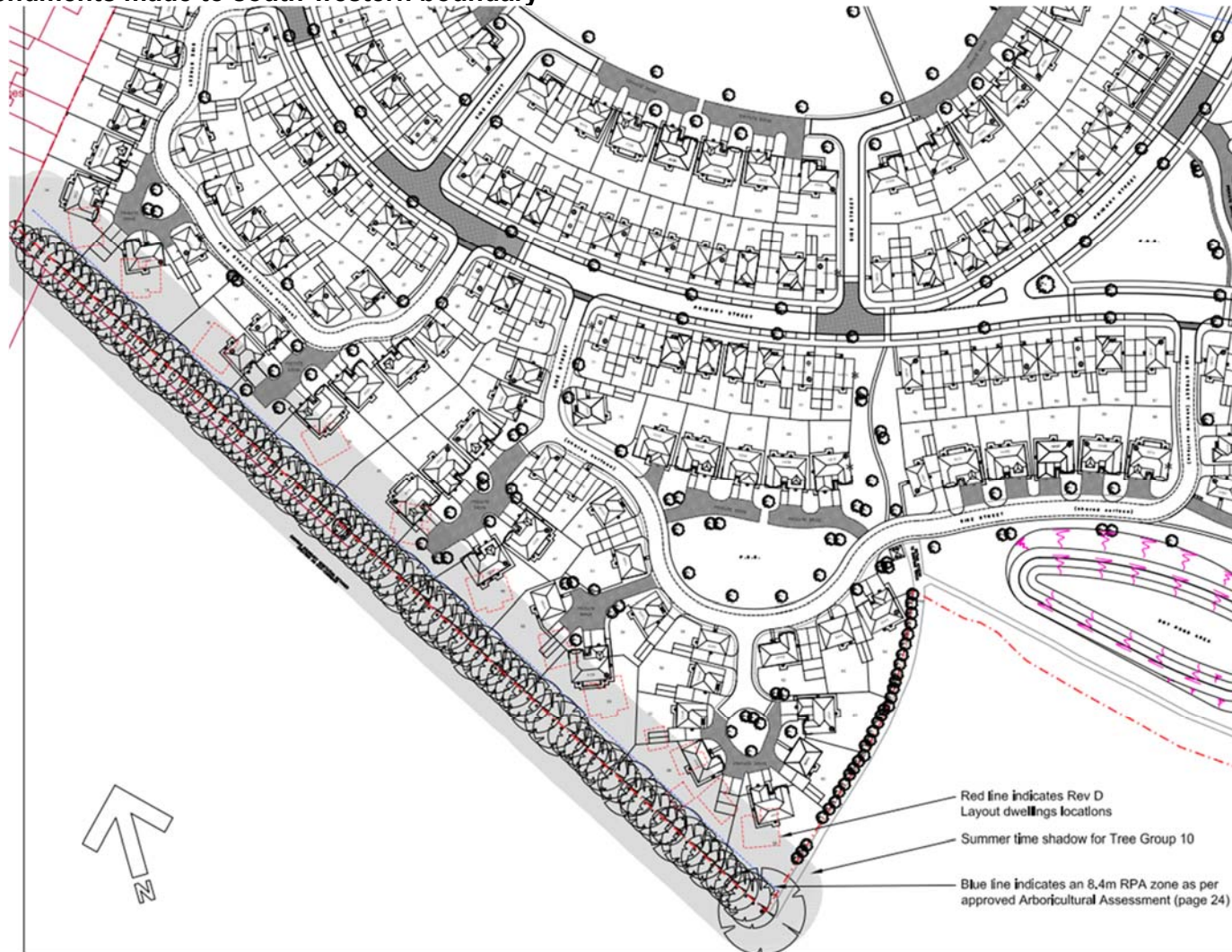


# Appendix 1: Amendments made to south-western boundary



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<b>APPLICATION NO.</b>	<a href="#">P18/V0301/FUL</a>
<b>SITE</b>	Land East of Milton Hill Abingdon
<b>PARISH</b>	MILTON
<b>PROPOSAL</b>	Variation of condition 2 (approved plans) of planning permission P16/V2900/FUL.(as amended by drawings received 19 April 2018).  (Development comprising 458 dwellings with associated public open space, infrastructure and improved sports facilities. Reservation of land for future primary school expansion).
<b>WARD MEMBER(S)</b>	Michael Murray
<b>APPLICANT</b>	Mr David Bent
<b>OFFICER</b>	Liz Fay

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## RECOMMENDATION

Refusal of Planning Permission for the following reasons:

### 1 : Landscape and visual impact

The proposal would result in damage to, pressure to remove or prune, trees which are subject to a Tree Preservation Order. Loss or damage of these trees would have an unacceptable impact on the character and appearance of the local landscape. The proposal would provide close-board fencing along the southern boundary, providing an unacceptable and insensitively designed edge to the development. As such the proposal is contrary to Core Policy 44 of the Local Plan 2031 Part 1, saved policy NE9 of the Local Plan 2011 and the Council's adopted Design Guide.

### 2 : Residential amenity

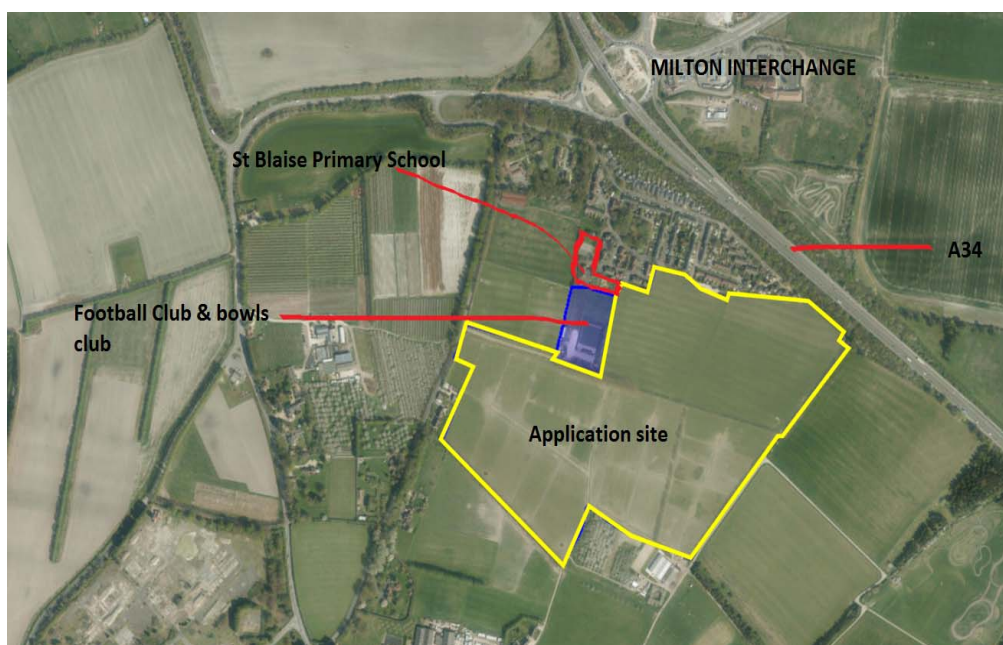
That the proposed development would result in unsatisfactory standards of living accommodation for occupants of the proposed dwellings at plots 14, 15, 16, 19, 45, 46, 53, 57, 58 and 59, as the proximity and location of trees in relation to these plots would result in over-shadowing of habitable rooms and rear gardens. Contrary to Local Plan 2031 part 1 core policy CP37, Local Plan 2011 policy DC9 and Design Guide principle DG63.

## 1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is submitted under Section 73 of the Planning Act and seeks to vary condition 2 (approved drawings) of planning permission P16/V2900/FUL.

## Vale of White Horse District Council – Committee Report – 9 May 2018

- 1.2 This application is referred to planning committee because of its size.
- 1.3 Application reference P16/V2900/FUL granted planning permission for a development comprising 458 dwellings with associated public open space, infrastructure and improved sports facilities. It also reserved land for the future expansion of St Blaise primary school. There was an accompanying S106 agreement which secured monies towards education, transport infrastructure including a footbridge and cycleway over the A34, leisure, social and community uses. A full list of contributions secured is provided at **paragraph 5.42**.
- 1.4 A site location plan is provided below:



- 1.5 The majority of this application is on land allocated in the Local Plan 2031 Part 1 as a strategic housing site. (An area of land immediately south of the site access from Milton Hill is outside the site allocation).
- 1.6 North of the site is existing housing in Milton Heights. To the east and south are open farm land, horse paddocks and stables. To the west are houses at Appledore Cottages and Bramley Cottage. Milton Hill Bowls Club, Milton United Football Club and St Blaise primary school are to the north and west. The site falls from north to south and gently to the east.
- 1.7 Consent is sought to vary the approved drawings, altering the layout, mix and dwelling house types. The submitted drawings include details of landscaping and materials. The site layout plan from extant permission P16/V2900/FUL is **attached** as Appendix 1. Extracts from the application submission are **attached** at Appendix 2. The houses in the revised layout largely front a series of interconnecting streets and large open spaces with existing tree lines and hedgerows retained except for access. Some small closes are provided to the south of the site, adjacent to the countryside. Pedestrian connections to existing streets in Milton Heights is achieved at the northern boundary, and a

## Vale of White Horse District Council – Committee Report – 9 May 2018

pedestrian footbridge will link the site over the A34 to allocated site Valley Park.

- 1.8 No change is proposed to the vehicular access to the site from Milton Hill, or to measures to decrease traffic speed and improve pedestrian safety along Milton Hill including footpath widening, provision of bus stops, traffic calming and extension of the 30mph speed limit.
- 1.9 The application site is subject to a S106 agreement securing contributions for the district and county councils. The previously agreed 106 matters will apply to any S73 application granted in respect of the extant application, as the S106 agreement provides for a S73 application. A deed of variation would not be required.

## 2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS ON

- 2.1 A summary of the responses received to the current proposal is below. A full copy of all the comments made can be seen online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

Milton Parish Council	Support: <ul style="list-style-type: none"> <li>Fully Supports planning application P18/V0301/FUL.</li> </ul>
Harwell Parish Council	Comment: <ul style="list-style-type: none"> <li>Wishes to prevent coalescence of Milton &amp; Harwell.</li> <li>Suggest provision of footpath link from development to Harwell.</li> </ul>
Natural England	No comments
Environment Agency	No comments
Highways England	No objection
Thames Water	Comment: <ul style="list-style-type: none"> <li>Ensure Grampian style condition imposed requiring submission of drainage strategy.</li> </ul>
Oxfordshire County Council Single Response	Comment: <ul style="list-style-type: none"> <li>Ensure transport related planning conditions imposed on permission P16/V2900/FUL are carried over.</li> <li>Submission of revised vehicular tracking plans (now provided).</li> <li>Internal roads to be constructed to an adoptable standard.</li> </ul>
Countryside Officer	No comments on revised layout.
Contaminated Land	No objection

## Vale of White Horse District Council – Committee Report – 9 May 2018

Air Quality	No comments
Environmental Protection	<p>Comment:</p> <ul style="list-style-type: none"> <li>Assessment of acoustic environment and impact on suitability of site should be carried out.</li> <li>Mitigation measures should be identified.</li> </ul>
Housing Development	<ul style="list-style-type: none"> <li>Seek provision of alternative housing mix</li> </ul>
Waste Management Officer (District Council)	<p>Comments:</p> <ul style="list-style-type: none"> <li>Confirmation of bin storage points required for plots 288-291, 292-295, 296-299, 320-323, 324-327, 328-331, 332-335</li> <li>Communal collection points required for any private drive longer than 25m</li> <li>Updates to refuse vehicle tracking required (provided)</li> </ul>
Drainage	No comments
Landscape	<p>Comments:</p> <ul style="list-style-type: none"> <li>Close proximity of existing trees on western section of southern boundary to proposed development will cause shading of gardens and properties, putting the long term retention of those trees at risk.</li> <li>Site boundaries not adequately defined, especially at Plots 1, 59,60,61,63, 64 and along the tree belt on the south western boundary.</li> <li>No softening of south-eastern area of housing, west of the attenuation basin</li> <li>Excessive areas of timber knee rail</li> <li>Planting plans could be simplified, with use of planting areas rather than spreading species across the site.</li> <li>Flats should have private amenity space rather than sitting in public open space.</li> <li>Details of street lighting and visibility spays required to inform details landscape plans.</li> <li>Concern over provision of LEAP within Phase 3.</li> <li>Additional space required for hard surface tree pit.</li> <li>Additional seating should be provided within public open spaces.</li> <li>Additional plans required to provide details of LAPS, LEAP and a Landscape Implementation and Management Plan.</li> </ul>
Forestry Team	<p>Comments:</p> <ul style="list-style-type: none"> <li>Close proximity of existing trees on western section of southern boundary to proposed development will cause shading of gardens and</li> </ul>

## Vale of White Horse District Council – Committee Report – 9 May 2018

	<p>properties, putting the long term retention of those trees at risk.</p> <ul style="list-style-type: none"> <li>• There will be significant pressure from future occupants for the management of these trees.</li> </ul>
Oxfordshire Clinical Commissioning Group	<p>Objection:</p> <ul style="list-style-type: none"> <li>• Objects to development, as was previously unaware of the plans.</li> </ul>
Milton Hill Bowling Club &	<p>Support:</p> <ul style="list-style-type: none"> <li>• Proposed style of housing and layout sits better in the environment and will be less intrusive</li> </ul>
MHBG (Management Ltd) (Owners of Milton Hill Bowling Club land)	<p>Support:</p> <ul style="list-style-type: none"> <li>• Impressed by landscape strategy</li> </ul>
Milton United Football Club	<p>Support:</p> <ul style="list-style-type: none"> <li>• Application is an improvement on the extant application</li> </ul>
Local Residents	<p>Support (1):</p> <ul style="list-style-type: none"> <li>• New layout works well.</li> <li>• Expansion of play area and new link supported.</li> <li>• Good level of open space provided.</li> <li>• Important than expansion of school goes ahead.</li> </ul> <p>Object (1):</p> <ul style="list-style-type: none"> <li>• Wants to ensure fence provided to boundary of site with 24 Mackenzie Avenue.</li> <li>• Object to row to trees to south norther boundary adjacent to Mackenzie Avenue properties.</li> </ul>

3.0 **RELEVANT PLANNING HISTORY**3.1 [P17/V2536/FUL](#) - Approved (27/11/2017)

Construction of a vehicular access junction and associated works including landscaping, drainage, service road.

[P16/V2900/FUL](#) - Approved (26/10/2017)

Development comprising 458 dwellings with associated public open space, infrastructure and improved sports facilities. Reservation of land for future primary school expansion (Amended plans including amended site plan)

[P14/V0513/FUL](#) - Other Outcome (06/08/2014)

Variation of Condition 1 of Planning Permission P13/V0145/O to extend the time limit for the submission of a Reserved Matters application.

[P14/V0848/O](#) - Approved (01/08/2014)

Erection of 18 dwellings, internal road and paths, general works and open space. (Renewal of permission granted in 2013 under P13/V0145/O)

[P13/V0145/O](#) - Approved (05/09/2013)

Erection of 18 dwellings, internal road and paths, general works and open space

### 3.2 **Pre-application History**

P15/V2562/PEJ – Pre-application advice given (09/12/2015) for a residential development to provide 458 dwellings. The advice offered may be summarised as follows:

- Principle of housing acceptable
- Landscape and visual impact should be addressed through an assessment
- The housing mix should be compliant with the Strategic Housing Market Assessment 2014
- Judgement on residential amenity was reserved
- Comments on the layout were given including increasing internal connections of streets, proposal showed good open space provision, make site entrance more attractive, make less car parking dominant, relate houses to the open spaces, protect and retain existing boundary vegetation, more street planting to be provided
- Take account of highway advice and consider cumulative impacts
- Agree a scheme of archaeological investigation with the County archaeologist
- No adverse impacts for any conservation area or listed building
- Biodiversity recommendations from the phase habitat survey should be incorporated into the scheme
- Site is flood zone 1. Sustainable drainage scheme needed
- Consult Thames Water on foul drainage capacity
- Site is grade 2 agricultural land
- Acoustic assessment needed
- S106 agreement needed to secure affordable housing and infrastructure improvements
- Comments expressed are an officer opinion only and not binding on the council

P17/V2235/PEM – Pre-application advice given (15/09/2017) for the construction of vehicular access junction, service road and temporary compound in addition to a separate temporary construction access to facilitate wider development. Advice also provided on two amended layout options.

Access advice

- No objections to separate application for access details
- Liaise with Bowls Club and Milton Unity football club re. location of access construction compound.
- Consider impacts of construction vehicles on residential amenity, noise and air quality.
- Address any implications for archaeology.

Amended layout advice

- Principle of submitting application to amended plans under S73 considered acceptable
- 'Option 2' which provided a crescent of dwellings fronting an open space is preferred.
- Consider neighbours, especially if impact is increased in relation to extant permission.
- Dwellings behind houses in Milton Heights should be two-story at most.
- Tall trees on the southern boundary need to be protected with houses sufficiently distant to avoid overshadowing and prevent pressure in the future. Trees are an important component in helping to break views of the development.
- Avoid back fences abutting the countryside in accordance with the Design Guide.
- Football field and School land must remain inside red line area.

Comments expressed are an officer opinion only and not binding on the council

### 3.3 **Screening Opinions**

P15/V2073/SCR – screening opinion on development of up to 460 dwellings, public open space, primary access from Milton Hill with emergency / pedestrian / cycle link from Lambe Avenue, land reserved for future school expansion and associated infrastructure. EIA not required

## 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 As set out above, a screening opinion has been issued advising a development of this scale in this location is not considered EIA development.

## 5.0 **MAIN ISSUES**

5.1 The relevant material planning considerations in relation to the determination of this application are:

- The principle of varying conditions
- Changes to condition 2 (approved drawings)

### 5.2 **The principle of varying conditions**

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and



under Section 73 of the Town and Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission.

### 5.3 **Condition 2 – changes to the approved drawings**

This condition agreed the plans by which the development would be implemented. The proposed changes to the approved drawings will result in revisions to the market housing mix, the house types, design and layout of the site. It is therefore necessary to consider whether the impact of these changes would be acceptable. Should the impacts be considered acceptable, the proposed changes to the approved drawing list are acceptable.

### 5.4 **Housing Mix**

5.5 Core policy 22 of the Local Plan 2031 Part 1 expects a mix of house types that is in accordance with the SHMA unless an alternative approach can be demonstrated to be more appropriate through the Housing Register or where proven to be necessary due to viability constraints.

5.6 The affordable housing mix provided in the extant permission is the same as the mix proposed in this application, and is therefore acceptable. An alternative housing mix has been suggested by the Council's housing team, however, it would not be appropriate to require the applicant to vary the mix from that which has already been agreed.

5.7 The market housing mix provided in the extant permission, provided in the layout submitted within this application, is shown in the table below:

#### **Market Housing Mix**

	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4+ bed</b>	<b>Total</b>
<b>Extant</b>	8	59	136	94	297
<b>Proposed</b>	0	38	140	119	297
<b>SHMA</b>	17	64	127	89	297

5.8 The market housing mix is somewhat less compliant with the SHMA estimate than the mix provided as part of the extant permission. However, it is considered that this issue should be balanced against the proposed layout and use of character areas, as set out in the Design and Access Statement addendum. The applicant has raised concerns that one-bedroom properties are not viable in this location. The alterations to the market housing mix allow for the provision of distinctive character areas and variations in density across the site to respond to its context. I consider the revised SHMA mix to acceptable, taking into account the site location and density of development proposed.

### 5.9 **Design and Layout**

Core policy 38 of the Local Plan requires proposals for housing allocations to be accompanied by a site wide design strategy including a masterplan and design and access statement. This application builds on the design and access statement submitted under the extant permission P16/V2900/FUL, and its accepted principles, and seeks to revise the detailed site layout and building

designs. A Design and Access Statement addendum explains how the proposed layout has been developed.

- 5.10 The extant permission provided a range of pedestrian and vehicular access routes, including vehicular access from Milton Hill, a pedestrian link to Lambe Avenue to the north, and funding and connection to a footpath and cycle link across the A34 to North West Valley Park. These connections will continue to be provided as part of the amended plans.
- 5.11 Urban design principles of the site allocation include:
- mitigating visual impact from the A4130
  - designing roads to permit the operation of bus routes through the site
  - not prevent the school from expanding its facilities due to proximity of buildings or overlooking/child protection issues. Development should be set back from the shared boundaries
  - affordable housing should be evenly distributed across the site and not used as a buffer between the A34 and market housing
- 5.12 Views from the A4130 are limited through topography, distance and screening including that on the site boundaries, between the site and the A4130.
- 5.13 Roads are designed to allow a bus to access and circulate around the site should a bus operator choose to do so.
- 5.14 Land is identified for the school expansion. The housing is away from the school boundaries and would not result in any unreasonable overlooking of existing school buildings or play areas. A small number of dwellings would adjoin or be separated by a road from the proposed school expansion site. In this respect the amended plans do not differ from the extant permission and this is considered acceptable.
- 5.15 Affordable housing is distributed across the site and is not used as separation between the A34 and market houses.
- 5.16 The amended plans comply with the urban design criteria of the site allocation.
- 5.17 This is a greenfield site that relates to Milton Heights which itself is an area of 20th Century housing of mixed design, household types and a density of in excess of 30 dwellings per hectare (dph). There is no distinctive house design to follow. The extant permission provided two and some two and a half story dwellings, with house types with simple balanced elevations that were considered reasonable. The amended house types proposed are all of two stories, and provide a comparable level of design and detail. There are a number of affordable maisonettes, which are similar in form and elevation to the proposed dwellings, and which provide individual front doors to their occupants. Affordable housing types provide similar levels of floorspace to the extant permission. The amended house types are considered acceptable.
- 5.18 The amended layout uses the same road hierarchy as the extant permission. Connectivity of vehicular access through the site remains similar to that

provided previously, with curvatures and changes in material which seek to naturally lower traffic speeds. The connectivity and legibility through the site for pedestrians is improved. Of particular note is the provision of a direct pedestrian walking route through the site from the access road off Milton Hill to the new footbridge that will be provided over the A34. There is also a more legible pedestrian link between the proposed A34 footbridge and St Blaise school. In providing these links the amended layout responds well to existing and proposed desire lines, in accordance with Principles DG23 of the Design Guide.

- 5.19 The number of units proposed, and the density of the overall scheme, remains the same as the extant permission at 18dph, or 24dph with the open spaces deducted. This is in accordance with Landscape Capacity Report 2013 which forms part of the evidence base for the Local Plan 2031 Part 1. However, where the extant permission provided a largely similar density across the site, with a slightly lower density along the rural edge, the amended layout aims to more fully respond to the contexts at different parts of the site. Hence the northern areas of the site closest to the existing settlement at Milton Hill is provided at 38dph (excluding POS), similar to the density of adjacent dwellings. At the southern areas of the site adjacent to the countryside the density is much lower at 17dph. This accords with principle DG26 of the Design Guide.
- 5.20 Dwellings front the roads, providing active street frontages. The proposed house types include specifically designed “corner plots” which provide active frontages to two elevations. These have been utilised at the more prominent corners within the site. The applicant has also added windows to the side elevations of the more standard house types, where these are on corner plots. In this respect the house types and layout respond well to principles DG27 and DG53 of the Design Guide.
- 5.21 Parking is provided in close proximity to the property it serves. Parking is provided to the side of dwellings in the lower density areas, and to the side or front of dwellings in the more dense part of the site towards the north. Parking does not dominate the streets as the impact of parking on the street scene is softened by the use of street trees and hedgerow planting. This accords with principles DG33 of the Design Guide.
- 5.22 Focal points and visual stops are created by the use of distinctive house types in key locations. The amended plans provide clear gateways at all three access points. Clear and legible links are provided through the site for pedestrians and cyclists, with the street hierarchy allowing for the use of streets as social spaces. The proposal accords with principles DG30, DG31 & DG32 of the Design Guide.
- 5.23 Open spaces and play areas amount to approximately 7.5ha which is in excess of the 15% open space expected by saved policy H23 of the Local Plan 2011. The open spaces provide protection to existing trees and hedges crossing the site and forming the field boundaries. The open spaces are well connected and provide pedestrian and cycle access across them. The LAP and LEAP continue to be provided in similar locations to the extant permission. The open

space continues to provide a green link travelling east-west across the site, but has been reorganised so that less of the open space is adjacent to the primary street, which will make it more attractive for use by the public. All the open spaces play areas have good levels of surveillance.

- 5.24 The proposed boundary treatments to the southern end of the site would provide close board fencing along those parts of the southern boundary that are adjacent to dwellings. This would not be in accordance with principles DG29 of the Design Guide, which requires boundary treatments adjacent to the open countryside to make use of landscaping to soften the built form, and which expressly states that close board fencing is not acceptable at the development edge.
- 5.25 With the exception of the southern boundary treatment, the appearance, scale and layout of the amended plans are considered to be an improvement when compared to the extant permission on this site, and compliant with core policies 37 and 38 of the Local Plan 2031 Part 1 and the adopted Design Guide. The proposed southern boundary treatment of close board fencing is not acceptable when considered against core principle DG29 of the Design Guide, and this point is considered further in the section considering landscape and visual impact below.
- 5.26 **Residential Amenity**  
Two storey houses in Havers Avenue and MacKenzie Avenue back on to the site. Most of those in Havers Avenue are separated from the site itself by a vehicular access to rear parking and some hedge planting on the site boundary. Dwellings in Mackenzie Avenue have more open boundaries to their rear gardens which back on to the site.
- 5.27 The south facing windows in Havers Avenue dwellings are at least 31m from the north facing windows in proposed dwellings. In the case of MacKenzie Avenue proposed dwellings are all in excess of 21m distant.
- 5.28 Appledore Cottages and Bramley Cottage have windows in their rear elevations facing the site. There is also an annexe in the grounds of Bramley Cottage. This annexe is approximately 24m from plots 9 and 10 and their rear facing windows. Bramley Cottage itself and the four Appledore Cottages are all over 35m from proposed dwellings.
- 5.29 The Design Guide recommends a minimum distance of 21m between facing habitable windows to prevent unreasonable overlooking. In all cases the proposal meets this guidance and the proposals will not result in unreasonable overlooking or an overbearing impact. Representations were received on the extant permission and in response to these amended plans asking that trees are avoided behind Mackenzie Avenue houses to prevent overshadowing. The submitted landscaping plans do show some trees located in this area but the applicant has indicated their willingness to adjust the tree planting to address individuals concerns, and further adjustments can be made if necessary as part of the discharge of a landscaping condition.

- 5.30 Assessments of construction dust, noise from the A34 and the football pitch floodlighting were considered during the assessment of the extant permission, and found to be acceptable to residential amenity. The amended plans do not vary significantly in this respect.
- 5.31 Plots 14-18, 19, 45-46, 52, 53, and 57-59 along the south-eastern boundary of the site are located in close proximity to a row of poplar trees situated just to the south-east of the site. The properties are located significantly closer to the boundary than was the case on the extant permission. I consider this issue more fully below, however, it is likely that the existence of the poplar trees will have an impact on residential amenity, caused by the over-shadowing and proximity of these trees. It is not possible to fully assess the impact as full details of the extent of the canopies of these trees, along with the amount of shading they provide, has not been submitted alongside this application. However, it is probable that the impact is significant and possible that the dwellings may be located below the canopies of the trees. In the absence of evidence to the contrary, it is not possible to conclude that the amended plans comply with saved policy DC9 of the Local Plan 2011 and Design Guide principle DG63.
- 5.32 **Landscape and Visual Impact**  
The site is located in the Lowland Vale landscape. The Oxfordshire Wildlife and Landscape Study defines the site as part of the 'Lowlands Village Farmland' regional character area. It describes the landscape in this area as large, open arable fields with some surviving orchards. It recognises the shelter belts of trees. The landscape strategy for this character area includes strengthening field patterns by planting gappy hedges and minimising intrusive land uses by judicious planting of trees to screen the development and integrate it into the countryside.
- 5.33 The landscape sensitivity of the site was considered 'medium' by the Landscape Capacity Report 2013 and the landscape value was considered low. Circumstances have not changed.
- 5.34 The impacts of the extant permission on views from the A4130, Grove Road, the A34 and public rights of way to the south and east of the site, and on the wider landscape, were considered to be acceptable. The extant permission was found to have no impact on the North Wessex Downs AONB, located 1.4km to the south of this site. The amended plans have a similar level of impact and protection of existing landscape features to the extant permission with one exception, the potential impact on the poplar trees located on the southern boundary of the site, and the proposed boundary treatments along this boundary.
- 5.35 The poplar trees are located to the south east of the site, just outside the site boundary, and are some 28m tall, with a radius of 11.75m. They are considered by both the applicant's Arboricultural Report and the Council's Tree Officer to be of significant value, and the Council has served the owner of the trees with a Tree Preservation Order. The extant permission provided a strip of landscaping to the north of the poplar trees, within the public realm, with an

access road beyond followed by dwelling which fronted towards the trees with gardens to the north. In doing so, the layout for the extant permission avoided over-shadowing of properties and gardens by the poplar trees and most dwellings were provided at least 23m from the southern boundary.

- 5.36 The amended plans provide dwellings which back onto the southern boundary, and the poplar trees. These dwellings are detached properties on relatively large plots, but they are still located in close proximity to the boundary, with the closest dwellings being only 7m from the boundary. The applicant's Arboricultural Report supplied with the extant permission indicated that the root protection areas for these trees extends approximately 10m into the site. The applicant's Arboricultural Report has not been updated to provide detailed information on how the proposed layout would impact on the poplar trees, although the applicant has stated that it would be possible to build the proposed dwellings without damaging the trees this statement has not been supported by evidence. My assessment of the amended plans is that significant parts of the proposed dwellings would require construction within the area proposed for protection by a Tree Protection Barrier within the applicant's Arboricultural Report. It is not clear from the information provided that it is possible to carry out the construction of the dwellings without damaging the roots of the poplar trees.
- 5.37 The Council's Tree Officers has raised an objection regarding the proximity of development to the poplar trees, and the Council's Landscape Officer has also raised concerns. There is the risk of conflict between the occupants of plots to the south-eastern boundary and enjoyment of the available garden space, as well as the perception of insecurity given the height of the trees and the propensity of poplar trees to shed small branches. The Council's Tree Officer has advised that the amended layout is not compatible with the long-term retention of the trees.
- 5.38 The applicant has suggested that any potential occupants of the housing on the south-eastern boundary would agree to purchase or live in the property having viewed and understood its relationship to the poplar trees. However, the full impacts on the trees are unlikely to be understood until the occupants move into the properties. With a radial branch distance of 11.75m, and properties located 7m from the boundary, it cannot be ascertained from the information provided by the applicant that the properties would not be located directly below the tree canopy.
- 5.39 Any properties built underneath, or in close proximity to, to the canopy of these trees, will be affected by leaf loss blocking gutters, falling branches and considerable overshadowing of the property and its garden. This will result in a lack of light to both the open-plan kitchen/dining/family rooms that are provided to the rear of these properties, and which would be likely to be used by the occupants as their main living space, and the rear-facing first floor bedrooms. This will lead to considerable pressure to prune or remove the trees.
- 5.40 The landscaping scheme for the site, and the Landscape and Visual Impact Assessment supplied by the applicant, rely on the poplar trees retention.

Should these trees be lost in the future, there is insufficient room within the site to enable satisfactory landscaping and treatment of the development edge, with no room for landscaping to soften the built form. The amended plans propose the use of close board fencing along the south-eastern boundary, which is not an acceptable boundary treatment in any case, but would be highly inappropriate were the poplar trees to be lost. This would have a detrimental impact on the Lowland Vale landscape area and would be in conflict with the landscape strategy for this character area.

5.41 The landscape and visual impacts need to be balanced against the benefits of the development. There is a significant risk that the amended plans would lead to the loss of a row of poplar trees of significant value, leaving a development edge that provides no landscaping treatment, contrary to core policy 44 of the Local Plan 2031 Part 1, saved policy NE9 of the Local Plan 2011 and principle DC29 of the Design Guide. This development does bring substantial benefits; however, I do not feel these are sufficient to compensate for the potential landscape and visual impacts.

#### 5.42 **Financial contribution requests**

The NPPF advises that planning obligations should only be sought where they meet all of the following tests in paragraph 204:

- I. Necessary to make the development acceptable in planning terms;
- II. Directly related to the development; and
- III. Fairly and reasonably related in scale and kind to the development.

Policy DC8 of the Adopted Local Plan provides that development will only be permitted where the necessary physical infrastructure and service requirements to support the development can be secured

5.43 A section 106 agreement relating to the extant permission has secured the following contributions, which will also apply to any grant of planning permission under S73:

<b>District Council</b>	<b>Amount (£)</b>
Pressure washer & vacuum cleaner for Milton Bowls Club	£2,000
Underlay & carpet for Milton Bowls Club	£36,000
Removable winter cover for Milton Bowls Club	£2,600
Milton United football club pavilion	£307,074
Milton United football pitch provision	£140,000
Community hall in Milton Parish	£425,473
Street naming for the proposal	£6,640
Bin provision for this development	£77,860
On site public art	£137,400
Cricket pitch & pavilion – Milton or Steventon Parishes	£45,994

## Vale of White Horse District Council – Committee Report – 9 May 2018

Rugby pitches & pavilion – Milton Parish or Harwell village or Harwell Campus	£36,470
Tennis – Milton or Harwell Parishes	£6,773
Sports hall - Didcot	£181,460
Swimming pool - Didcot	£221,866
AGP – MUFC, on site or in Didcot	£31,318
Youth sport – Milton Parish	£28,750
S106 monitoring	£8,702
<b>Total</b>	<b>£1,667,630</b>

<b>Oxfordshire County Council</b>	<b>Amount (£)</b>
Footbridge over A34	£1,966,515 (Dec 2016)
Speed limit extension (Potash Lane)	£2,600 (cost)
Pedestrian crossing on the A4130 near junction with Potash Lane/Milton Hill	£80,000
New bus shelters to replace existing on A4130	£45,000 (Dec 2016)
Bus services in the area	£364,110 (Dec 2016)
Travel plan monitoring	£2,040 (Dec 2016)
School travel plan monitoring	£1,240 (Dec 2016)
St Blaise Primary School expansion	£2,707,377 (2Q16)
Provision of St Blaise school expansion land	To be provided by the applicant – direct delivery
Contribution towards land for new secondary school in Didcot	£229,163 (Feb 2016)
New secondary school at Didcot	£2,037,000 (3Q15)
New SEN school in Didcot	£174,000 (3Q15)
Didcot Library	£111,426 (3Q15)
Adult day care	£13,200 (3Q15)
<b>Total</b>	<b>£7,733,671</b>

<b>Overall Total</b>	<b>£9,401,301</b>
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5.44 In addition, this S73 application would introduce a liability for CIL on the increase in floorspace from the extant permission, calculated at £301,461.

## 6.0 CONCLUSION

6.1 This application seeks to vary condition 2 which agreed the plans by which the development permitted under application reference P16/V2900/FUL would be implemented. The proposed changes to the approved drawings will result in revisions to the market housing mix, the house types, design and layout of the site, and my consideration of the proposals has therefore been limited to these areas and the potential impacts of the amendments proposed.

6.2 The design and relationship of the proposal to neighbours is acceptable, and in accordance with the Design Guide. The proposed mix of market housing is somewhat less compliant with the SHMA than previously proposed, but I consider the amended plans to be acceptable in this regard, in order to achieve



a level of internal layout design which goes beyond the minimum required by the Design Guide.

- 6.3 My main concern relates to the likelihood that this development would lead to the loss of a row of protected trees located just outside the site that are of significant value, and the potential impact of this loss of the landscape. Landscape and visual impact is inevitable when a greenfield site is allocated for housing, however, it is not possible to fully assess the impacts of this scheme on the basis of the information provided. It is likely that the impacts of the amended scheme will be significantly greater than the extant permission. I therefore consider that the level of impact is beyond what is necessary to deliver the benefits of the development of this site.
- 6.4 A secondary concern is the lack of appropriate landscaping and boundary treatments to the southern boundary of the site, at the development edge. This inappropriate treatment of the development edge would be exacerbated should the loss of the poplar trees occur.
- 6.5 The extant permission provides significant financial contributions towards community, leisure, recreation and sport improvements. However, these benefits are not considered sufficient justification to depart from policy or to permit a development that would otherwise be considered unacceptable.
- 6.6 It is recommended that planning permission be refused.

The following planning policies have been taken into account:  
Vale of White Horse Local Plan 2011 (SOLP 2011) policies;

- CF1 - Protection of Existing Services and Facilities
- CF2 - Provision of New Community Services and Facilities
- CP01 - Presumption in Favour of Sustainable Development
- CP02 - Cooperation on Unmet Housing Need for Oxfordshire
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP05 - Housing Supply Ring-Fence
- CP07 - Providing Supporting Infrastructure and Services
- CP15 - Spatial Strategy for South East Vale Sub-Area
- CP17 - Delivery of Strategic Highway Improvements within the South-East Vale Sub-Area
- CP22 - Housing Mix
- CP23 - Housing Density
- CP24 - Affordable Housing
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP36 - Electronic communications
- CP37 - Design and Local Distinctiveness
- CP38 - Design Strategies for Strategic and Major Development Sites
- CP39 - The Historic Environment
- CP40 - Sustainable Design and Construction
- CP42 - Flood Risk

Vale of White Horse District Council – Committee Report – 9 May 2018

CP43 - Natural Resources  
CP44 - Landscape  
CP45 - Green Infrastructure  
CP46 - Conservation and Improvement of Biodiversity  
DC3 - Design against crime  
DC4 - Public Art  
DC5 - Access  
DC6 - Landscaping  
DC7 - Waste Collection and Recycling  
H23 - Open Space in New Housing Development  
HE10 - Archaeology  
HE9 - Archaeology  
L1 - Playing Space  
NE9 - The Lowland Vale

VALE OF WHITE HORSE DESIGN GUIDE 2015

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