APPLICATION NO. P19/V0846/FUL
SITE Land off Steventon Road East Hanney Wantage, OX12 0HP
PARISH EAST HANNEY
PROPOSAL Erection of 1no. dwelling on the site off Steventon Road East Hanney.
WARD MEMBER(S) Matthew Barber
APPLICANT Lagan Homes
OFFICER Alastair Scott

RECOMMENDATION
It is recommended that authority to grant planning permission is delegated to the Head of Planning subject to:

i) The variation of the existing section 106 obligation to reflect the reduced amount of public open space, and

ii) To the following conditions:

Standard:
1. Commencement 3 years - Full Planning Permission
2. Approved plans

Prior to commencement:
3. Construction Traffic Management
4. Tree Protection (General)
5. MC3 - Materials in Accordance with App.(Full)
6. Surface water drainage
7. Contaminated land

1.0 INTRODUCTION AND PROPOSAL
1.1 This application comes to committee at the discretion of the Development Management Manager in consultation with the Chairman.

1.2 The application site is located within a recently completed housing development consisting of 39 residential units (planning consent ref. no. P15/V2175/FUL). At the time of the planning permission 21% of the site area was categorised as being within flood zone 3, and could not be built upon. This part of the site was in the north-east corner and, because it could not be used for housing, was allocated as public open space in the planning permission.

1.3 However, recent modelling work by the Environment Agency has led to the re-categorisation of the land allocated on the site for public open space from
flood zone 3 to flood zone 2, a lower risk of flooding and one that can accommodate buildings. The original allocation of public open space, at approximately 20%, significantly exceeded the Local Plan policy requirement of 15% of the site. Following the re-categorisation, the developer of the overall site, Lagan Homes, has made this planning application for an additional dwelling on part of the land originally allocated as public open space, on the basis that, even with the new house, the public open space area, at approximately 18%, will still exceed the Local Plan requirement of 15% of the site area.

1.4 A previous application (P18/V1943/FUL) for two dwellings on the site was withdrawn by the applicant, primarily due to objections to one of the dwellings from the Council’s Tree Officer. A site location plan is below and the application plans are attached at Appendix 1.
## SUMMARY OF CONSULTATIONS & REPRESENTATIONS

<table>
<thead>
<tr>
<th>Entity</th>
<th>Objects on the following grounds:</th>
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| **East Hanney Parish Council**              | • that the public open space will be reduced in size;  
• there is limited open space in the village as a whole  
• residents have been mis-sold their properties on the basis of the existing amount of open space  
• the proportion of market housing in relation to affordable will change  
• the overall development will be made higher in density contrary to local plan policy  
• the open space is liable to flooding. |
| **Neighbours**                              | • the additional dwelling would reduce the amount of public open space within the development and overall amount for this part of the village;  
• the public open space is important for wildlife; it would adversely affect the character and layout of the development  
• affect the residential amenity in terms of overlooking and privacy, loss of light and privacy  
• it would constitute overdevelopment of the site; the dwelling would increase the risk of flooding in the area  
• the applicant is contravening the s.106 agreement with the Council requiring them to complete the landscaping of the open space  
• it would result in an increase in traffic using estate roads  
• it would increase in the proportion of market housing in relation to the amount of affordable housing. |
| **Oxfordshire County Council**              | **No objections subject to conditions** |
### RELEVANT PLANNING HISTORY

#### 3.0

#### 3.1

**P18/V1943/FUL** - Other Outcome (04/04/2019)
Erection of 2 No additional dwellings (In relation to approved application P15/V2175/FUL.) on the site off Steventon Road, East Hanney. (as amended by drawings received 13 February 2019).

**VE18/750** - (26/02/2019)
Hedge not retained in line with Landscape appraisal on P13/V2266/O.

**VE18/749** - (29/01/2019)
Breach of condition 12 of P15/V2175 (landscaping scheme to be approved) and condition 13 (implementation).

**P18/V0530/PEM** - Other Outcome (07/06/2018)
***OFFICE MEETING AND FOLLOW UP LETTER***

Two additional units including garages on part of the existing P.O.S on this existing development.

**P17/V0532/NM** - Approved (13/03/2017)
Non-material amendment to P15/V2175/FUL to alter approved line of footpath connection to SE corner of site to provide linkage with adjacent site. Residential development of 39 dwellings on land off Steventon Road (As amended by Drawings and Information accompanying agent’s letter dated 5 January 2016 and clarified by additional information received February 2016 and drainage plans and associated information and Drawing No: 15-021 Revision D which relates to planting, boundaries, cycle and bin storage and Construction Traffic Management Plan received 21 March 2016)

<table>
<thead>
<tr>
<th>Role</th>
<th>Decision</th>
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<tbody>
<tr>
<td>Urban Design Officer</td>
<td>No objections</td>
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<tr>
<td>Countryside Officer (South Oxfordshire &amp; Vale of White Horse)</td>
<td>No objections</td>
</tr>
<tr>
<td>Drainage Engineer</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>Forestry Team</td>
<td>No objection subject to condition</td>
</tr>
<tr>
<td>Landscape Officer</td>
<td>Objects on the grounds that the original site design concept of a village green with frontage houses will be weakened and loss of public open space</td>
</tr>
<tr>
<td>Waste Management Officer</td>
<td>No objection</td>
</tr>
<tr>
<td>Contaminated Land</td>
<td>No objection subject to condition</td>
</tr>
</tbody>
</table>
Commencement of work prior to the determination of planning permission (P15/V2175/FUL).

Discharge of Conditions:

Proactive monitoring of P15/V2175/FUL.

Residential development of 39 dwellings on land off Steventon Road (As amended by Drawings and Information accompanying agent's letter dated 5 January 2016 and clarified by additional information received February 2016 and drainage plans and associated information and Drawing No: 15-021 Revision D which relates to planting, boundaries, cycle and bin storage and Construction Traffic Management Plan received 21 March 2016)

Proposed erection of 37 new dwellings and provision of open space with access served from Steventon Road.

Outline application for 35 houses and new access to Steventon Road (as clarified by topographical survey accompanying agent's e-mail of 20 November 2013 and amended drawings and clarified by contamination questionnaire, archaeology report and planning statement all accompanying agent's letter of 19 February 2014 and drainage information accompanying agent's email of 3 June 2014)

Erection of dwellings with associated access roads, garages, car ports and open space with option for commercial element.

A pre-application enquiry by the applicant for two additional dwellings resulted in an advice letter being provided – ref. no. P18/V0530/PEM.

The principle of residential development on the overall site is established through the planning permission under application no. P15/V2175/FUL for 39 residential units. The additional dwelling would be considered a 'windfall' unit that sits within the established overall development site. Officers therefore consider the new dwelling lies within the now established built area of the village.

 Saved policy H23 of the Local Plan 2011 and policy DP33 of the emerging Local Plan 2031 Part 2 require 15% of the residential area of a new significant housing site to be public open space. The applicants argue that, due to
inaccurate flood risk data at the time of the original application, more land had to be devoted to public open space than was required under local plan policy. They argue the new house would have been allowed under the original permission had the correct flood information been known at the time. The site will still have more than 15% open space even with the new house.

As the council’s policy on public open space is to require 15% of the residential area, officers do not consider there is an in-principle policy argument to refuse the proposal. Objectors have pointed out that there is a section 106 obligation, signed at the time of the original planning permission, that protects the public open space in one of its provisions. This protection of public open space is a standard clause for all section 106 obligations for new housing. However, the clauses in a section 106 obligation should be founded on a valid planning purpose. As there is no policy support for the amount for public open space on the site, this part of the section 106 obligation is weakened. It is always possible to vary a section 106 obligation to take account of changed planning circumstances over time. A change has occurred to the planning circumstances of this site. Therefore, officers consider that, due to the lack of policy support for the level of public open space on the site, a variation to the section 106 obligation should be supported.

Objectors also argue the proposal is contrary to the emerging neighbourhood plan. As the neighbourhood plan is still in draft form, officers consider that its policies cannot be given weight at this time, because they still have to be assessed in an examination.

5.2 Design and Layout

In terms of design and external materials, the proposed new dwelling it would match that of the other dwellings within the development in terms of height, scale and mass. The proposed additional dwelling would therefore satisfy the Local Plan Policy CP37- design and local distinctiveness and the Council’s Design Guide SPD. The Council’s Urban Design officer has no objection to the proposal and has commented that the proposed dwelling matches the form and typology of adjacent properties along the private drive.

In relation to the issue raised by the Parish Council and residents of the additional dwelling increasing the density of units within the overall development the relevant Local Plan Policy is CP23- Housing density. This policy seeks to ensure land is used efficiently and ensure all new housing developments achieves a minimum density of 30 dwelling per hectare. The size of the overall housing site is 2.3 hectares and therefore 40 dwellings (39 plus the proposed additional dwelling) is below the density required by this policy.

The Landscape Officer objects on the grounds that the original site design plan of a village green fronted by houses will be weakened. However, the new house will lie adjacent to newly built houses and will appear part of a built frontage that overlooks the public open space. It is not considered that the original plan concept will be changed to a degree that warrants refusal of the application.
5.3 **Residential Amenity**
In terms of residential amenity, it is considered that the additional dwelling, due to its position and orientation, would not have a significant impact upon the amenity of the residents in terms of overlooking or overshadowing. The distance between the new dwelling and principal windows of the nearest neighbour to the west will be at least 15m, which exceeds the minimum standard for this relationship of 12m. Overall, therefore, the proposed dwelling is acceptable in this regard.

5.4 **Flood Risk and drainage**
The re-categorisation of the flood risk removes the previous objection to construction on the site. The council’s drainage engineer has no objections subject to conditions.

5.5 **Traffic, parking and highway safety**
The proposals would provide three parking spaces, which is the same as the existing type G housing on the approved application. Oxfordshire County Highways (OCC), does not object to the additional unit, as the extra trips produced would not be significant from a highways viewpoint.

5.6 **Contaminated land**
The contaminated land team have been consulted and have acknowledged that a contaminated land questionnaire was submitted with the original planning application that was permitted (P15/V2175/FUL).

5.7 **Trees**
The Council’s Tree Officer has assessed the relationship between the proposed dwelling and the line of trees to the north. He considers that the proximity is such that the construction of the dwelling would not adversely affect the rooting area of the trees. The canopies of the trees to the north are not low and the intermittent spacing will not restrict the daylight available to the north elevation. The northern aspect of the line of trees (three Hornbeam, two Beech and one Pine) means that they will not cast shade to the dwelling and the comparatively high canopy will mean the garden is largely free from shade, apart from dappled shade at certain times directly beneath the canopy. The impact of the trees on the dwelling and the subsequent enjoyment of the garden by future occupiers is unlikely to be such that pressure accumulates to remove the trees. The root protection area of the trees would be vulnerable during the construction process and a plan indicating the style and location of a temporary protective fence should be submitted which will be conditioned in any permission.

5.8 **Ecology**
The Council’s Countryside team has no objection in relation to ecology, subject to the trees to the north being adequately protected.

5.9 **Community Infrastructure Levy**
CIL has been adopted since the time of the original planning permission. This new house will be liable for CIL.
CONCLUSION

Due to the re-categorisation of the public open space from flood zone 3 to flood zone 2, it is considered that the additional dwelling would be acceptable in principle. The proposal is acceptable in terms of design, impact on neighbours, and highway safety. The proposal therefore accords with relevant local plan policies and with the NPPF.

The following planning policies have been taken into account:

**Vale of White Horse Local Plan 2031 Part 1**
- CF2 - Provision of New Community Services and Facilities
- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP37 - Design and Local Distinctiveness
- CP42 - Flood Risk

**Vale of White Horse Local Plan 2011**
- DC5 - Access
- DC9 - The Impact of Development on Neighbouring Uses
- H23 – Public Open Space

**Emerging Vale of White Horse Local Plan 2031 Part 2**
A publication draft of the Vale of White Horse Local Plan 2031 Part 2 has been subject to public consultation and Examination and the Inspector’s final report (received 25 June 2019) has found the plan sound. Its policies therefore carry significant weight in decision making and the following policies are material to the consideration of this application.

- DP33 – Open Space

**Vale of White Horse Design Guide (SPD Adopted March 2015)**

**Equalities Act 2010**
The application has been assessed against section 149 of the Equalities Act. It is considered that no recognised groups will suffer discrimination as a result of the proposal.

**Human Rights Act 1998**
The proposal has been assessed against Articles 1 and 8 of the Human Rights Convention. The impact on individuals has been weighed against the public interest and the recommendation is considered to be proportionate.

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