the loss of biodiversity on the site. The area of land is within the applicant's ownership and can be conditioned to

ensure it is provided as part of the development. The proposal would accord with section 11 of the NPPF on conserving and enhancing the natural environment.

**6.20 Housing mix and Affordable housing**

The mix of market houses would be 4-, 5-, 6-bedroom. The agent argues that the Strategic Housing Market Assessment (SHMA) suggests the greatest demand is for family sized accommodation and the development provides for this. Whilst the market mix does not accord with that set out in the SHMA, officers consider that this is outweighed by other factors such as the need for a lower density and a layout and design approach appropriate for this particular site.

6.21 The current local plan policy H17 requires 40% provision of affordable housing on sites of five or more houses in villages and the emerging local plan core policy 24 requires 35% provision on sites of three or more dwellings. This proposal of eight units should therefore include three units of affordable housing. The applicants do not propose any on-site affordable housing. Instead they have offered a sum of £300,000 to be used for off-site provision of affordable housing.

6.22 The adopted SPG sets out that the council is only likely to approve off-site provision where it is satisfied that the management of the affordable housing cannot be secured effectively or where off-site provision would contribute more to the achievement of mixed and balanced communities. The preference is for alternative land to be provided. The payment of a commuted sum for off-site is the least favoured option.

6.23 The emerging local plan policy sets out that the council's preference is for on-site provision and only in exceptional circumstances will any other scenario be considered. The commuted sum option should be the last option sought after others for a mix of on- and off-site delivery have been exhausted.

6.24 The applicants have calculated the commuted sum to be £301,182 but they have rounded this down and are offering a total of £300,000.

6.25 No evidence has been produced to suggest that the management of on-site affordable housing on this site could not be secured. The housing officer has stated that the provision of affordable housing on this site would make a positive contribution to the overall mix of existing affordable homes within the village. No information has been submitted by the applicant with regards to the viability of providing affordable housing on this site.

6.26 An alternative application for 11 units on the site including affordable housing provision has also been submitted for consideration by the same applicant. An argument has been put forward that the proposed gift of land to the parish council, as well as the commuted sum, should be part of the consideration in lieu of on-site provision. The gift of land is not being offering as part of the 11-unit scheme.

6.27 The consideration for members is therefore the balance between the provision of additional open space for the parish or on-site affordable housing. Officers' advice to members is that there is a clear policy requirement for affordable housing to be delivered on-site unless there are exceptional circumstances relating solely to viability or to the mechanics of how best to deliver affordable housing. Trading the delivery of beneficial on-site affordable housing for another factor, such as the gift of land, is contrary to policy and threatens to set a precedent for other developers who do not wish to provide on-site affordable housing, for reasons that may include enhancing the image of their own development.



- 6.28 There is a policy requirement for open space provision. The proposal will provide some informal open space on site at a level that is close to the council's standard. The provision of additional open space is not therefore required. Officers advise that the failure to comply with affordable housing policy represents significant and demonstrable harm in terms of paragraph 14 of the NPPF. There are no exceptional circumstances as to why delivery cannot be on this site and, therefore, the application should be refused on this basis.

6.29 **Drainage and flooding**

The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). A flood risk assessment (FRA) and drainage strategy dated March 2016 has accompanied the application and been reviewed by the drainage engineer. He has no objections to the proposals subject to conditions requiring fully detailed drainage schemes being submitted and approved prior to commencement.

7.0 **CONCLUSION**

- 7.1 In view of the housing 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 development would contribute an economic role in providing employment during the construction phase and investment from the new residents in the local and wider economy. This could also help secure local facilities or services or make them more robust.
- 7.3 In terms of its social role, whilst the scheme would provide market housing to meet the district's need, it would not provide any on-site affordable housing but rather make a financial contribution. There is a high demand in the district for affordable housing and its provision on site would make a positive contribution to the overall mix of existing affordable homes within the village and the mix of homes on the site. The proposal would not contribute to this social role. The gift of land to the parish council would make a contribution to the social role but this does not outweigh the failure to provide affordable housing on the site.
- 7.4 There would be an environmental impact from the development. The localised landscape harm arising can be mitigated by additional planting within the site and the provision of a new orchard/woodland will compensate and enhance biodiversity in the area. Careful consideration has been given to the setting of the conservation area and the surrounding listed buildings. The impact upon the heritage assets is considered to be limited and not harmful.
- 7.5 Officers consider that the lack of on-site affordable housing has not been justified and amounts to significant and demonstrable harm that outweighs the presumption in favour of granting planning permission. As such the proposal does not accord with paragraph 14 of the NPPF and the application is recommended for refusal.

8.0 **RECOMMENDATION**

8.1 **To refuse planning permission for the following reason:**

1. That the development does not make provision for any on-site affordable housing in accordance with development plan policy. There are no exceptional circumstances that warrant alternative provision through a commuted sum for this site. The proposal therefore gives rise to harm under the social stand of sustainable development. The development would not accord with policy H17 of the adopted local plan 2011, the emerging local plan part 1 2031 policy 24, the adopted affordable housing SPG and the NPPF.

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