

Date: 1 May 2008

TO: All Members of the Development  
Control Committee  
FOR ATTENDANCE

TO: All Other Members of the Council  
FOR INFORMATION

Dear Sir/Madam

Your attendance is requested at a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held in the **GUILDHALL, ABINGDON** on **MONDAY, 12TH MAY, 2008** at **6.30 PM**.

Yours faithfully

Terry Stock  
Chief Executive

Members are reminded of the provisions contained in the Code of Conduct adopted on 30 September 2007 and Standing Order 34 regarding the declaration of Personal and Prejudicial Interests.

## **A G E N D A**

A large print version of this agenda is available. In addition any background papers referred to may be inspected by prior arrangement. Contact Carole Nicholl, Head of Democratic Services, on telephone number (01235) 540305 / [carole.nicholl@whitehorsedc.gov.uk](mailto:carole.nicholl@whitehorsedc.gov.uk).

Please note that this meeting will be held in a wheelchair accessible venue. If you would like to attend and have any special access requirements, please let the Democratic Officer know beforehand and she will do his very best to meet your requirements.

**Open to the Public including the Press**

## Map and Vision

(Page 6)

A map showing the location of the venue for this meeting and a copy of the Council's Vision are attached.

### 1. Notification of Substitutes and Apologies for Absence

To record the attendance of Substitute Members, if any, who have been authorised to attend in accordance with the provisions of Standing Order 17(1), with notification having been given to the proper Officer before the start of the meeting and to receive apologies for absence.

### 2. Declarations of Interest

To receive any declarations of Personal or Personal and Prejudicial Interests in respect of items on the agenda for this meeting.

Any Member with a personal interest or a personal and prejudicial interest in accordance with the provisions of the Code of Conduct, in any matter to be considered at a meeting, must declare the existence and nature of that interest as soon as the interest becomes apparent in accordance with the provisions of the Code.

When a Member declares a personal and prejudicial interest he shall also state if he has a dispensation from the Standards Committee entitling him/her to speak, or speak and vote on the matter concerned.

Where any Member has declared a personal and prejudicial interest he shall withdraw from the room while the matter is under consideration unless

- (a) His/her disability to speak, or speak and vote on the matter has been removed by a dispensation granted by the Standards Committee, or
- (b) members of the public are allowed to make representations, give evidence or answer questions about the matter by statutory right or otherwise. If that is the case, the Member can also attend the meeting for that purpose. However, the Member must immediately leave the room once he/she has finished; or when the meeting decides he/she has finished whichever is the earlier and in any event the Member must leave the room for the duration of the debate on the item in which he/she has a personal and prejudicial interest.

### 3. Urgent Business and Chair's Announcements

To receive notification of any matters which the Chair determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the Chair.

### 4. Statements and Petitions from the Public Under Standing Order 32

Any statements and/or petitions from the public under Standing Order 32 will be made or presented at the meeting.

### 5. Questions from the Public Under Standing Order 32

Any questions from members of the public under Standing Order 32 will be asked at the

meeting.

**6. Statements and Petitions from the Public under Standing Order 33**

Any statements and/or petitions from members of the public under Standing Order 33, relating to planning applications, will be made or presented at the meeting.

**7. Materials**

To consider any materials submitted prior to the meeting of the Committee.

ANY MATERIALS SUBMITTED WILL BE ON DISPLAY PRIOR TO THE MEETING.

**8. Forthcoming Public Inquiries and Hearings**

(Pages 7 - 9)

A list of forthcoming public inquiries and hearings is presented.

Recommendation

*that the report be received.*

**9. Local Development Framework: Open Space, Sport and Recreation Supplementary Planning Document, Future Provision**

(Wards Affected: All Wards)

(Pages 10 - 94)

To receive and consider report 195/07 of the Deputy Director (Planning and Community Strategy).

Introduction and Report Summary

At the meeting of the Strategic and Local Planning Advisory Group held on 22 October 2007 Members considered the Draft Open Space, Sport and Recreation Supplementary Planning Document (SPD) prior to its publication for consultation. At a subsequent meeting of the Strategic & Local Planning Advisory Group Members considered the comments submitted during the consultation process and agreed to amend the SPD as recommended in this report.

This report summarises the comments received during the consultation period and recommends changes to the Supplementary Planning Document prior to its adoption. The contact officer for this report is Alison Blyth, Principle Planning Officer, telephone (01235) 547633. Email address Alison.blyth@whitehorsedc.co.uk.

Recommendations

- (a) *Members recommend to the Executive and to the Council to adopt the Open Space, Sport and Recreation, Future Provision Supplementary Planning Document subject to the changes set out in the appendix to this report.*
- (b) *the Council to implement the requirements of the Supplementary Planning*

*Document via the Development Control function on planning application for one or more houses once a project officer is in place.*

## **PLANNING APPLICATIONS**

Local Government (Access to Information) Act 1995 - The background papers for the applications on this agenda are available for inspection at the Council Offices at the Abbey House in Abingdon during normal office hours. They include the Oxfordshire Structure Plan, the Adopted Vale of White Horse Local Plan (July 2006) and the Draft South East Plan and all representations received as a result of consultation.

Any additional information received following the publication of this agenda will be reported at the meeting.

Please note that the order in which applications are considered may alter to take account of the Council's public speaking arrangements. Applications where members of the public have given notice that they wish to speak will be considered first.

Report **194/07** of the Deputy Director refers.

10. **GOO/17829/3 Proposed erection of a garden shed. The Parsonage House, Goosey, Faringdon Oxon, SN7 8PA.**

(Wards Affected: Longworth)

(Pages 95 - 98)

11. **HIN/19721/4 Erection of a terrace of 3 x 3 bedroom dwellings. Land adjoining 1 High Street, Hinton Waldrist, SN7 8RN**

(Wards Affected: Longworth)

(Pages 99 - 111)

12. **ASH/19908/3 Erection of a single dwelling, single garage and re-use existing access (resubmission), Land adjoining Tilling, Berrycroft, Ashbury SN6 8LX**

(Wards Affected: Craven)

(Pages 112 - 115)

13. **ABG/20415 Erection of a first floor and rear extensions to an existing detached bungalow, 174 Oxford Road, Abingdon, Oxfordshire, OX14 2AE**

(Wards Affected: Abingdon Northcourt)

(Pages 116 - 126)

14. **KEN/20447 Variation of condition 3 of planning permission KEN/7664 to exclude number 5 Perkins from age restriction. Perkins, Upper Road, Kennington, OX1 5LN**

(Wards Affected: Kennington and South Hinksey)

(Pages 127 - 132)

15. **Enforcement Programme**

(Wards Affected: Abingdon Caldecott)

To receive and consider the information relating to;

ABG/742/43-E Builders EDE. Abingdon Boat Marina, South Quay, Abingdon, OX14 5TW.

(Report to Follow )

**Exempt Information under Section 100A(4) of the Local Government Act 1972**

None.



**OUR VISION AND AIMS**

Our Vision is to build and safeguard a fair, open and compassionate community

The Vale of White Horse District Council aims to:

Strengthen local democracy and public involvement through access to information, consultation, and devolution of power so that everyone can take part in our community and contribute to the decisions which affect our lives

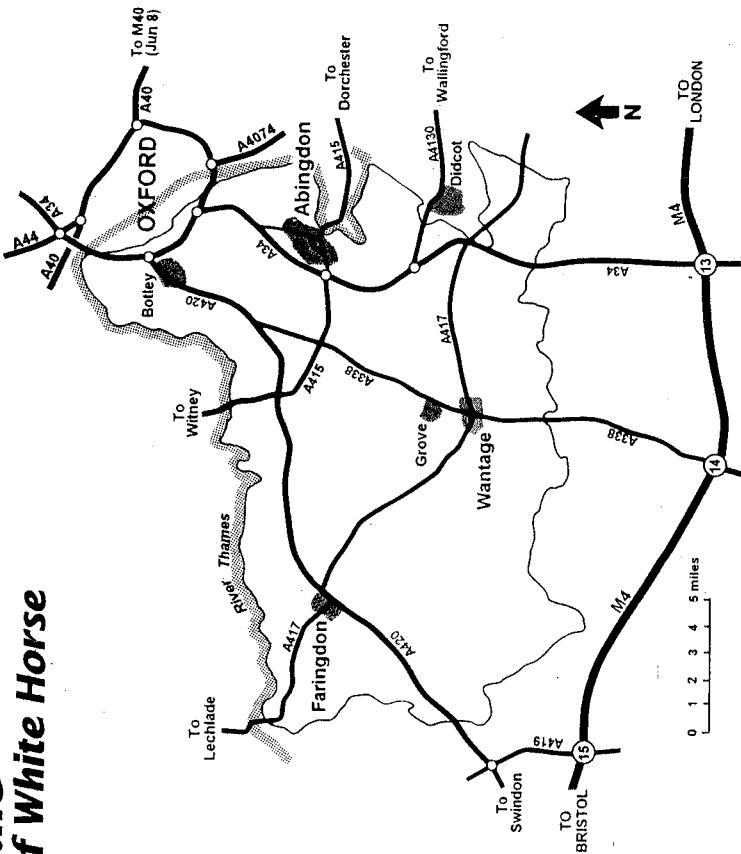
Create a safer community and improve the quality of life among Vale residents

Encourage a strong and sustainable economy which benefits all who live in, work in or visit the Vale

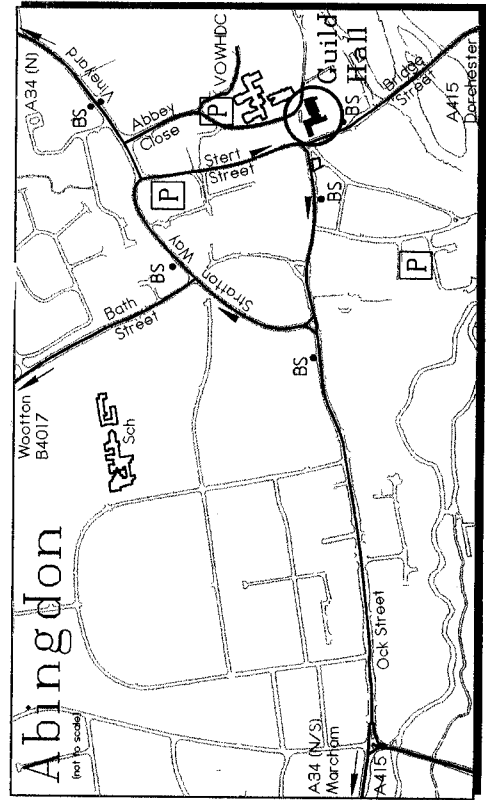
Help disadvantaged groups and individuals within the Vale to realise their full potential

Provide and support high quality public services which are effective, efficient and responsive to the needs of people within the Vale

Protect and improve our built and natural environment



Abingdon, Guildhall



KEY : BS = Bus Stop

**LOCATION MAP**



List of Planning Appeals

Start Date	Appeal reference	Planning reference	Appellant	Location	Development	Hearing/ Public Inquiry/Written Representations	Area	Decision & Date
04.01.08	APP/V3120/A/08/206226 3/WF	ABG/4906/1	Mr and Mrs Mead	Garway, Radley Road, Abingdon, Oxon, OX14 3SN	Two storey side and rear extension together with internal alterations to create additional dwelling with associated parking	<b>Written Representations</b>	North	
30.01.08	APP/V3120/H/08/120253 6	ABG/19181/5	Pets at Home LTD	Unit J Fairacres Retail Park, Abingdon, Oxfordshire, OX14 1BY	Erection of Illuminated Signage	<b>Statement</b>	North	<b>Mixed decision 10.04.08</b>
25.01.08	APP/V3120/A/08/206381 9/NWF	ABG/1615/51	Tescos Stores LTD	Tesco Stores Ltd Marcham Road Abingdon Oxon OX14 1TU	Demolition of existing garden centre. Erection of extension to existing supermarket and car park and other ancillary works.	<b>Public Inquiry</b>	North	
12.02.08	APP/V3120/A/08/206541 6/NWF	ABG/20203	Mr G Garbutt	14 Quakers Court, Vineyard, Abingdon Oxon OX14 1PY	Erection of balcony structure and spiral staircase to rear of property	<b>Written Representations</b>	North	
26.02.08	APP/V3120/A/08/206696 7/NWF	ABG/3061/13-LB	Mr B O'Brain	Chinese Medicines 20 High Street Abingdon Oxon OX14 5AX	New signage	<b>Written representations</b>	North	
04.04.08	APP/V3120/A/08/206857 0/NWF	WTT/15277/1	Mr M Munday	169 Whitecrosss Abingdon Oxon OX13 6Bp	Erection of a conservatory	<b>Written Representations</b>	North	
04.04.08	APP/V3120/A/08/207048 8/NWF	CUM/19875/1	Banner Homes Ltd	8 And Land Rear Of 6 And 10 Arnolds Way Cumnor Hill Oxford	Demolition of No 8 Arnolds Way. Erection of five detached dwellings. (Re-submission)	<b>Written Representations</b>	North	

Start Date	Appeal reference	Planning reference	Appellant	Location	Development	Hearing/ Public Inquiry/Written Representations	Area	Decision & Date
				OX2 9JB				
10.04.08	APP/V3120/A/08/206697 5/WF	GAR/7203/11	Mr and Mrs m Goodman	The Barn House, Garford, Abingdon, OX13 5PF	Erection of first floor extension	<b>Written Representations</b>	North	
18.10.07	APP/V3120/A/07/2055 024/NWF	STE/5790/1	Mr R Tyrrell	Barns At Hanney Road Steventon Abingdon	Change of use from agricultural sheds to B1 (Business) use.	Informal Hearing	South	
21.11.07	APP/V3120/A/07/2059 392/NWF	SUT/14050/1- X	Mr And Mrs R A Cowdrey	7 Long Barn High Street Sutton Courtenay Abingdon	Erection of a single storey dwelling.	Written Representations	South	
10.12.07	APP/V3120/A/07/2059 742/WF	GRO/19921/1	Mr N Birch	Land Adjoining Willow Cottage Main Street Grove Wantage Oxon	Erection of a dwelling. (Re- submission)	Written Representations	South	
17.12.07	APP/V3120/A/07/2061 119/NWF	SUT/19974-X	Pavillon Ltd	Land Adjoining Fishing Lake Previously Old Gravel Workings All Saints Lane Sutton Courtenay Abingdon Oxon	Erection of four dwellings to enable the restoration of fishing lake and associated off-site highways workings.	Informal Hearing	South	
30.01.08	APP/V3120/A/08/2064 358/WF	WAN/18828/1	Mr Sanders And Mrs Wood	9 Bryan Way Wantage Oxon OX12 7EH	Demolition of existing garage. Erection of a one and a half storey house and associated works.	Written reps	South	
08.02.08	APP/V3120/A/08/2065 246/WF	SUT/5851/5	Mr W And Mr J Stockdale	Southfield Old Wallingford Way Sutton Courtenay Abingdon	Erection of a dwelling including landscaping, car parking, passing bay and shared access	Written reps	South	



Start Date	Appeal reference	Planning reference	Appellant	Location	Development	Hearing/ Public Inquiry/Written Representations	Area	Decision & Date
				Oxon				
13.02.08	APP/V3120/A/08/2066 485	SUT/8151/4	Mr I Maconoche	52 Tyrrells Way Sutton Courtenay Abingdon Oxon	Erection of a 1 bedroom detached dwelling with parking for one vehicle. (Rear of 52 Tyrrells Way)	Written reps	South	
15.02.08	APP/V3120/H/08/1202 677	CHI/1242/19-A	Primesight	Murco Service Station Chilton Didcot Oxon	Erection of 1 double sided pole mounted display unit.	Written reps	South	<b>Dismissed 11.04.08</b>
11.03.08	APP/V3120/A/08/2063 218/WF	GRO/19143/2	Mr John Bell	5a Kingfisher, Grove, Wantage, OX12 7JI	Erection of a new dwelling on land at 5A Kingfishers, Grove Wantage. (Re-submission)	Written Representations	South	
09.04.08	APP/V3120/A/08/2070 294/WF	UFF/4131/2	Robert Iles	The Crest, Uffington	Siting of a mobile home for 'Granny Annex'	Written Representations	South	
15.10.07	APP/V3120/C/07/2054 709	EHE/19461/1- E	Mr J Cottrell	Woods Farm Barn, Woods Farm Road, East Hendred. OX12 8JA	Enforcement appeal against unauthorised building operations and erection of hardstanding. Change of use of land.	Informal Hearing 22.4.2008	South	<b>Withdrawn 27.3.08</b>
25.2.08	APP/V3120/08/20649 18	EHE/1965/17- E	Mr L Wells	Greensands East Hendred OX12 8JE	Enforcement appeal against unauthorised building operations and construction of access road	Inquiry 14.10.2008	South	

**REPORT OF THE DEPUTY DIRECTOR ( PLANNING & COMMUNITY STRATEGY)**  
**TO DEVELOPMENT CONTROL COMMITTEE**  
**12 MAY 2008**

**Open Space, Sport and Recreation Supplementary Planning Document, Future Provision**

**1.0 Introduction and Report Summary**

- 1.1 At the meeting of the Strategic and Local Planning Advisory Group held on 22 October 2007 Members considered the Draft Open Space, Sport and Recreation Supplementary Planning Document (SPD) prior to its publication for consultation. At a subsequent meeting of the Strategic & Local Planning Advisory Group Members considered the comments submitted during the consultation process and agreed to amending the SPD as recommended in this report.
- 1.2 This report summarises the comments received during the consultation period and recommends changes to the Supplementary Planning Document prior to its adoption.
- 1.3 The contact officer for this report is Alison Blyth, Principle Planning Officer, telephone (01235) 547633. **Email address Alison.blyth@whitehorsedc.co.uk.**

**2.0 Recommendations**

- (a) *Members recommend to the Executive and to the Council to adopt the Open Space, Sport and Recreation, Future Provision Supplementary Planning Document subject to the changes set out in the appendix to this report.*
- (b) *the Council to implement the requirements of the Supplementary Planning Document via the Development Control function on planning application for one or more houses once a project officer is in place.*

**3.0 Relationship with the Council's Vision, Strategies and Policies**

- 3.1 This report relates to the Council's vision in that it supports the Council's aim to improve the quality of life for residents and to protect the natural environment and the Council's priority to create a cleaner, greener, safer and healthier community and environment. This report does not conflict with any Council strategies.
- 3.2 In addition the report complies with the Council's Adopted Local Plan 2011 the Community Strategy and the Draft Open Space, Sport and Recreation Provision Strategy.
- 3.3 Summary of Risk

Failure to adopt the Open Space, Sport and Recreation, Future Provision Supplementary Planning Document will result in the Council not meeting a target set out in the Local Development Scheme and also prevent the Council from securing funds from new development to mitigate its impact on open space, sport and recreation.

## 4.0 Consultation

- 4.1 The draft SPD was published alongside the Draft Open Space, Sport and Recreation Provision Strategy. The strategy which was based on a wide ranging audit of the quality and quantity of provision across the District identified the key issues facing the Council in managing and developing open space, sport and recreation facilities across the District. This strategy provides the justification for the Supplementary Planning Document. The SPD seeks to ensure developers of new housing mitigate the impact of their development on open space, sport and recreation by either providing new facilities on site or contributing to off site provision.
- 4.2 The Draft SPD was placed on deposit alongside the Open Space, Sport and Recreation Provision Strategy for a six week period from 1 November to 14 December 2007.
- 4.3 During the consultation period the Council employed a number of methods to ensure awareness of the consultation process.
- 4.4 A letter was sent in advance of the publication of the SPD to all the 800 addresses on the Local Development Framework database. The letter gave details of how and when copies of the document could be obtained.
- 4.5 Copies of the draft SPD along with the draft Open Space, Sport and Recreation Strategy were sent to over 200 individuals and organisations including Parish and Town Councils, Government Departments, sport and leisure interest groups, statutory organisations, householders and planning consultants.
- 4.6 Copies of the draft SPD and accompanying documents were also available at all the libraries in the District as well as at Didcot and Oxford.
- 4.7 A notice giving details of the consultation arrangements was published in the local newspapers.
- 4.8 The above arrangements meet the requirements of the Council's adopted Statement of Community Involvement.
- 4.9 Despite the extensive consultation during the consultation period only 13 comments were received on the SPD from the following organisations:-

South Oxfordshire District Council  
Kemp & Kemp, Property Consultants  
Oxfordshire Playing Fields Association  
Home Builders Federation  
South East Regional Assembly  
Stanford in the Vale Parish Council  
PIPS Planning and Development Ltd  
Natural England  
Cumnor Parish Council  
Buckland Parish Council  
Berks, Bucks Wildlife Trust  
Oxfordshire County Council  
Harwell Parish Council

4.10 Appendix 1 to this report includes a summary of the comments received along with a suggested response proposed by your Officers. In some instances a change to the draft SPD has been recommended in response to individual points. Appendix 2 contains a copy of the draft SPG, with the proposed deletions struckout and the proposed new text covered in a tone.

#### 4.11 Implementation of SPD

Once the SPD is adopted its operation will generate additional work for Officers for example:-

- providing advice to potential developers of one house and above on what their contributions to open space, sport and recreation will be
- completion of legal agreements to ensure contributions are paid to the Council
- keeping the audit of open space, sport and recreation up to date so that it can continue to provide the underlying justification for the SPD and future requests for financial contributions
- ensure money collected is spent on projects which will often be in partnership with other organisations such as Parish Councils
- monitor the collection of contributions and expenditure on projects.

Most of the above tasks will be carried out by a new post being created in the Contracts and Procurement Division. Until that post is operational it will not be possible to fully implement the SPD.

RODGER HOOD  
DEPUTY DIRECTOR (PLANNING & COMMUNITY STRATEGY)

Background Papers:

Comments received in response to publication of draft Open Space, Sport and Recreation, Future Provision Supplementary Planning Document.

# Appendix 1

Vale of White Horse District Council

**Draft SPD on Open Space, Sport and Recreation Future Provision**

## **Report on Responses to Consultation**

Following approval of the draft SPD on Open Space, Sport and Recreation Future Provision by the Local Planning Advisory Group held on 22<sup>nd</sup> October, the Council invited comments on the draft from the Vale's residents, neighbouring local authorities and a range of other statutory and non-statutory organisations. This document summarises the comments received, provides a brief response to them and identifies how the Council has amended the SPD.

As a result of the consultation, the Council has added several new paragraphs to the SPD and this has obviously resulted in some changes to paragraph numbering. For the sake of simplicity, the paragraph numbers referred to in the second column below (headed "Number") are those in the original and not the amended version of the document.

Organisation	Number	Comment	Response	Proposed changes to SPD
South East Regional Assembly	1	Support the guidance and approach	Thank you	No change needed
South Oxfordshire District Council	2	Need to include provision for cross-boundary contributions in Section 4, particularly in relation to developments which occur close to the South Oxfordshire/Vale of White Horse boundary.	Excellent point; clear need for VoWHDC and SODC discussion and agreement	New paragraph at 1.12 as follows: “Large Scale and Cross-boundary Developments  1.12 For large scale developments the District Council will normally prepare a planning brief or expect developers to submit a design brief and/or masterplan to ensure developments are well designed, based on clear and consistent sustainable principles. This requirement is particularly important in relation to proposals that cross the local authority boundary, such as at Didcot. In such cases, the masterplan may suggest an alternative approach that will deliver the Council’s vision but does not apply the Council’s adopted provision standards in all respects. Once the Council has approved the design brief or masterplan, it will expect development proposals to conform to the principles and standards set out in it and therefore may not require individual developments to conform to all of its adopted provision standards. However, the Council will reserve the right to require developers to meet its adopted standards if particular proposals do not conform satisfactorily to the approved design brief or masterplan.”
Kemp and Kemp, Property	3	The status of the draft strategy is	It is not intended to be an SPD	The following sentence has been added to

Consultants, Oxford

not clear; it is not an SPD

Paragraph 1.2:

“However, neither the Strategy nor its related Background Document are part of the Council’s Local Development Framework.”

New paragraph added at 1.7 as follows:

“1.7 This SPD was adopted by the District Council at its meeting of the full Council held on 21 May 2008. The Council will monitor its effectiveness and review its content at regular intervals to ensure that it remains relevant and compliant with Government advice on the use of planning conditions and obligations and any future reviews of the Council’s adopted Open Space, Sport and Recreation Provision Strategy.”

4	Paragraph 2.4: Developers should not be required to bring existing quality standard.	See paragraph 2.3. Paragraph 33 of PPG17 is explicit on this point:  used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreation provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs”	No change needed
5	Paragraph 2.11: Sheltered housing will not automatically increase the demand for amenity space if they accommodate existing residents.	Agreed, but because of the limited mobility of many residents of sheltered housing there will very often be a need for on-site	No change needed

		provision	
6	Paragraph 3.3: It should be possible for the District Council to hand over open space management to a Parish Council.	Agreed. However, the SPD does not preclude this.	Paragraph 3.3 first bullet point amended to read “The handing over of the spaces or facilities to the District Council or other appropriate body (such as the relevant town or parish council) for adoption, plus an appropriate ...”  In addition, paragraph 3.5 amended to read “The Council or other appropriate body (such as the relevant town or parish council) may be willing to adopt and subsequently manage ...”
7	Paragraph 3.8: SUDS are a relatively new feature. It is clearly in the interests of all concerned for them to form an integral part of the overall management regime for open spaces.	Agreed. However, this does not mean that the Council should necessarily take on responsibility for their long term management and maintenance	No change needed
8	Paragraph 3.5–3.7: The requirement for a commuted maintenance sum to cover 25 years maintenance is excessive; it should be 10–15 years	Paragraph 3.3 of the SPD sets out an alternative approach for developers who are not willing to provide a 25–year commuted sum. However, the Council has also agreed to reduce the period for commuted sums to 20 years.	Paragraph 3.5: Period for commuted sums reduced from 25 to “20 years”.  Paragraph 3.3 add note to end “This approach is designed to be compatible with paragraph B18 of DCLG Circular 5/2005, Planning Obligations, which indicates that Councils can require developers to make arrangements for the management and maintenance in perpetuity of spaces and facilities intended predominantly for the residents or users of a proposed development”
9	There should be scope to phase the payment of commuted sums rather	It will generally be much better for all payments to be made upfront in	New paragraphs 3.8 and 4.21 as follows:



than developers having to make the payment upfront.

case a developer ceases trading. Payment in instalments will be acceptable only (a) against defined trigger points for large developments (eg when 25%, 50%, 75% 100% of dwellings are completed) or (b) if developers are willing to provide a bond that will guarantee the payment of the commuted sums over a period.

#### **“Large and Phased Developments – Payment of Commuted Sums**

3.8 If the Council or another appropriate body (such as the relevant town or parish council) is to adopt on-site or other spaces or facilities, it is likely that they will be completed and ready for handover and adoption at different times during the construction of large or phased developments. When this will be the case, the Council is willing in principle to allow the payment of commuted sums on a phased basis which matches the points at which it or the other appropriate body adopts the spaces or facilities. However, this will always be conditional upon:

- The spaces or facilities being in a fully adoptable condition in all respects
- Any related commuted sums being index-linked from the date of the grant of planning permission to the date of payment
- The dates or other trigger point at which spaces or facilities are to be adopted being agreed in writing before the start of the development on site

#### **Large and Phased Developments – Payment of Contributions**

4.21 The need for infrastructure provision or enhancements funded by developer contributions arises as developments are built out and the new dwellings occupied. This means that it would be unreasonable to require

all contributions to be paid to the Council before commencement of large or phased developments on site. For developments of over 100 dwellings, or where the construction of a development is to be separated into clearly identified phases, the Council will be willing in principle to negotiate arrangements in the planning agreement to allow the payment of contributions in a way that matches the rate at which the need for the infrastructure will arise. It will normally do this by agreeing suitable and clearly identified trigger points, for example before the start of works on site and when 33% and 67% of the dwellings are complete. These percentages are purely illustrative and other triggers may be appropriate in relation to specific developments. The Council may also require the developer to provide a bond to guarantee payment of all phased contributions. This arrangement will comply with paragraph B17 of DCLG Circular 5/20005, *Planning Obligations*."

#### **Indexation**

4.22 Where contributions are to be phased the Council will require them to be index-linked from the date of the grant of planning permission to the date of payment. There are several published cost indices that the Council could use when indexing contributions. However, it will normally use the Department of Trade and Industry Tender Price Index of Public Sector Non-Housing (PUBSEC) Smoothed All-in-Index

As a consequence of adding paragraphs 3.8 and 3.9 it is necessary to add a paragraph relating to indexation

New paragraph 3.9 added as follows:

**“Indexation**

3.9 There are several published cost indices that the Council could use when indexing contributions or commuted sums. However, the indices that the Council will normally use are:

- For construction works: the Department of Trade and Industry Tender Price Index of Public Sector Non-Housing (PUBSEC) Smoothed All-in Index
- For commuted sums: the Index of Retail Prices”

10	Paragraph 4.8: It is unclear how the Council defines “the area”. Further clarification is required. A cross reference to the standards in Appendix A will aid clarity.	See the third bullet point of paragraph 4.8 and the Distance Thresholds in Appendix A	Paragraph 4.9 third bullet point amended to read:  “However, the additional demands arising from the development must be met within a reasonable distance of it. This “reasonable distance” will vary with the nature of the infrastructure and is set out in the Council’s standards in an Appendix to this SPD.”
11	Paragraph 4.9, second sentence. This sentence is not necessary.	Agreed	Second sentence deleted
12	Paragraph 4.13: the Model should be available for comment.	Agreed and it will be	No change needed
13	Appendix A: the requirements differ slightly from the NPFA Six Acre Standard. They should be in	Why? Paragraph 6 of PPG17 states “The Government believes that open space standards are best set	No change needed

		accordance with the Standard.	locally. National standards cannot cater for local circumstances, such as different demographic profiles and the extent of existing built development in an area”	
Oxfordshire Playing Fields Association	14	Paragraph 2.8: what is the source of the occupancy rates?	Oxfordshire County Council provided the occupancy rates in the draft SPD. The County Council has confirmed the rates apart from that for dwellings of unknown size, which the District Council has reduced from 2.5 to 2.3	Paragraph 2.9 amend occupancy rate for dwellings of unknown size to 2.3 and note added to give the source of the figures plus a commitment to review them from time to time, as follows:  “Note: these figures derive from a survey of new residential developments in Oxfordshire undertaken by the Demographic and Social Statistics Adviser in the County Council’s Strategic Policy and Economic Development Unit during 2005. The County Council intends to review the figures from time to time and the District Council will then amend the above occupancy levels as appropriate.”
	15	Table: question the omission of payments for allotments for hostels and special needs housing.	District Council has agreed to add a requirement that the developers of these types of dwelling may need to make or contribute to allotment provision	Table entitled “Types of residential development to which open space, sport and recreation provision standards will apply” amended to require allotment provision in relation to hostels and special needs housing
	16	Paragraph 4.24: there are inconsistencies in the document. Greenspace provision seems to be required for developments of more than one dwelling but paragraph 1.3 relates to more than 15 dwellings.	Paragraph 1.3 relates to current Local Plan policy H23. The SPD reflects the approach the Council is planning to take in its forthcoming LDF.	Paragraph 1.3 amended to set out the existing policy basis underpinning the SPD more clearly as follows:  • “Local Plan Policies L1 and L4, which seek to protect existing outdoor play space and allotments but allow development of them for other uses where this will not

- exacerbate or create a local deficiency
- Local Plan Policy L2, which protects all urban open space defined on the proposals map
- Local Plan Policy L7, which protects local leisure facilities unless there is no longer a need for the facility or an alternative provision of equal or better quality is made available
- Local Plan Policy H23, which requires new housing developments of over 15 dwellings or 0.5 ha to provide 15% public open space and requires suitable arrangements for future management and maintenance of the open space to be in place
- Local Plan Policies H15 and H7, which set out a list of spaces and facilities to be provided in association with the proposed major developments at Didcot and Grove
- Local Plan Policy DC8, which aims to ensure an adequate and timely supply of social and physical infrastructure to meet the needs of the occupiers or users of new development”

New paragraph 1.4 added as follows:

“The Council’s forthcoming Local Development Framework will set out that the Council intends to seek planning obligations for all developments of one or more dwellings and not only 15 or more as set out in current Local Plan Policy H23.”

17	Formal Play Provision: need for evidence to back up the details of	Contained in the background report, available at public libraries	No change needed
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	the recommended standards.	throughout the Vale	
18	Does “everyone” mean young people of all ages? Some walk faster than others.	“Everyone” means “all people” and therefore includes people of all ages, whether young or not. The distance thresholds are based on a typical walking speed. If it is necessary to use different speeds for different people, why not different speeds for walking uphill and downhill, in the rain or sunny weather and so on?	No change needed
19	The NPFA Six Acre Standard says that 400 m takes 5 minutes and 600 m takes 15 minutes. The current wording takes no account of different ages and the different times it takes different ages.	See response to comment 18.  In passing, OPFA has misquoted the Six Acre Standard. Table 3 of the Standard gives the 5 minutes/400 m distance as a pedestrian route (or “on the ground”) threshold and the 15 minutes/600 m one as a straight line (or “as the crow flies”) one.	No change needed.
20	The quantity standard and minimum size (assumes a population of 1,000) seem to link to the standard for a LEAP.	Incorrect assumption.	No change needed.
21	Under General Characteristics the 30 m away seems to link to a larger than LEAP area –LEAP would normally have a 10 m buffer.	The proposed local standards do not relate to a LEAP	No change needed
22	Are the distances to the wall of the nearest building or to its boundary?	“From the nearest dwelling” implies the wall of the nearest dwelling”.	Appendix A, page 19, General characteristics, first bullet point amend to read:

	If suggesting a larger than Six Acre Standard buffer zone what is the evidence to suggest that 10m is not adequate.?	This is a policy decision by the District Council. What evidence is there than that 10 m is always adequate?	“Sited minimum of 10 m from the nearest dwelling boundary or 30 m from the nearest door or window of the nearest dwelling, whichever is less, and to include buffer planting to screen site without compromising passive surveillance”
23	The aim seems to be to achieve a composite of a LEAP and NEAP and this is not likely to be effective. There is a need to adopt a hierarchy of play spaces. If you do adopt a hierarchy approach, there will be a need to have a reference to the Six Acre Standard re rural provision which does not point to a composite because a hierarchy is not practical.	The aim is to achieve appropriate provision for the Vale, not comply with the Six Acre Standard. See also response to comment 23.	No change needed.
24	Bullet Point 6 under General Characteristics: we do not favour this over prescriptive approach by ruling out these types of surfacing.	Presumably this is a comment on the fifth bullet point. It is up to the Vale to specify which surfaces it regards as acceptable and those it does not.	No change needed.
25	Bullet point 8: gates should not necessarily open out if site is near a danger point. The size of site may not be large enough to accommodate ball games – this is something for a NEAP but not a LEAP.	Presumably this is a comment on the seventh bullet point. Outward opening gates do not allow dogs to enter the play area by pushing open the gate and become trapped inside	No change needed
26	Bullet point 1 is a mixture of a LEAP and a NEAP – 5 items of equipment = LEAP but design for all ages =	LEAPs and NEAPs are outmoded concepts.	No change needed

	NEAP.		
27	We cannot endorse a policy of separate provision for disabled children. Suggest merging of bullet points 1 and 2 to say “Not less than 5 types of equipment, some of which should be accessible to disabled users”.	There is no suggestion in the SPD or proposed standards of separate provision for children with disabilities but desirable to amend SPD to clarify this	Appendix A, page 19, Facilities and features, first bullet point:  “Not less than 5 types of equipment to provide a variety of challenges and experiences designed for a range of ages, at least some of which should be suitable for disabled users”  Second bullet point deleted
28	ATPs: on what evidence is the accessibility standard based? Is the quantity standard derived from background studies?	Contained in the background report, available at public libraries throughout the Vale	No change needed
29	Grass sports pitches: on what evidence is the quantity standard based?	Contained in the background report, available at public libraries throughout the Vale	No change needed
30	Minimum size – one pitch would also need changing facilities	Agreed	Appendix A, page 27 top bullet point amended to read:  “Two pitches with changing accommodation and parking in Abingdon, Botley (as defined on the Local plan proposals map), Faringdon, Grove and Wantage; one pitch with changing accommodation in all other areas”
31	Pitches, practice areas and other facilities, bullet point 4: this would not be suitable for cricket.	Agreed	Appendix A, page 28, Pitches, Practice Areas and other Facilities, 4 <sup>th</sup> bullet point amend to read:  “No end to end slope on football, hockey, lacrosse or rugby or other winter season pitches



				greater than 1:40 (1:80 preferable); no side to side slope greater than 1:40 (1:60 preferable)”
Home Builders Federation	32	Summarises various points from DCLG Circular 5/2005, particularly regarding the tests of reasonableness for a planning obligation. The SPD seems to be starting from a presumption that there is no existing open space in the District and that all new developments will need to make full provision.	The SPD includes a summary of the relevant points from Circular 5/2005. There is no presumption that there is no existing open space in the District and the “Line of Thinking” after paragraph 2.6 makes this clear.	No change needed
	33	The SPD must be amended to recognise that the nature and extent of any planning obligation sought will take account of existing surpluses and deficiencies in provision.	By following the Line of Thinking in the diagram following paragraph 2.6 the Council will take full account of the location, size and quality of existing provision.	No change needed
	34	Paragraph 2.8: the occupancy rates seem very high. The SPD should provide the source and justification for them and a commitment to review them as new information becomes available.	Oxfordshire County Council provided the occupancy rates in the draft SPD. The County Council has confirmed the rates apart from that for dwellings of unknown size, which the District Council has reduced from 2.5 to 2.3	See comment to 14 above.
	35	A maintenance period of 25 years is excessive and unreasonable.	See response to point 8	Period for commuted sums changed to 20 years.
Stanford in the Vale Parish Council	36	No further dwellings without addressing our present needs	Not a matter for the SPD	No change needed
	37	Closer meaningful partnership	Welcome, but not a matter for the	No change needed

		between the PC and VoWHDC required	SPD	
	38	Assistance from DC and CC for at least 12 acres of open space	This is a matter for the LDF	No change needed
RPS Planning and Development Ltd	39	Paragraph 2.8: the SPD should clearly set out how the Council has determined the quoted occupancy rates, including that for dwellings of unknown size	Oxfordshire County Council provided the occupancy rates in the draft SPD. The County Council has confirmed the rates apart from that for dwellings of unknown size, which the District Council has reduced from 2.5 to 2.3	See comment to response 14 above.
Natural England (NE)	40	NE wishes to see a clear emphasis on conserving and enhancing biodiversity within the open space strategy	This is a comment on the strategy rather than the SPD. However, the standards set out in the SPD refer repeatedly to nature conservation and biodiversity.	No change needed
	41	The green infrastructure should incorporate established sites of national, regional and local importance and protect them from the potentially adverse impacts of development.	This will be done through LDF policy	No change needed
	42	Would like to see a clear focus on using native species in any future planting of open areas.	With climate change, some native species may be increasingly inappropriate	No change needed
	43	Important to promote the appropriate type and level of recreational uses with sensitive habitats protected against overuse.	Agreed, but policy issue for the LDF and not the SPD	No change needed

44	NE reminds the Council of its duties to take full account of important areas for nature conservation, including SSSIs, SACs, and avoid damage to these sites when considering where to place mineral development and waste management facilities.	Acknowledged. However, this relates to development management and not the SPD. In addition, mineral development is a County Council responsibility.	No change needed
45	Recommend that the Council seeks to advice of the County's landscape and wildlife teams, in conjunction with the Berks, Bucks and Oxon Wildlife Trust in developing strategies and considering individual development proposals.	Accepted. However, this relates to development management and not the SPD	No change needed
46	The presence of protected species is a material consideration in any planning decision.	Agreed. However, this relates to development management and not the SPD. It will be covered by appropriate Local Development Framework policies.	No change needed
47	NE recommends the use of its Accessible Natural Greenspace Standard (ANGSt).	Not accepted. Paragraph 6 of PPG17 states "The Government believes that open space standards are best set locally. National standards cannot cater for local circumstances, such as different demographic profiles and the extent of existing built development in an area". Just as the NPFA Six Acre Standard cannot reflect local circumstance, neither can ANGSt.	No change needed

Cumnor Parish Council	48	Cumnor PC has not seen the background report.	Contained in the background report, available at public libraries throughout the Vale	No change needed
	49	Will the accessibility standard be as set out in Appendix A?	Yes	No change needed
	50	Are there different standards for urban and rural areas? Is Cumnor rural or urban?	The provision standards identify the “urban” areas of the Vale; it follows that other areas are “rural”. However, Cumnor is different in nature from other parishes in that part of it is “urban” and part “rural”. Given this, the District Council has decided to classify Cumnor as an “urban” parish.	Appendix A amended to include Botley (as defined on the local plan proposals map) as one of the Vale’s urban areas
	51	Is compliance with only the driving distance threshold acceptable in all cases where driving is mentioned as a means of access in Appendix A?	The main use for driving thresholds is in relation to major sports facilities such as sports halls, pools and artificial turf pitches. The level of provision of these facilities required in order that all residents of the District could walk or cycle to them would be unrealistic, unaffordable and unsustainable. However, in the rural areas of the Vale it will often be the case that residents of one parish will have to drive to another to make use of certain types of provision. Therefore the Appendix to the SPD also includes driving thresholds for some other forms of provision such as allotments and parks.	Appendix A, page 2 add new paragraph as follows:  <b>“Accessibility Standards/Distance Thresholds</b>  The Council’s accessibility standards are expressed as distance thresholds: the maximum time and distance that potential users should have to travel. Different forms of provision can have any combination of walking, cycling and driving thresholds. Where a particular form of provision has more than one type of threshold, the Council will normally apply the most onerous in the urban areas of the District and the least onerous in the rural areas. However, in the urban areas if it is not practicable to have the required provision within the most onerous threshold – for example because the land that would be

				required is not available – it will apply the next most onerous.”
Buckland Parish Council	52	The Parish Council welcomes and agrees with this SPD.	No comment needed	No change needed
Harwell Parish Council	53	Where the District Council is to seek contributions towards enhancing existing facilities that it does not own, it should say more about how it will ensure that the enhancements are carried out if the developer is providing only a proportion of the costs.	Agreed	New paragraph 4.19 added to read:  “The contributions received from a development will not always be sufficient fully to fund the required enhancements of existing spaces or facilities. In these circumstances the District Council will seek to aggregate contributions from other developments in the same area so that the required enhancements are affordable. If this is unlikely to be achievable within an acceptable timescale, the Council will seek to fund the balance of costs from other sources such as grant aid, other external funding, from its own resources or, for sites that it does not own, the site owner.”
Berks, Bucks and Oxon Wildlife Trust (BBOWT)	54	SPD does not sufficiently address the potential of the local authority to contribute to biodiversity conservation through the provision and management of open spaces	Valid point	Appendix A, page 3 Design Objectives, bullet point 8 amended to read:  “ <b>Sustainability:</b> the design and management of greenspaces should actively promote environmental sustainability and nature conservation, for example by protecting, restoring or creating new habitats ...”
Oxfordshire County Council: Environment and Economy	55	Suggest mention of Structure Plan G3	Agreed	Paragraph 1.3 amended to refer to the Development Plan rather than the Local Plan and include the following as bullet point one:  “Structure Plan Policy G3, <i>Infrastructure and</i>

			<i>Service Provision</i> , which states that proposals will not be permitted unless the relevant planning authority is satisfied that the necessary infrastructure is available or will be provided”
56	Paragraph 1.3: suggest change to “enter into a planning obligation”	Sub-clause (iii) of Local Plan Policy DC8 specifically states “an appropriate financial contribution”	No change needed.
57	Paragraph 1.3: welcome a sentence defining recreation provision. SPD does not cover museums, Libraries and rights of way.	Paragraph 1.9 sets out the types of provision to which the SPD relates.	No change needed
58	Paragraph 1.3: add statement that the document will be reviewed and updated as appropriate	Agreed	See response to comment 3 above.
59	Paragraph 1.9: make clear that youth facilities are distinct from Youth Service Provision	Agreed	Paragraph 1.11 amended to define youth facilities as follows:  “Youth facilities (this relates to physical infrastructure for informal use by young people, such as skateboard areas and shelters, and does not include County Council Youth Service provision)”
60	Paragraph 2.8: source of average occupancy figures data should be included	Oxfordshire County Council provided the occupancy rates in the draft SPD. The County Council has confirmed the rates apart from that for dwellings of unknown size, which the District Council has reduced from 2.5 to 2.3	See response to 14 above.

61	Paragraph 2.9: paragraph speaks of net change in dwellings but actually refers to net change in population	Good point	Paragraph 2.10 amended to read:  "If the proposed development site includes existing temporary or permanent dwellings that have been occupied within one year before the date of receipt of the planning application , the Council will normally use the anticipated net change in the number of residents."
62	Page 8 table: significant impact if a 1-bedroom flat is replaced by a 5 bedroom house	Replacing a 1-bedroom flat with a 5-bedroom house will require will require considerable ingenuity ... particularly if it is not on the ground floor	No change needed
63	Page 8 table: what if temporary dwellings (eg caravans) are being replaced?	This has never been a significant issue in the Vale to date.	No change needed
64	Paragraph 4.1 explain planning obligations, planning agreements and unilateral undertakings	The SPD is intended for developers, who are likely to be familiar with these terms. Para 4.1 does give a brief explanation of why a proposed development can give rise to a planning obligation.	Paragraph 4.1 amended to include a summary of the differences between planning agreements and unilateral undertaking as follows:  "The difference between them is simple. In a planning agreement, the developer and/or land owner(s) and the relevant local authority, both "covenant" (a legal term which effectively means "undertake" or "promise") to do certain things. For example, the developer might covenant to pay an amount of money (a "contribution") to the local authority, which in turn enters into a "reciprocal covenant" to use that money for the purpose or in the way set out in the agreement. Unilateral undertakings, on the other hand, are effectively one-sided planning agreements: the

65	Paragraph 4.2: change wording to “one or both of two reasons”	Wording of paragraph is a little clumsy	<p>developer/land owner covenants to do something that will make the development acceptable to the local authority (for example, to pay a contribution of £X to the local authority for it to use to enhance local greenspace), but the local authority does not enter into any reciprocal covenants. In this context, the term “local authority” can have a wide meaning; it frequently includes the District Council, as the local planning authority, and the County Council in several distinct roles, for example as the Highways Authority, the Education Authority and the Library Authority.”</p> <p>Para 4.3 amended to read</p> <p>“In most instances, the need for a planning agreement will arise because:</p> <ul style="list-style-type: none"> <li>– The development will result in additional pressures on existing open spaces, sport and recreation facilities which cannot reasonably be sustained</li> <li>– It would not be realistic, or sensible in land use terms, for the Council to require the developer to mitigate these pressures on land in the developer’s ownership”</li> </ul>
66	Paragraph 4.8: change to “the Council will not ask developers to fund a greater amount of infrastructure than that needed to satisfactorily accommodate the additional pressures or any loss of facilities created by their development”	“Satisfactorily” is not needed	<p>Paragraph 4.9: “that” omitted so the fourth bullet now reads:</p> <p><b>“The proposed mitigation must be fairly and reasonably related in scale and kind to the proposed development:</b> the Council will not ask developers to fund a greater amount of infrastructure than needed to accommodate the</p>



			additional pressures created by their development”
67	Paragraph 4.11: should not assume development will produce a net increased in population; there may be a net decrease	There are very few instances of developers reducing the density of development on a site and if they do the Model will not suggest a need for additional infrastructure	Paragraph 4.12 first bullet point amend to read:  “Calculates the likely on-site population of the proposed development and the net increase or decrease in the local population”
68	Paragraph 4.14: mention monitoring cost if not included in 10% on-cost	This was an oversight and the Council has decided to increase the figure to 15%. However, the Council will monitor the costs associated with negotiating, monitoring and if necessary enforcing planning agreements and will amend the SPD from time to time in accordance with its findings on this issue.	Paragraph 4.15 sixth bullet point amended to read:  “A 15% on-cost, to cover monitoring, project procurement and management by the Council”
69	Paragraph 4.18: phased payments should be index linked	Valid point	New paragraphs 3.8 and 3.9 added to read as follows:  <b>“Large and Phased Developments – Payment of Commuted Sums</b>  3.8 If the Council or another appropriate body (such as the relevant town or parish council) is to adopt on-site or other spaces or facilities, it is likely that they will be completed and ready for handover and adoption at different times during the construction of large or phased developments. When this will be the case, the Council is willing in principle to allow the payment of commuted sums on a phased basis which matches the points at which it or

the other appropriate body adopts the spaces or facilities. However, this will always be conditional upon:

- The spaces or facilities being in a fully adoptable condition in all respects
- Any related commuted sums being index-linked from the date of the grant of planning permission to the date of payment
- The dates or other trigger point at which spaces or facilities are to be adopted being agreed in writing before the start of the development on site”

**Indexation**

3.9 There are several published cost indices that the Council could use when indexing contributions or commuted sums. However, the indices that the Council will normally use is for construction works the Department of Trade and Industry Tender Price Index of Public Sector Non-Housing (PUBSEC) Smoothed All-in Index and for commuted sums, the Index of Retail Price.

Paragraph 4.23 first sentence amended to read:

“The District Council is well aware that there is potentially a long list of forms of community infrastructure provision towards which it and the County Council will wish to seek contributions.”

Paragraph 23 add new sentence at end as

70	Paragraph 4.19: the term “shopping list” could be misconstrued as indicating the measures are not all necessary in accordance with circular 5/2005.	Accepted
71	Paragraph 4.19: if there is a	Agreed

		significant County requirement the confidentiality should include County staff		follows:  "The County Council will give a similar undertaking if it is party to the viability information as a result of having a significant infrastructure requirement that the developer regards as unaffordable."
Oxfordshire County Council: Rights of Way	72	Paragraph 1.7, Vision: reword to "... open spaces, green linking routes, and indoor ..."	The vision has been approved by the Council	No change needed
	73	Paragraph 1.9: typology includes green corridors but they are not included in the assessments. Danger that green corridors (which should include public rights of way) will not be sought from developers	This is a District document. Rights of way are a County function – as confirmed by later County comments. If rights of way are to be included, why not highways, so should schools, libraries, fire and rescue etc.	Para 1.11 amend to give definition of green corridor as follows:  "Green corridors within urban areas (excluding rights of way, which are a County Council responsibility)"
	74	Appendix A: add "All measures for public rights of way must first be agreed with Oxfordshire County Council"	This is a District document. Rights of way are a County function.	Appendix A, page 4 first bullet point under General Design Principles add:  "Green spaces should be linked to local pedestrian and cycle path systems wherever possible, including rights of way, bridlepaths and quiet lanes (note: rights of way and other means of access to the countryside are a County Council function and any proposed changes to existing path systems in the countryside must be agreed with it)"
	75	Appendix A, Natural Greenspace Standards: the Council should adopt and then apply ANGST. It should increase the amount of NGS available to its residents and the	See response to Comment 47	No change needed

linkages to them along green corridors including public rights of way.

76	Appendix A, Green Corridors: add more detail (specific suggestions included in County comment)	Good suggestions from the County	<p>Appendix A, page 14 under General Characteristics add following bullet points:</p> <ul style="list-style-type: none"> <li>• Clear signposted links to the wider network of cycling and pedestrian routes where appropriate in order to integrate developments with their surroundings and, where possible, public rights of way</li> <li>• Where possible, extending public rights of way and access to the countryside for informal recreation. (Note: any measures relating to public rights of way must be agreed with the Countryside Service of Oxfordshire County Council)</li> <li>• Surface treatments, landscaping and infrastructure items (eg gates, signage, information and lighting) to be appropriate to the use of the paths and character of the local area</li> </ul>
77	General characteristics: add “All measures for public rights of way must first be agreed with the Countryside Services, Oxfordshire County Council, to ensure they are	This is a District document. Rights of way are a County function – as confirmed by later County comments. If rights of way are to be included, why not highways, so	<p>Appendix A, page 15 under Accessibility add:</p> <ul style="list-style-type: none"> <li>• All routes through developments to be based on historical routes or existing desire lines and use landscape features as much as possible</li> </ul> <p>Appendix A, page 4 under General Design Principles first bullet point amend to read: “Green spaces should be linked to local pedestrian and cycle path systems wherever</p>

		appropriate to the user type, character and location of the area”	should schools, libraries, fire and rescue etc.	possible, including rights of way, bridlepaths and quiet lanes (note: rights of way and other means of access to the countryside are a County Council function and any proposed changes to existing path systems in the countryside must be agreed with it).”
Oxfordshire County Council: Biodiversity and Landscape Resources	78	Design objectives: biodiversity should be an over-arching theme in all planning policy documents and must be taken into account in the management of all open spaces	Valid point	Appendix A, page 3 under Design Objectives bullet point 8 amend to read:  “ <b>Sustainability</b> : the design and management of greenspaces should actively promote environmental sustainability and nature conservation, for example by protecting, restoring or creating new habitats ...”
	79	The Vale should see greenspace as an opportunity to improve the landscape of the Vale	This is beyond the scope of this SPD	No change needed
	80	Link greenspaces and minimise fragmentation to maximise sustainability	Valid point	Appendix A, page 3 Design Objectives bullet point 4 amend to read:  “ <b>Ease of movement</b> : it should be easy to get to and move through spaces and individual public spaces should be linked with one another as much as possible and designers should not propose fragmented greenspace provision if it is avoidable. In residential areas, people should generally have priority over vehicles.”
	81	Managing spaces with biodiversity in mind will ensure the Vale meets its duty under the NERC Act to “have regard to the purpose of conserving biodiversity” by “restoring or	Valid point	See response to comment 78 above.

		enhancing habitat”		
	82	In accordance with Structure Plan policy EN2, the Vale should manage natural greenspace in a way that “safeguards, maintains and expands UK BAP priority habitat”	Valid point; will be covered by changes above	See response to comment 78 above.
	83	Highways supports the accessibility standards and would expect to be consulted on individual planning applications	This is normal practice	No change needed
Oxfordshire County Council: Social and Community Services	84	The documents lack reference to facilities for disabled people	Appendix A includes several paragraphs in the section on “Accessibility” that set out the importance of ensuring that spaces and facilities are accessible to people with disabilities	No change needed
		Vale offices	Additional changes introduced by the Council	Paragraph 4.28 amend to read:  “In order to aid transparency, reduce legal costs and speed up their preparation, the Council has prepared a standard form of draft planning agreement relating to greenspace, sport and recreation provision. Copies are available from the Council’s Offices or can be downloaded from its website <a href="http://www.whitehorsedc.gov.uk">www.whitehorsedc.gov.uk</a> . In addition, and in order to help the Council determine planning applications as quickly as possible, it will require draft heads of terms for a planning agreement or unilateral undertaking alongside any planning application for developments of 10 or more dwellings before it will validate the application. This new

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21 April 2008

requirement is specified in the guidance notes relating to the validation checklist which are required to accompany the new national standard planning application forms which become statutory on 6<sup>th</sup> April 2008.

Vale of White Horse District Council

May 2008

## Adopted Supplementary Planning Document

### Open Space, Sport and Recreation

### Future Provision

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Appendix A: Provision Standards

## Introduction

### The Scope and Purpose of this Supplementary Planning Document (SPD)

1.0 The Vale of White Horse District Council welcomes well designed, sustainable developments that accord with its adopted planning policies and will enhance the District as a place to live, work and visit. Networks of high quality, accessible open space, sport and recreation facilities are critical if this aim is to be met. The purpose of this Supplementary Planning Document is to provide guidance to those preparing planning applications for one or more houses as to what the Council will be seeking to mitigate the impact of their development on open space, sport and recreation facilities.

1.1 This SPD is in three sections:-

- The first deals with assessing the impacts of proposed residential developments in terms of open space, sport and recreation provision.
- The second explains how the Council intends to use planning conditions relating to open space, sport and recreation provision.
- The final section sets out the circumstances in which the Council will require developers to enter into a planning agreement or unilateral undertaking relating to open space, sport and recreation provision.

### Status of this SPD

1.2 This SPD does not stand alone but should be read in conjunction with the Vale of White Horse Adopted Local Plan 2011 and the Council's Open Space, Sport and Recreation Strategy. A background document to the Open Space, Sport and Recreation Strategy sets out the results of the Council's assessment of provision throughout the District undertaken in 2006-07, in accordance with the requirements set out in Government Planning Policy Guidance (PPG17) Planning for Open Space, Sport and Recreation. However, neither the Strategy nor its related Background Document are part of the Council's Local Development Framework.

1.3 The main policies in the Adopted Development Plan relevant to open space, sport and recreation provision are:

- Structure Plan Policy G3, *Infrastructure and Service Provision*, which states that proposals will not be permitted unless the relevant planning authority is satisfied that the necessary infrastructure is available or will be provided
- Local Plan Policies L1 and L4, which seek to protect existing outdoor play space and allotments but allow development of them for other uses where this will not exacerbate or create a local deficiency
- Local Plan Policy L2, which protects all urban open space defined on the proposals map

- Local Plan Policy L7, which protects local leisure facilities unless there is no longer a need for the facility or an alternative provision of equal or better quality is made available
- Local Plan Policy H23, which requires new housing developments of over 15 dwellings or 0.5 ha to provide 15% public open space and requires suitable arrangements for future management and maintenance of the open space to be in place.
- Local Plan Policies H15 and H7, which set out a list of spaces and facilities to be provided in association with the proposed major developments at Didcot and Grove
- Local Plan Policy DC8, which aims to ensure an adequate and timely supply of social and physical infrastructure to meet the needs of the occupiers or users of new development

1.4 The Council's forthcoming Local Development Framework will set out that the Council intends to seek planning obligations for all developments of one or more dwellings and not only 15 or more as set out in current Local Plan Policy H23.

1.5 An SPD does not have the same status as the Council's Adopted Local Plan or the Local Development Framework currently being prepared. However it will be taken into account as a material consideration by the Council, a Planning Inspector or the Secretary of State when determining planning applications and appeals.

1.6 This SPD reflects the policy advice given in paragraphs 25 and 26 of Annex B to Circular 5/2005 Planning Obligations. This requires planning authorities to set out their policy for the use of planning agreements in their Local Development Framework, complemented by an SPD setting out more details of how the authority will assess the level of contributions it will require through planning agreements.

1.7 This SPD was adopted by the District Council at its meeting of the full Council held on 21<sup>st</sup> May 2008. The Council will monitor its effectiveness and review its content at regular intervals to ensure that it remains relevant and compliant with Government advice on the use of planning conditions and obligations and any future reviews of the Council's adopted Open Space, Sport and Recreation Provision Strategy

## Terminology

1.8 For the sake of clarity and consistency, in this SPD:

- Developers' **contributions** (or, more simply, contributions) are capital payments which the Council will use to fund the provision or enhancement of open space, sport and recreation provision designed to mitigate the impact of proposed developments
- Commuted management, maintenance and establishment sums (or, more simply, **commuted sums**) are payments to the Council which it will use to fund a stream

of revenue payments over a number of years in order to maintain or establish new or enhanced spaces or facilities provided by developers which the Council has agreed to adopt and maintain

- **Establishment sums** are similar to commuted sums but designed to fund the establishment of spaces or facilities until such time as they become established or are fit for use. For example, some shrubs or trees in most planting schemes die within the first 2–3 years and have to be replaced and some sports facilities, such as bowling greens or cricket wickets, have to be maintained for 1–2 years before they can be used.

## The Council's Vision

1.9 The Council's vision for open space, sport and recreation facilities is set out in its draft strategy and is:

"The Vale's towns and villages will have a sustainable network of high quality open spaces and indoor and outdoor sports facilities that everyone will see as being of fundamental importance to their quality of life and want to use".

1.10 In more detail through the Local Plan and this SPD the Council's aims in relation to open space, sport and recreation are:-

- To support the implementation of the Council's Open Space, Sport and Recreation Strategy
- To promote the speedy, transparent and consistent application of the Council's provision standards to proposed developments
- To ensure that any new or enhanced provision funded by developers is large enough to be fit for purpose, appropriately sited, well designed, practical to maintain and sustainable
- To minimise the time needed to negotiate planning agreements with developers by setting out how the Council will calculate and use developers' contributions
- To facilitate and enable desirable developments for which the Council might otherwise have to refuse planning permission as a result of their impact on local infrastructure.

## Typology of Provision

1.11 This SPD relates to the following forms of provision:

### **Multi Functional Greenspaces (MFGS)**

Amenity greenspaces

Natural greenspaces

Parks and gardens

### **Other Public Spaces**

Civic spaces

Green corridors within urban areas (excluding rights of way, which are a County Council responsibility)

### **Activity Spaces**

Allotments

Formal play

Multi-sport courts

Youth facilities (this relates to physical infrastructure for informal use by young people, such as skateboard areas and shelters, and does not include County Council Youth Service provision)

### **Outdoor Sports Facilities**

Artificial turf pitches

Bowling greens

Grass cricket, football and rugby pitches

Tennis courts

### **Indoor Sports Facilities**

Indoor sports halls and swimming pools

## **Large Scale and Cross-boundary Developments**

1.12 For large scale developments the District Council will normally prepare a planning brief or expect developers to submit a design brief and/or masterplan to ensure developments are well designed, based on clear and consistent sustainable principles. This requirement is particularly important in relation to proposals that cross the local authority boundary, such as at Didcot. In such cases, the masterplan may suggest an alternative approach that will deliver the Council's vision but does not apply the Council's adopted provision standards in all respects. Once the Council has approved the design brief or masterplan, it will expect development proposals to conform to the principles and standards set out in it and therefore may not require individual developments to conform to all of its adopted provision standards. However, the Council will reserve the right to require developers to meet its adopted standards if particular proposals do not conform satisfactorily to the approved design brief or masterplan.

## Assessing the Impact of Proposed Developments

### Introduction

2.0 Appendix A sets out the Council's provision standards for open spaces, sport and recreation provision. These standards have been arrived at following an audit of open space, sport and recreation carried out by consultants in 2006-7. The Council will use these standards to assess the impact of any housing development proposed within the District on open space, sport and recreation provisions. This section of the SPD summarises the scope of the standards and explains how the Council will apply them.

### Pre-application Discussions

2.1 The Council encourages developers to engage in pre-application discussions with Council Officers in relation to any development proposal that is likely to have an impact in terms of:

- Increasing the local need for or use of open space, sport and recreation provision; or
- The quantity, quality and accessibility of open space, sport and recreation provision within the District; or
- The potential loss of any open space or sport or recreation facility

2.2 In the course of pre-application discussions, Council Officers will be able to provide advice on the Council's likely requirements for on-site provision, compensatory off-site provision or the enhancement of existing provision. However, while the Council will always endeavour to ensure that any such advice is the best possible at the time of the discussions, it will always reserve the right to amend its requirements in the light of the circumstances of a submitted planning application. The main reasons for this are:

- The applicant may change the details of the development proposal
- Other applications or developments in the vicinity of the proposed site may have an impact on the Council's and community's requirements in relation to any specific development

### Standards of Provision

2.3 PPG17, *Planning for Open Space, Sport and Recreation*, makes clear that deficiencies in provision can be both qualitative and quantitative. *Assessing Needs and Opportunities: A Companion Guide to PPG17* also stresses the importance of

accessibility because provision that is inaccessible to potential users is irrelevant to them, no matter how large or how high quality.

2.4 Accordingly, and in compliance with PPG17, the Council has developed three types of provision standards for open space, sport and recreation: the standards are set out in appendix A and include:-

- **Quantity standards**, which set out the amount of different forms of provision required per person across the District. The Council will use these standards to assess the amount of provision likely to be needed by the residents of new housing developments and therefore the amount it may require developers either to provide or fund.
- **Quality standards**, which set out the basic characteristics required of new provision. Whenever it requires developers to provide new spaces or facilities, and in all instances where developers offer spaces or facilities to the Council for adoption, the Council will impose a condition requiring them to comply with these standards. The Council will be aiming to bring all existing open spaces and sport and recreation facilities up to these standards. Where existing spaces or facilities, required to meet community needs, do not accord with these standards the Council will consider there to be a qualitative deficiency in provision.
- **Accessibility standards** (or distance thresholds), which set out the walking, cycling and driving times and distances that the Council regards as acceptable to potential users of spaces or facilities. The Council will use these standards to assess the extent to which existing provision may be relevant to the residents of proposed new housing developments. For practical reasons, the Council has adopted accessibility standards based on standard walking, cycling and driving speeds.

2.5 In accordance with PPG17, the Council will require developers:

- To provide or fund additional provision where there are identified quantitative deficiencies in provision within the appropriate distance thresholds of a proposed development, or where the development will result in quantitative deficiencies
- To contribute to the enhancement of existing provision when there is an identified qualitative deficiency in provision within the appropriate distance thresholds of a proposed development and one effect of the development will be to increase the demand pressures on these spaces or facilities.

2.6 The Council will use its quantity standards to determine the scale of contributions required towards new off-site provision or the enhancement of existing off-site provision. For example, if a particular development proposal requires X sq m of a specific form of provision, based on the net increase in the on-site population times the appropriate quantity standard, the Council will require developers to contribute to the creation or enhancement of X sq of that form of provision. The Council will determine which of these alternatives it prefers by taking account of the context

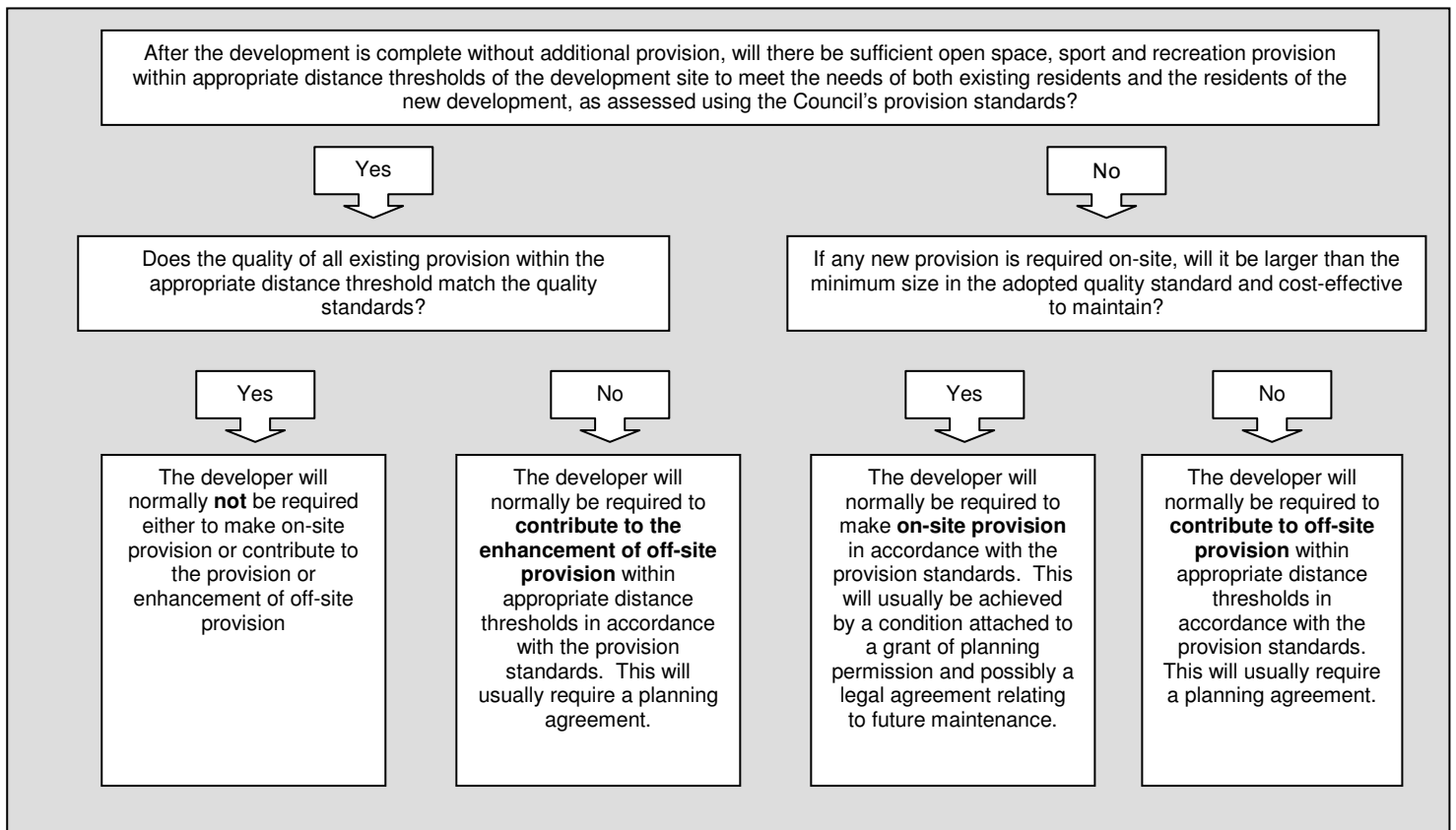
within which the development is set, the amount and nature of provision in the vicinity of the development site and any other material considerations.

### **Application of Provision Standards**

- 2.7 The diagram overleaf, based on *Assessing Needs and Opportunities: A Companion Guide to PPG17 (ODPM, 2002)*, sets out how the Council will use its provision standards to decide whether there will be a need to mitigate the impact of a proposed development and, if so, the most appropriate approach to adopt



## Flow Chart for Development Control Purposes



2.8 To forecast the likely impact of developments the Council will assess the amount of each of the various forms of provision that will be required to meet the needs of residents generated by the proposed development, within the context of the area in which the site is set.

2.9 The starting point for the assessment will be the calculation of the on-site population. For this purpose the Council will use the following occupancy rates:

- Dwellings with 1 bedroom 1.32 Occupants
- Dwellings with 2 bedrooms 1.95 Occupants
- Dwellings with 3 bedrooms 2.61 Occupants
- Dwellings with 4 bedrooms 3.33 Occupants
- Dwellings of unknown size 2.30 Occupants

Note: these figures derive from a survey of new residential developments in Oxfordshire undertaken by the Demographic and Social Statistics Adviser in the County Council's Strategic Policy and Economic Development Unit during 2005. The County Council intends to review the figures from time to time and the District Council will then amend the above occupancy levels as appropriate.

2.10 If the proposed development site includes existing temporary or permanent dwellings that have been occupied with in one year before the date of receipt of the planning application, the Council will use the anticipated net change in the number of residents. For example, if a proposed development consists of twelve 1 bedroom flats on the site of a 4 bedroom house which will be demolished the Council will assess the net change in the on-site population as follows:

- 12 dwellings @ 1.32 people = 15.84 people
- Less
- 1 dwelling @ 3.33 people = -3.33 people
- Net increase = 12.51 people

### Development Thresholds

- 2.11 Where there is an identified qualitative or quantitative deficiency in provision, the Council will seek contributions from any developments resulting in a net increase of one or more dwellings.

### Types of Housing Development

- 2.12 The residents of different types of dwellings are likely to have different needs in terms of open space, sport and recreation provision. For example, sheltered housing will not increase the local demand for football pitches but will very often require on-site amenity space for the use of residents even if there is existing provision nearby. The table overleaf sets out the forms of provision the Council considers will be required for different types of residential development. This means that it will not always be appropriate for the Council to require developers to make or fund new or enhanced provision for all those facilities for which it has a provision standard.

**Types of residential development to which the provision standards will apply.**

Type of development	Multi-functional greenspaces	Other public spaces		Activity Spaces				Outdoor Sports Facilities				Indoor Sports Facilities	
		Civic spaces	Green corridors	Allotments	Formal play provision	Multi courts	Teenage areas	Artificial Turf Pitches	Bowling Green	Grass Pitches	Tennis courts		
Open market dwellings	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	All open market dwellings will generate demand for access to all forms of provision
Affordable housing	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	All affordable housing will generate demand for access to all forms of provision
Accommodation for active elderly people	✓	✓	✓	✓	x	✓	x	x	✓	x	✓	✓	“Active elderly residents” are able to live independent lives without personal assistance. They are unlikely to have live-in children but may take part in some sports activities such as tennis and bowls.
Special housing for less active elderly people	✓	✓	x	X	x	x	x	x	x	x	x	x	Residents of special housing requiring at least some degree of personal care will not take part in active pursuits but should increase the demand for parks and similar open spaces.
Hostels and special needs housing	✓	✓	✓	✓	x	✓	x	x	x	x	x	x	Residents with special needs may require access to sports facilities but will certainly be able to benefit from parks and other amenity open spaces.
One for one replacement dwellings	x	x	x	X	x	x	x	x	x	x	x	x	A replacement dwelling will only have a marginal impact on the need of community facilities.
Extensions to dwellings	x	x	x	X	x	x	x	x	x	x	x	x	Extensions are likely at most to have only a marginal impact on the need for

													community infrastructure.
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**Notes:**

✓ Provision normally required

X Provision not normally required

Multi-functional greenspace: amenity greenspaces, natural greenspaces and parks and gardens

## The Use of Planning Conditions

### Introduction

3.0 When the Council grants planning permission for a proposed development it may do so subject to a number of conditions. This section of the SPD therefore provides an overview of the conditions that the Council may impose in relation to open space, sport and recreation provision, together with how it will assess commuted maintenance sums in instances where developers offer on-site provision, or other provision intended primarily for the benefit of the occupants of a proposed development, for adoption by the Council or other appropriate agreed body such as one of the District's town or parish councils. If the Council or another body is to adopt open space, sport or recreation facilities any commuted maintenance payment will be subject to a legal agreement.

### The Purpose of Conditions

3.1 The purpose of conditions is to enable development proposals to proceed in cases where they would otherwise be unacceptable. In all cases, the Council will ensure that each condition is:-

- Necessary and therefore the development should not be permitted without the condition
- Relevant to land use planning objectives
- Relevant to the proposed development and justified by its nature or impact on its surroundings
- Clear and enforceable
- Reasonable in all other aspects

### Contributions Relating to Open Space, Sport and Recreation Provision

3.2 Open space, sport and recreation facilities must be managed and maintained effectively if they are not to deteriorate and have a negative impact on local amenity. Accordingly, in all instances where the Council requires developers to make on-site greenspace, sport or recreation provision, or when they do so voluntarily, it will require them to put in place measures for their management and maintenance in perpetuity. The Council's standard condition for this purpose is:-

*"Prior to the commencement of the development hereby permitted, a scheme for the future maintenance and layout of the open space areas as shown on the approved drawings shall be submitted to, and approved in writing by the District Planning Authority. The areas thereafter shall be permanently maintained in accordance with the approved scheme".*

*Reason: In the interests of visual and residential amenity.*

## Meeting the Council's Requirements in Relation to Management and Maintenance

3.3 In principle, the Council regards either of the following approaches as acceptable means of satisfying the requirement to secure the ongoing maintenance of open space, sport and recreation facilities:

- The handing over of the spaces or facilities to the District Council or other appropriate agreed body (such as the relevant town or parish council) for adoption, plus an appropriate commuted maintenance sum, on the basis of a legal agreement.
- The incorporation of a clause in the title deeds for the properties in the development:
  - a) Requiring the owners to contribute to the upkeep of the common areas of the development, including any on-site or other open space or sports and recreation provision intended predominantly for their use, and form a residents association to manage, or appoint a factor to manage, the necessary maintenance works to an agreed standard, which shall be not lower than the Council's adopted quality standard.
  - b) Granting the Council "Step-in" rights which will allow it to undertake the maintenance itself in the event that, in its sole judgement, the arrangements made in accordance with sub-paragraph (a) prove ineffective and recover the costs of doing so, including all legal and administrative costs, from the residents or occupants of the development on a suitable fair basis.

Note: this approach is designed to be compatible with paragraph B18 of DCLG Circular 5/2005, Planning Obligations, which indicates that Councils can require developers to make arrangements for the management and maintenance in perpetuity of spaces and facilities intended predominantly for the residents or users of a proposed development

3.4 The Council will be willing to consider other approaches put forward by developers on a case by case basis, but will always require to be satisfied that whatever detailed arrangements the developer may propose will be effective.

3.5 The Council or other agreed appropriate body (such as the relevant town or parish council) may be willing to adopt and subsequently manage and maintain on-site provision made by developers only if:

- The provision meets the appropriate quality standard(s) in all respects at the time of adoption; and
- The developer provides a commuted maintenance sum on or before the date of adoption of the space or facilities to the agency in whom the land is to be vested, sufficient to fund the management and maintenance for a period of 20 years; and
- The developer pays all of the legal costs relating to the transfer of the land or facilities of the body in whom the land is to be vested.

3.6 The Council will publish on its website, and revise annually with effect from 1 April in each year, a statement of the standard commuted maintenance sums it will require

for different forms of provision. It will base them on anticipated annual maintenance costs, using costs provided by its grounds maintenance contractor, including as many of the following as may be appropriate:

- An establishment cost, designed to fund the replacement of any plants or trees which may die within an initial establishment period of 5 years
- All maintenance materials required over 20 years
- An appropriate proportion of equipment costs, taking into account the anticipated lifespan of maintenance equipment
- A 10% on-cost, to cover the management of maintenance operations

**3.7** The Council will calculate commuted sums in the form of the net present value (NPV) of the anticipated stream of establishment or maintenance costs over a 20 year period, based on:-

- Current costs provided by its grounds maintenance contractor
- A predicted annual increase for inflation and other costs
- A discount rate of 4%.

### **Large and Phased Developments – Payment of Commuted Sums**

**3.9** If the Council or another appropriate agreed body (such as the relevant town or parish council) is to adopt on-site or other spaces or facilities, it is likely that they will be completed and ready for handover and adoption at different times during the construction of large or phased developments. When this will be the case, the Council is willing in principle to allow the payment of commuted sums on a phased basis which matches the points at which it or the other appropriate body adopts the spaces or facilities. However, this will always be conditional upon:

- The spaces or facilities being in a fully adoptable condition in all respects
- Any related commuted sums being index-linked from the date of the grant of planning permission to the date of payment
- The dates or other trigger point at which spaces or facilities are to be adopted being agreed in writing before the start of the development on site

### **Indexation**

**3.10** There are several published cost indices that the Council could use when indexing Contributions or commuted sums. However the indices that the Council will normally use are: for construction works, the Department of Trade & Industry Tender Price Index of Public Sector Non Housing (PUBSEC) smoothed all-in-index: for commuted sums, the index of Retail Price.

## **Sustainable Urban Drainage Systems (SUDS)**

Vale of White Horse District Council

Supplementary Planning Document: Open Space, Sport and Recreation Future Provision

- 3.11 The Council encourages developers to incorporate proposals for sustainable urban drainage schemes in their developments whenever possible and to ensure that the management and maintenance of SUDS features is seen as part of the overall management regime for a site. However, the Council does not adopt any open space designed for drainage purposes as part of a sustainable urban drainage systems (SUDS).



## Planning Agreements

### Introduction

- 4.0 Wherever possible and in accordance with Government advice, the Council will seek to use planning conditions, however there will be many instances where the barriers to granting planning permission cannot be resolved by the use of conditions. In these instances the Council will seek to negotiate a planning agreement with the developers.

### The National Justification for Planning Agreements

- 4.1 Government has made it clear in various Planning Policy Guidelines (PPG's) and Planning Policy Statements (PPS's) that the community should not be disadvantaged by new development. Accordingly, it is the Government's view that it is reasonable for planning authorities to expect developers to contribute to the cost of meeting local needs for community facilities and infrastructure which arise from their developments. Development creates a need for additional or enhanced infrastructure, giving rise to a "planning obligation" on the developer to provide or fund whatever measures may be required to mitigate (ie meet) those needs. The legislative basis for this is set out in Section 106 of the Town & Country Planning Act 1990, as substituted by Section 12(l) of the Planning & Compensation Act 1991. This allows for obligations to be discharged either through a planning agreement negotiated between the developer and local authority or a unilateral undertaking, offered by a developer. The difference between them is simple. In a planning agreement, the developer and/or land owner(s) and the relevant local authority, both "covenant" (a legal term which effectively means "undertake" or "promise") to do certain things. For example, the developer might covenant to pay an amount of money (a "contribution") to the local authority, which in turn enters into a "reciprocal covenant" to use that money for the purpose or in the way set out in the agreement. Unilateral undertakings, on the other hand, are effectively one-sided planning agreements: the developer/land owner covenants to do something that will make the development acceptable to the local authority (for example, to pay a contribution of £X to the local authority for it to use to enhance local greenspace), but the local authority does not enter into any reciprocal covenants. In this context, the term "local authority" can have a wide meaning; it frequently includes the District Council, as the local planning authority, and the County Council in several distinct roles, for example as the Highways Authority, the Education Authority and the Library Authority.

### The Need for Planning Agreements

- 4.2 Paragraph 33 of PPG17 states that:

"Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs."

- 4.3 In most instances, the need for a planning agreement will arise because:
- The development will result in additional pressures on existing open spaces, sport and recreation facilities which cannot reasonably be sustained
  - It would not be realistic, or sensible in land use terms, for the Council to require the developer to mitigate these pressures on land in the developer's ownership
- 4.4 In these circumstances, if there is not a commensurate increase or improvement in the amount, quality or capacity of provision, the result will be a "planning loss" to the local community: for example, there will be more demand for local football pitches than can realistically be accommodated. The Council may seek agreements in order:
- To require the developer to fund compensatory provision; or
  - To require the developer to provide a financial contribution which it will use off-site to mitigate the impacts of the development
  - To seek contributions to future maintenance of on-site provision.
- 4.5 This section of the SPD sets out the circumstances under which the Council will be seeking a planning obligation to secure contributions or compensatory provision of open space, sport and recreational facilities. It explains how the Council will assess the possible need for and scale of those contributions and how it will use them. It therefore has two main purposes:
- To provide clarity and transparency for developers so that they are aware of the possible need for a planning agreement and related financial contributions early in the development process
  - To facilitate a consistent approach to the securing of planning agreements and the use of contributions throughout the District.

### **The Scope of Planning Agreements**

- 4.6 The Council may seek a planning agreement relating to the provision of any type of open space or sport and recreation facility for which it has a provision standard. (These standards are set out in Appendix A).

### **The Nature of Planning Agreements**

- 4.7 Planning agreements can take many forms. Circular 05/2005 *Planning Obligations* sets out three main purposes for them:
- To prescribe the nature of a development in order to achieve planning objectives
  - To mitigate the impact of a development
  - To compensate for loss or damage caused by a development
- 4.8 The Council will require planning obligations to mitigate the impact of a development or compensate for provision of open space, sport and recreation facilities which will be damaged or lost as a result of the proposed development.

4.9 Circular 5/2005 re-affirms the five policy tests for the reasonableness of a planning agreement. The Council interprets these policy tests as follows:

- **The proposed agreement must be necessary:** the proposed development will increase the need for greenspace or sport and recreation provision in an area where as a result of the development there will be a quantitative deficiency or result in additional demand pressures on existing spaces or provision in an area where there is a qualitative deficiency and therefore necessitates their enhancement
- **The proposed mitigation must be relevant to planning:** the Council will seek contributions only for purposes which relate to the use or development of land
- **The proposed mitigation must be directly related to the proposed development:** it is not necessary, and may be impractical, to attempt to mitigate all of the impacts of a proposed development in the immediate vicinity of the site. However, the additional demands arising from the development must be met within a reasonable distance of it. This “reasonable distance” will vary with the nature of the infrastructure and is set out in the Council’s standards in an Appendix to this SPD. The reasonable distance will be fairly limited for facilities such as play areas for young children but longer for facilities such as artificial turf pitches which serve a significant catchment area. PPG17 recommends the use of distance thresholds and the Council has adopted this approach and will use it to determine how far a proposed mitigation is “directly related” to a development.
- **The proposed mitigation must be fairly and reasonably related in scale and kind to the proposed development:** the Council will not ask developers to fund a greater amount of infrastructure than needed to accommodate the additional pressures created by their development
- **The proposed agreement must be reasonable in all other respects:** in broad terms, the key test the Council will apply is whether the requirement for an agreement is so directly related to the regulation of the proposed development that it should not be permitted without it.

4.10 It follows that the Council will not seek contributions to reduce any infrastructure deficiency which existed at the time a development was first proposed to a greater extent than justified by the scale and nature of the proposed development. However it may seek contributions to prevent any such deficiencies becoming more as a direct result of the proposed development.

4.11 Planning permission must never be bought or sold. Accordingly, the Council will not grant permission for an unacceptable development because the developer has offered to provide or fund unnecessary or unrelated benefits through a unilateral undertaking. However the Council will refuse planning permission for an otherwise acceptable development if the developer is unwilling or unable to contribute to infrastructure improvements needed as a result of their development.

## The Calculation of Developer Contributions and Commuted Sums

4.12 The Council will use a spreadsheet model to calculate developer contributions and commuted sums. The Model:

- Calculates the likely on-site population of the proposed development and the net increase or decrease in the local population
- Calculates whether the quantity of existing provision within the relevant distance thresholds before and after the proposed development meets the adopted quantity provision standards
- Indicates whether there is a surplus or deficiency of each form of provision before and after the proposed development
- Calculates the amount of on-site provision and commuted maintenance sum needed to meet the needs of the on-site population, whether there is a deficiency after the development, and compares this with the minimum size element of the provision standard
- Calculates the amount of off-site provision and related commuted payment needed to meet the net increase in population arising from the development
- Identifies whether any of the existing provision within the appropriate distance threshold of the proposed development site requires enhancement and, if so, calculates the developer's contribution towards this enhancement, based on the net increase in local population

4.13 The Model therefore provides clear answers to the questions in the line of thinking above. The Model, includes:

- The amount of each form of on-site provision to be made by the developer, if any
- The required commuted maintenance sums required for on-site provision, if any
- Contributions required to new off-site provision, if any
- Contributions required to enhanced off-site provision, if any

4.14 The Model calculates a "menu" of the possible permutations of these requirements. The Council will then use its judgement to select the most appropriate way of mitigating the impact of a proposed development from this "menu", including the form(s) of provision it may require developers to provide or fund. The Council will make the model available to developers on its website [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk) so that it can be used to assess the requirements the Council may have in relation to a proposed development at an early stage in the development process.

## **Developer Contributions**

4.15 When calculating developer contributions, the Council will include all of the costs the Council is likely to incur. These costs will include:

- Land cost, if appropriate
- Construction cost
- Design team fees and expenses
- Essential furniture and/or equipment
- Legal costs, including those incurred in drawing up the agreement

- A 15% on-cost, to cover monitoring, project procurement and management by the Council
- VAT, if irrecoverable

### Maintenance Payments

- 4.16 Circular 05/2005 enables planning authorities to use planning agreements to secure the appropriate long term management and maintenance of spaces or facilities in two sets of circumstances:
- **Where spaces or facilities are provided primarily for the benefit of the residents or users of a development:** the Council will require developers to make arrangements for their effective management and maintenance in perpetuity. This approach complies with paragraph 18 of Annex B to Circular 05/2005.
  - **Where spaces or facilities are intended for wider public use:** the Council will seek an establishment payment designed to fund management and maintenance which reflects “the time lag between the provision of the new facility and its inclusion in public sector funding streams, or its ability to recover its own costs”. This approach complies with paragraph 19 of Annex B to Circular 05/2005.

### Pooled Contributions

- 4.17 Most planning obligations relating to greenspace, sport and recreation provision will require developers to provide contributions which the Council will subsequently invest in new or enhanced off-site provision. In order to maximise the impact and benefits of such investment, the Council may pool contributions from two or more developments in the same area, using its accessibility standards as its means of defining “the same area”.
- 4.18 Across the District many open spaces, sport and recreation facilities are owned and managed by the Town and Parish Councils, and the District Council will collect contributions through the planning process on their behalf or for any other agreed appropriate body.
- 4.19 The contributions received from a development will not always be sufficient fully to fund the required enhancements of existing spaces or facilities. In these circumstances the District Council will seek to aggregate contributions from other developments in the same area so that the required enhancements are affordable. If this is unlikely to be achievable within an acceptable timescale, the Council will seek to fund the balance of costs from other sources such as grant aid, other external funding, from its own resources or, for sites that it does not own, the site owner.

### Large and Phased Developments

- 4.20 Large developments may require several planning applications because they are to be phased or undertaken by more than one developer. In these cases, the Council will

seek to ensure that contributions to infrastructure are apportioned as fairly as possible between the various phases and or developers.

### **Large and Phased Developments – Payment of Contributions**

4.21 The need for infrastructure provision or enhancements funded by developer contributions arises as developments are built out and the new dwellings occupied. This means that it would be unreasonable to require all contributions to be paid to the Council before commencement of large or phased developments on site. For developments of over 100 dwellings, or where the construction of a development is to be separated into clearly identified phases, the Council will be willing in principle to negotiate arrangements in the planning agreement to allow the payment of contributions in a way that matches the rate at which the need for the infrastructure will arise. It will normally do this by agreeing suitable and clearly identified trigger points, for example before the start of works on site and when 33% and 67% of the dwellings are complete. These percentages are purely illustrative and other triggers may be appropriate in relation to specific developments. The Council may also require the developer to provide a bond to guarantee payment of all phased contributions. This arrangement will comply with paragraph B17 of DCLG Circular 5/20005, *Planning Obligations*.

### **Indexation**

4.22 Where contributions are to be phased the Council will require them to be index-linked from the date of the grant of planning permission to the date of payment. There are several published cost indices that the Council could use when indexing contributions. However, it will normally use is the Department of Trade and Industry Tender Price Index of Public Sector Non-Housing (PUBSEC) Smoothed All-in Index

### **The Viability of Developments**

4.23 The District Council is well aware that there is potentially a long list of forms of community infrastructure provision towards which it and the County Council will wish to seek contributions. In some instances, there may be a need for the District Council to negotiate with developers to ensure that the contributions requested do not destroy the viability of a desirable proposed development. However, it will be very difficult for the Council to do this in a way that is fair to both the developer and the local community unless developers are open with the Council about the land and construction costs of their developments and the anticipated sales receipts. Accordingly, if a developer believes that the level of contributions sought by the Council will destroy the viability of a proposed development the onus will be on the developer to prove that this is the case. The Council will if necessary employ an independent third party to assess the case. The Council will be happy to give a written guarantee of confidentiality in relation to information on the viability of proposed developments and to minimise the number of officials who are party to the information. The County Council will give a similar undertaking if it is party to the

viability information as a result of having a significant infrastructure requirement that the developer regards as unaffordable.

#### **On-site or Off-site Provision?**

- 4.24 Once the need for additional or enhanced infrastructure has been established, the flow chart above will act as a guide as to whether the Council should require on-site or off-site provision. In most instances the need for the best and most sustainable long term use of land will dictate that one or the other is preferable.
- 4.25 The Council is aware that, in some cases there can be more benefits to be gained from enhancing existing off-site provision than in making additional on-site provision, provided that there is not a serious shortfall in the quantity of provision, within the appropriate distance thresholds of the development. In these circumstances development can help to deliver important benefits for existing communities and make proposals more acceptable to them as a result. This will clearly benefit developers as well as local communities. Enhanced off-site provision can also minimise the amount of additional land needed for open space, sport and recreation provision; make better use of existing facilities; make the best use of land; minimise the long term revenue costs associated with community infrastructure and therefore enhance financial sustainability; and help the Council and developers achieve acceptable residential densities.
- 4.26 This said, however, the Council's general presumption will be that:
- New provision required as a result of proposed developments should normally be on-site. However, if the amount of provision justified by the application of the appropriate quantity standard is below the minimum size thresholds set out in the Council's adopted quality standard, its preference will be for a contribution to off-site provision.
  - For off-site provision, where either the enhancement of existing provision or new provision is justified, the Council's preference will normally be the former. This should also result in lower contributions from developers because upgrading or enhancing existing provision will often have lower capital costs than new provision and help to make the best use of land by allowing and supporting higher densities of development.
- 4.27 In cases where the Council requires developers to contribute to the enhancement of existing spaces or facilities rather than make or fund new provision, the need for speedy determination of planning applications will not allow the development of costed design proposals. Accordingly the Council will assess the unit cost of enhancing existing provision as three quarters (75%) of the cost of new provision of the same kind, excluding land cost.

#### **Standard Planning Agreement/Unilateral Undertaking**

4.28 In order to aid transparency, reduce legal costs and speed up their preparation, the Council has prepared a standard form of draft planning agreement and unilateral undertaking relating to greenspace, sport and recreation provision. Copies are available from the Council's Offices or can be downloaded from its website [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk). In addition, and in order to help the Council determine planning applications as quickly as possible, it will require draft heads of terms for a planning agreement or unilateral undertaking alongside any planning application for developments of 10 or more dwellings before it will validate the application. This new requirement is specified in the guidance notes relating to the Validation Checklists which are required to accompany the new national standard planning application forms which became statutory on 6th April 2008.



## Appendix 2A: Provision Standards

### Introduction

This appendix summarises the accessibility, quantity and quality provision standards the Council requires developers to follow and that it will use when assessing application for planning permission. Its Development Control Model is based primarily on the accessibility and quantity standards set out below.

The quality standards set out below are no less important but the extent to which development proposals conform to them is more a matter of judgement in the light of specific development proposals. However, they set out the Council's requirements as a guide for developers on the quality of provision the Council will expect them either to provide or fund. The Council will take them into account when appraising planning applications that incorporate open space or sport and recreation provision. In this context, quality standards are a **requirement**, although they must obviously be applied in a way which is reasonable given the specific circumstances of a proposed development.

The forms of open space, sport and recreation provision for which the Council has adopted provision standards are:

#### **Multi-functional Greenspaces (MFGS)**

- Amenity greenspaces
- Natural greenspaces
- Parks and gardens

#### **Other public spaces**

- Green corridors
- Civic spaces

#### **Activity Spaces**

- Allotments
- Formal play provision
- Multi-sport courts
- Youth Facilities

#### **Outdoor Sports Facilities**

- Artificial turf pitches
- Bowling greens

- Grass cricket, football and rugby pitches
- Tennis Courts

#### **Indoor facilities**

- Indoor sports halls and swimming pools

#### **Accessibility Standards/Distance Thresholds**

The Council's accessibility standards are expressed as distance thresholds: the maximum time and distance that potential users should have to travel. Different forms of provision can have any combination of walking, cycling and driving thresholds. Where a particular form of provision has more than one type of threshold, the Council will normally apply the most onerous in the urban areas of the District and the least onerous in the rural areas. However, in the urban areas if it is not practicable to have the required provision within the most onerous threshold – for example because the land that would be required is not available – it will apply the next most onerous.

### **General Requirements**

The following requirements for design objectives, design principles, accessibility and management and maintenance are common to all spaces and therefore are set out at the start of the standards rather than repeated for each different form of provision. There are also some additional requirements under the headings for specific types of space which are set out in the appropriate sections below.

#### **Design Objectives**

Design quality is fundamental to ensuring that spaces are fit for purpose, attractive to potential users and easy to maintain. All greenspaces should therefore be designed by experienced landscape architects working to the following design objectives:

- **Character:** each space should have its own specific identify which responds to the character of the area in which it is set and makes good use of the existing topography and landscape or built features and habitats
- **Continuity and enclosure:** there should be a clear distinction between public and private spaces
- **Quality of the public realm:** spaces should be attractive,

safe, uncluttered and designed in such a way as to be attractive and usable by everyone. There should also be views into and out of spaces, for example to appropriate landmarks.

- **Ease of movement:** it should be easy to get to and move through spaces and individual public spaces should be linked with one another as much as possible and designers should not propose fragmented greenspace provision if it is avoidable. In residential areas, people should generally have priority over vehicles.
- **Legibility and clear routes:** the routes through spaces should be clear, with landmarks or directional signs at appropriate locations
- **Adaptability:** spaces should be able to change over time to meet evolving local needs
- **Diversity:** spaces should offer variety and choice to potential users
- **Sustainability:** the design and management of greenspaces should actively promote environmental sustainability and nature conservation, for example by protecting, restoring or creating new habitats, helping to shelter buildings to minimise the cooling effects of wind, minimising the impact of atmospheric pollution or heavy rainfall and providing shade. As much as possible, greenspaces should be linked to water courses so as to create wildlife corridors (which can include private gardens or other non-public spaces) and attractive walking/cycling routes. Where appropriate, new developments should include sustainable urban drainage.
- **Personal safety:** all spaces must appear safe and therefore not include areas where someone could be trapped or potential attackers could hide. Ideally, spaces in residential areas should be within sight of nearby roads or paths and residents in nearby properties. In addition there must be appropriate safety measures adjacent to areas of water which might be dangerous (eg notices regarding depths, life buoys) and adequate lighting for paths that may be used at night.
- **Appropriate facilities:** most spaces should have at least seats and appropriately signed litter and “pooper” bins. Bins must be bird, squirrel and rat proof and located at points where they can easily be accessed from the road system.

## General Design Principles

- Green spaces should be linked to local pedestrian and cycle path systems wherever possible, including rights of way, bridlepaths and quiet lanes (note: rights of way and other means of access to the countryside are a County Council function and any proposed changes to existing path systems in the countryside must be agreed with it).
- New housing development could follow “home zone” principles in that they should be designed as predominantly pedestrian environments into which vehicles can be admitted. This requires much more than simple traffic calming measures such as sleeping policemen.
- The whole of the outdoor environment should be safe but visually stimulating for both children and adults and offer opportunities for them to play in imaginative ways, both close to home and in any nearby wooded or other greenspaces which can be accessed without crossing a major road. The green network and related play provision must not be allocated to “left-over areas” or parts of sites unsuitable for building but designed in from the start and link to likely pedestrian desire lines.
- Areas in which children are likely to play should be unique and designed to offer a varied, interesting and physically challenging environment, accessible to everyone, which offers opportunities for running, jumping, climbing, balancing, building or creating, social interaction and sitting quietly.
- The design of play provision should derive from and reinforce the character and levels of the site and incorporate any natural features there may be on it such as rock outcrops or water courses. This will also help to encourage and facilitate use by children of all ages.
- Play provision should be designed generally to encourage children to explore their home environment and so incorporate hiding and “secret” places and link to nearby parts of the green network, especially woodland and other natural areas.
- Greenspaces should stimulate the senses of sight, sound, touch and smell and offer opportunities for children to manipulate materials. Accordingly they should incorporate variations in level and a range of materials of different kinds, textures and colours, such as timber, sand, rocks,

dead trees and other natural materials and incorporate trees, shrubs and grass.

- Boundary fencing, gates, posts etc should be fit for purpose and well maintained
- Surfaces should be fit for purpose (inclusive of markings) and well maintained
- Management regime to suit particular landscape/habitat type eg differential mowing may be suitable to promote wildlife interests; not less than 1 m close mown edges to paths
- All paths should be kept clear of overhanging branches which cyclists or other users might hit
- All built and other facilities should be in clean, safe and usable condition

### **Mandatory Requirements**

The following requirements are mandatory and not open to negotiation:

- All cycle paths must comply with the appropriate Oxfordshire County Council requirements for paths of adoptable standard
- Where appropriate all paths must be accessible to people with disabilities
- All lighting must minimise upward light spill and light pollution
- All street furniture and fixed play equipment must be approved by the Council's where the facility is to be adopted by the District Council
- All signs must comply with the Council's guidelines on signage
- Trees and shrubs must be selected and specified to provide year-round colour and interest

### **Accessibility**

Accessibility has two key components: making it easy for potential users to get to spaces and making it easy to use them. Accordingly it is concerned with all potential users and not just those who are disabled in some way.

The Disability Discrimination Act 1995 and PPG17 both promote the design of inclusive public spaces and

environments that everyone can use. Since October 2004 service providers have been required to take reasonable steps to ensure that people with disabilities are able to use premises and spaces without unnecessary constraints. There is no clear definition of “reasonable” in this context, but it seems that there is no requirement to make all spaces accessible to people with disabilities all of the time. A useful policy is that greenspaces should be usable by all people to the greatest extent possible without the need for adaptation or specialised design.

In greenspaces, the key requirements are:

- Spaces and publicly accessible buildings or facilities within them should be fully accessible to people with disabilities
- On-site spaces should not generally be on the perimeter of sites but the focus of the development; in residential areas, no dwellings should “turn their back” on adjacent greenspaces.
- Adequate car parking (if required) should be either on site or close to the entrances
- Spaces should be traversed by a network of hard surfaced paths, where appropriate, which will shed water and are suitable for wheelchairs and baby buggies; maximum slope not more than 1:12 and then only for short distances; otherwise not more than 1:24. Paths must also be wide enough for two wheelchairs to pass and broadly follow desire lines to link the entrances to the space with points of interest either within the space or close to it (note: on some sites, such as playing fields and sports pitches, it will be necessary not to compromise the main use of the site). In some locations, it may be necessary to provide tactile clues to alert people with limited vision to trip hazards or changes in level.
- Clear and uncomplicated written information, signage and way-marking, with good colour contrast and simple lettering in an appropriate point size. Written information should include directions to points of interest or local community facilities (eg schools, shops, sports facilities) with approximate walking times and signs requiring dogs to be kept under control and fouling disposed of to “pooper” bins
- Easy to use latches and gates, if required

Wherever possible, greenspace designers should consult local disabled groups over the design of spaces and facilities.

### **Management and Maintenance**

A superbly designed but badly managed or maintained space is probably of less value to a local community than a poorly designed but superbly managed and maintained one. The key management and maintenance requirements are that:

- Area should be kept clean with litter bins emptied regularly and no dangerous litter such as broken glass left unattended
- There should be at most only limited evidence of vandalism or graffiti coupled with rapid and effective removal
- There should be very little or no evidence of dog fouling, with pooper bins” available at various points, plus notices relating to the avoidance of dog fouling. Pooper bins must also be clearly identifiable and separate from litter bins – for example, a different colour and clearly marked.
- There should be no or very little evidence of flytipping and rapid, effective removal of tipped material
- All paths should be kept clear of debris with surfaces in good condition and repaired
- All facilities should be in clean, safe and usable condition
- Lighting should be adequately maintained and working
- Grounds maintenance standards should be consistently high and demonstrate clearly that spaces are well maintained
- Grassed areas to have a low preponderance of broad leaved weeds; they must be cut to an even length and if clippings are left in place after cutting they must be short so as not to have a detrimental impact on the appearance of the area
- Horticultural areas and flower/shrub beds weed free and ideally mulched
- Flowering plants dead headed and pruned as necessary
- Woodland areas maintained in accordance with an approved management plan

### **MFGS: Amenity Greenspace Definition**

- Informal greenspaces in and around housing areas and

village greens

### **Accessibility Standard**

- Walking 5 minutes/300 m

### **Quantity Standard**

There are no specific quantity standards for amenity greenspace; instead, they are subsumed into general standards for multi-functional greenspace, covering amenity greenspaces, natural greenspaces and parks and gardens, of:

- Rural areas of the Vale 6.5 sq m per person
- Urban areas of the Vale 13 sq m per person

For the purposes of this standard, the Council defines the urban areas of the Vale as Abingdon, Botley (as defined on the local plan proposals map), Faringdon, Grove and Wantage. It will determine the most appropriate mix of amenity greenspace, natural greenspace and parks and gardens in the context of specific development proposals.

### **Minimum Size**

- 1,000 sq m (0.1 hectare)

### **General Characteristics**

- part of a network of greenspaces within residential or other areas which link to major walking and cycling routes and bus stops
- Located away from sources of potential danger to unaccompanied children such as roads
- Designed to create a sense of place and provide a setting for adjoining buildings
- Clear definition between public and semi-private areas for residents and private spaces (eg domestic gardens)
- Views out of or across the space, ideally to local landmarks
- Designed and constructed in such a way as to ensure that the space does not become waterlogged after normal levels of rainfall this may require field drains or field drains plus soil amelioration



## **Planting and biodiversity**

- Good balance of mown grassed areas, in varying widths or sizes (large enough for informal recreation such as kickabouts or mini-soccer where appropriate) and mixed indigenous and ornamental species and ages of trees or shrubs, but with a predominantly open character
- Range of habitat types eg woodland, ponds, grasslands, hedgerows
- Buffer or shelter planting as necessary

## **Facilities and Features**

- Should incorporate informal provision for children and young people (eg spaces for a “kickabout”, quiet places to meet with informal seating and natural play features such as boulders, logs and hollows)
- Adequate litter bins
- May incorporate public art or heritage features (eg statues)
- Seats, in both sunny and shaded areas
- Adequate safety measures adjacent to potentially dangerous areas of water (eg rivers, canals)
- Path lighting where appropriate

## **MFGS: Natural Greenspace**

### **Definition**

- Publicly accessible natural and semi-natural urban greenspaces – including woodlands, urban forestry, scrub, grasslands (eg downlands, commons and meadows) wetlands, open and running water, wastelands and derelict open land and rock areas (eg cliffs, quarries and pits)

### **Accessibility Standard**

- Walking 15 minutes/900 m

### **Quantity Standard**

There are no specific quantity standards for natural greenspace; instead, they are subsumed into general standards for multi-functional greenspace, covering amenity greenspaces, natural greenspaces and parks and gardens, of:

- Rural areas of the Vale 6.5 sq m per person

- Urban areas of the Vale 13 sq m per person

For the purposes of this standard, the Council defines the urban areas of the Vale as Abingdon, Botley (as defined on the local plan proposals map), Faringdon, Grove and Wantage. It will determine the most appropriate mix of amenity greenspace, natural greenspace and parks and gardens in the context of specific development proposals.

#### **Minimum Size**

- 1,000 sq m (0.1 ha)

#### **General Characteristics**

- Naturalistic appearance which incorporates an appropriate range of wildlife habitats

#### **Accessibility**

- Entrances or access points and internal paths linked to rights of way, bridlepaths, quiet lanes and cycling routes and water courses to create wildlife corridors and a network of greenspaces

#### **Planting and Biodiversity**

- Good mix of native species and habitats, depending on site characteristics
- Wildlife protection areas
- Clearings or gaps in tree crowns to allow light penetration to woodland floor, where appropriate
- Well developed shrub, field and ground layers and wide, species rich edge, where appropriate
- The promotion of nature conservation within or adjacent to Oxfordshire County Council's Conservation Target Areas

#### **Facilities and Features**

- Clear and coherent signage to and throughout the site as appropriate
- Built heritage structures and natural features conserved
- Interpretation of flora and fauna as appropriate

- Litter bins and seats at key points
- Signs requiring dogs to be kept under control and fouling disposed of to “pooper” bins
- Adequate safety measures adjacent to areas of water (will depend on size, depth and current, if any)
- “Way marked” routes, where appropriate

### **Management and Maintenance**

- Managed primarily for wildlife and nature conservation

## **MFGS: Parks and Gardens**

### **Definition**

- Urban and country parks and formal gardens

### **Accessibility Standard**

- Walking 15 minutes/900 m
- Cycling 15 minutes/2250 m
- Driving 15 minutes/5625 m

As parks and gardens should be within walking distance of most potential users, the primary accessibility standard, and therefore the standard used in the Council’s Development Control Model, relates to walking. The cycling and driving accessibility standards will apply in the rural areas of the District where it would not be sensible to have a park or garden within walking distance of all residents.

### **Quantity Standard**

There are no specific quantity standards for parks and gardens; instead, they are subsumed into general standards for multi-functional greenspace, covering amenity greenspaces, natural greenspaces and parks and gardens, of:

- Rural areas of the Vale 6.5 sq m per person
- Urban areas of the Vale 13 sq m per person

For the purposes of this standard, the Council defines the urban areas of the Vale as Abingdon, Botley (as defined on the local plan proposals map), Faringdon, Grove and Wantage. It will determine the most appropriate mix of amenity greenspace, natural greenspace and parks and gardens in the

context of specific development proposals.

### **Minimum Size**

- 5,000 sq m (0.5 hectare)

### **General Characteristics**

- Well defined boundaries or perimeter, preferably enclosed with railings or walls
- A welcoming entrance with well presented information on the park and clear points of interest to draw visitors in
- Range of natural and man-made structures of heritage features such as ponds, statues, buildings and ornamental railings
- Reasonable privacy for the residents of nearby dwellings

### **Planting and Biodiversity**

- Diverse species of both flowering and non-flowering trees, of various ages, including native species; also shrubs and plants providing a range of habitats
- Hedgerows, where present, reasonably dense, thick and bushy so as to provide habitats
- Some areas of dense planting, difficult for people to penetrate and in areas where they will not provide hiding places, but providing habitats for small animals and birds

### **Facilities and Features**

- Facilities and features such as water features, public art, bandstands, play facilities, sports facilities and cafes which will attract users (where appropriate)
- Good views into, across and out of the park so that each visitor is providing a form of informal surveillance for other users
- Informative interpretation signs or other material relating to natural features (eg geology, land form); heritage features (eg statues, historic/listed buildings, bandstands); wildlife (eg details of the main birds and animals to be seen in the park); landscaping (eg information on trees and other planting and especially horticulture areas)

## **Other Public Spaces: Green Definition**

## Corridors

- Pedestrian and cycling routes through urban areas, including river and canal banks and cycleways, which are separated from motor traffic and link residential areas to town or village centres and community facilities such as schools, play areas, community centres and sports facilities.

### Accessibility Standard

- No standard required

### Quantity Standard

- No standard; green corridors will be created on an opportunistic basis which makes as much use of other forms of greenspace as possible

### Minimum Size

- There is no minimum size, but corridors should generally be not less than 500 m (0.5 km) long

### General Characteristics

- Clear signposted links to the wider network of cycling and pedestrian routes where appropriate in order to integrate developments with their surroundings and, where possible, public rights of way
- Where possible, extending public rights of way and access to the countryside for informal recreation. (Note: any measures relating to public rights of way must be agreed with the Countryside Service of Oxfordshire County Council)
- Cycling routes to be at least 3 m wide and constructed to adoptable standard as specified by Oxfordshire County Council
- Other surfaced paths to be at least 2 m wide
- Surface treatments, landscaping and infrastructure items (eg gates, signage, information and lighting) to be appropriate to the use of the paths and character of the local area
- Welcoming and apparently safe with no signs of litter, graffiti or damaged vegetation

- Adequate litter bin and “pooper” bin provision, with bins located at points where they can easily be accessed for emptying from the road system
- Freedom from flooding so that paths are not susceptible to water damage or become icy in winter where possible

### **Accessibility**

- Where possible all paths to be suitable for wheelchair users throughout their length with both visual and tactile clues to alert users to changes in direction
- All routes through developments to be based on historical routes or existing desire lines and use landscape features as much as possible
- Appropriate safety features adjacent to areas of water (eg life buoys, warning notices)
- Appropriate safety measures adjacent to or at crossings of rail lines or busy roads
- Good sightlines along the route so that users can see potential danger well ahead

### **Planting and Biodiversity**

- Good balance and variety of plants and shrubs, including both flowering and non-flowering species to provide year-round colour and interest
- Range of habitat types

### **Facilities and Features**

- Signposting to places of interest or destinations (eg shops, leisure facilities, schools)
- Adequate street lighting where appropriate

## **Other Public Spaces: Civic Spaces**

### **Definition**

- Town centre squares, pedestrian streets and other hard surfaced areas designed primarily for pedestrians

### **Accessibility Standard**

- No standard required

### **Quantity Standard**

- No standard; civic spaces will result from the design of town centre areas

#### **Minimum Size**

- No minimum size

#### **General Characteristics**

- Attractive spaces with a mix of hard and soft landscaping, in which pedestrians have priority over vehicles
- Design and detailing appropriate to the local context, with reasonable consistency in the choice of street furniture and signage, but used in such a way as to give each space a unique character with high quality materials appropriate to the local context
- Surrounding buildings front on to the space and contribute to its vitality both during the day and the evening
- Minimum of overhead wires and other intrusive elements

#### **Accessibility**

- Readily accessible by public transport from a wide area

#### **Planting and Biodiversity**

- Depends on the nature and location of the space but planting should consist primarily of ornamental species and be designed to enhance the space, provide shade and provide a setting for important buildings

#### **Facilities and Features**

- Effective street lighting (including the floodlighting of key adjoining civic and other buildings and decorative lighting)
- Informative and easily understood directional and other signs grouped where appropriate but without unnecessary visual “clutter”
- Pavement cafes and similar facilities to add vibrancy in good weather (if appropriate)
- Good mix of retail outlets (if appropriate)
- Active frontages to buildings
- Fountains and public art desirable

## Activity Spaces: Allotments and Community Gardens

- Seats and litter bins

### Definition

- Both statutory and all other allotment sites.

### Accessibility Standard

- Walking 10 minutes/600 m
- Cycling 10 minutes/1500 m
- Driving 10 minutes/3,750 m

As allotments should be within walking distance of most potential users, the primary accessibility standard, and therefore the standard used in the Council's Development Control Model, relates to walking. The cycling and driving accessibility standards will apply in the rural areas of the District where it would not be sensible to have one allotment site within walking distance of all residents.

### Quantity Standard

- 3.25 sq m per person

### Minimum Size

- 0.2 ha (2,000 sq m)

Note: the traditional size of allotment plots is 10 rods. One rod is 272.25 sq feet so a 10-rod plot has an area of just under 253 sq m. On many allotment sites, however, 10-rod plots have been subdivided to smaller plots. The minimum size of 0.2 ha equates approximately to eight 10-rod or sixteen 5-rod plots.

### General Characteristics

- Screen planting to provide some privacy while also allowing views into and out of the site
- Clear separation between adjacent allotments
- Signage at or outside the main site entrance giving details of ownership and how to apply for an allotment; also emergency telephone numbers
- Securely fenced with lockable gates

### Planting and Biodiversity



- Good mix of species in planting around and within the site
- Dense, bushy hedgerows (where present)

#### **Facilities and features**

- No allotment more than 50 m from a mains water point
- Standard lockable shed for each plot
- Toilet facilities on all sites with 20 or more plots (can be a composting toilet if mains drainage not readily available)
- At least one on-site or on-street parking space to every 4 plots

#### **Management and Maintenance**

- All facilities in clean, safe and usable condition

### **Activity Spaces: Formal Play Provision**

#### **Definition**

- Soft and hard surfaced areas offering play opportunities for everyone regardless of ability.

#### **Accessibility Standard**

- Walking 10 minutes/600 m

#### **Quantity Standard**

- 0.4 sq m per person

#### **Minimum size**

- 400 sq m

#### **General Characteristics**

- Sited minimum of 10 m from the nearest dwelling boundary or 30 m from the nearest door or window of the nearest dwelling, whichever is less, and to include buffer planting to screen site without compromising passive surveillance
- Separated from major vehicle movement and accessible from pedestrian routes and cycle ways
- Surfaced path to access site

- Safety surfacing for all equipment to comply with the relevant standard to EN1177, free from surface water ponding and designed to limit the need for maintenance.
- Safety surfacing around equipment for toddlers to be wet pour or similar approved. Bark, timber chips and tiled finishes will not be acceptable.
- All equipment must comply with the relevant standard to EN1176
- Dog free area fenced minimum 1 m high with minimum of two outward opening self closing pedestrian gates and 1 maintenance gate to enclose areas of grass and surfaced areas sufficient to allow informal play and ball games
- Optimum use of changes in level, textural and colour variety in materials used to stimulate senses

### **Facilities and Features**

- Not less than 5 types of equipment to provide a variety of challenges and experiences designed for a range of ages, at least some of which should be suitable for disabled users
- Seating provision close to equipment in sun and shade
- Litter bins at entrances
- More adventurous play to be sited separately
- Signage stating name and telephone number of agency responsible for maintaining site

### **Planting and Biodiversity**

- Good mix of “child-friendly” (ie not sharp, spiky or poisonous) plant and tree species in the vicinity
- Generous use of planting to enhance amenity, stimulate the senses of sight, sound, touch and smell throughout the seasons and include autumnal colour
- Shade to some areas
- Shelter in exposed conditions

### **Management and Maintenance**

- Safety surfacing in good condition
- Play equipment (including natural “equipment” such as fallen trees) in safe and usable condition
- Seats for children or parents/carers in safe and usable condition

## **Activity Spaces: Multi-sport Courts**

### **Definition**

- Hard or synthetic surfaced courts intended for football, basketball, netball and roller/in-line skating; can have either controlled or open access, although the latter is more common

### **Accessibility Standard**

- Walking 15 minutes/900 m
- Cycling 15 minutes/2250 m
- Driving 15 minutes/5625 m

As multi-courts should be within walking distance of most potential users, the primary accessibility standard, and therefore the standard used in the Council's Development Control Model, relates to walking. The cycling and driving accessibility standards will apply in the rural areas of the District where it would not be sensible to have at least one multi-court within walking distance of all residents.

### **Quantity Standard**

- 0.5 sq m per person

### **Minimum Size**

- 36.5 x 18.25 m (court only)

### **General Characteristics**

- Reasonably sheltered from the wind
- A free-draining or impervious surface laid to appropriate falls in order to shed water to soakaways

### **Planting and Biodiversity**

- Amenity planting composed mainly of native species to improve appearance, provide shelter and reduce light pollution (where floodlit), reduce noise transfer and promote biodiversity

### **Facilities and Features**

- Basketball hoops, if present, securely fixed with no sharp edges
- Recessed 5-a-side goals (goals should be recessed for safety reasons)
- Surrounded by a rebound surface 1.2 m high if intended for 5-a-side soccer use (note, however, that this is not desirable if the court is close to dwellings because of the noise generated by balls hitting the rebound surface)
- Ideally enclosed by netting which will prevent balls escaping from the court(s) area
- Ideally floodlit to give at least 75 lux
- Signage indicating ownership and who to inform of any maintenance requirements

#### **Management and Maintenance**

- Court surface in good condition
- Line markings, where present, in good condition
- Floodlights, where present, fully operational

### **Activity Spaces: Youth Facilities**

#### **Definition**

- Provision for young people and designed to allow them to “hang out” and practise various sports or movement skills such as basketball, inline skating or skateboarding. Most teenage facilities include a mix of skateboard ramps, outdoor basketball hoops, shelters and other more informal areas. Ideally, they should be located close to a multi-court (see above).

#### **Accessibility Standard**

- Walking 15 minutes/900 m
- Cycling 15 minutes/2250 m

As youth facilities should be within walking distance of most potential users, the primary accessibility standard, and therefore the standard used in the Council’s Development Control Model, relates to walking. The cycling accessibility standard will apply in those rural areas of the District where it would not be sensible to have at least one youth facility within walking distance of all residents.

### **Quantity Standard**

- 0.5 sq m per person

### **Minimum Size**

- 1,000 sq m (0.1 hectare) excluding buffer zone

### **General Characteristics**

- Located close, but not immediately adjacent, to a well used pedestrian route but more than 50 m from the nearest dwelling
- Area of at least 1,000 sq m, with facilities for teenagers (see definition above)
- Surrounded by a buffer zone, possibly with appropriate planting, between the facility and nearest dwellings
- Suitable safety surfacing beneath and around play equipment
- Accessible to children or adults with disabilities
- Effective drainage of all surfaces

### **Planting and Biodiversity**

- Tough, but not prickly landscaping in the immediate vicinity of the area

### **Facilities and Features**

- Mix of facilities such as skateboard/BMX ramps, basketball goals, teenage shelters
- Casual seating
- Low level lighting with both light and dark areas as appropriate
- Adequate provision of litter bins

### **Management and Maintenance**

- Surfaces and structures in good condition and repaired as necessary
- Free from litter and dangerous materials eg broken glass

## **Outdoor Sports Facilities: Definition**

## Artificial Turf Pitches

- Artificial turf pitches for football, hockey and rugby/rugby training

### Accessibility Standard

- Driving 15 minutes/5,625 m

While it will be desirable for many users of ATPs to walk or cycle to them, they serve a wide area and therefore a driving distance threshold is appropriate.

### Quantity Standard

- 0.2 sq m per person

### Minimum Size

- 1 pitch with changing accommodation and parking

### General Characteristics

- As for grass sports pitches (see below)

### Accessibility

As for grass sports pitches (see below), plus:

- Hard surfaced path between changing pavilion and entrance(s) to artificial turf pitch(es)

### Planting and Biodiversity

As for grass sports pitches, plus:

- No broad leaved trees within 10 m or any pitch perimeter line marking

### Facilities and Features

#### *Changing pavilions*

- As for grass sports pitches

### Pitches, practice areas and other facilities

As for grass sports pitches, plus:

- Artificial surfaces to comply with relevant governing body requirements and BS 7044: Artificial Sports Surfaces
- All artificial turf pitches (and any safety surround areas) to be fully enclosed within lockable chain link, weldmesh or other see-through fence capable of withstanding ball impacts at least 3.0 m high along the sides of the pitch and 5 m high at the ends of the pitch
- Third generation artificial turf pitches for football to comply with the International Artificial Turf Standard published by the Federation Internationale de Football

### **Management and Maintenance**

As for grass sports pitches

## **Outdoor Sports Facilities: Bowling Greens**

### **Definition**

- Lawn bowls green meeting appropriate governing body standards

### **Accessibility Standard**

- Walking 15 minutes/900m
- Driving 15 minutes/5625 m

As bowling greens should be within walking distance of most potential users, the primary accessibility standard, and therefore the standard used in the Council's Development Control Model, relates to walking. The driving accessibility standards will apply in the rural areas of the District where it would not be sensible to have at least one green within walking distance of all residents.

### **Quantity Standard**

- 0.1 sq m per person

### **Minimum Size**

- 6 rinks plus banks and ditches, a pathway at least 2 m wide all round the green and a pavilion. This requires a

site of not less than approximately 41 x 47 m, ie approximately 1,900 sq m (0.19 hectare).

### **General Characteristics**

- Green, banks and ditches to meet relevant governing body standards

### **Accessibility**

- Hard surfaced path all round the green

### **Planting and Biodiversity**

- Shelter planting/screening to provide summer time shelter from wind, privacy for bowlers and support biodiversity
- No broad-leaved trees overhanging the green

### **Facilities and Features**

- Greens to have at least six rinks (to allow play along and across the green to even out wear)
- Changing pavilion with at least male and female changing rooms and social area

### **Management and Maintenance**

- Grass sward kept short and clear of weeds

## **Outdoor Sports Facilities: Grass Sports Pitches**

### **Definition**

- Pitches for football (all codes), cricket, hockey, rugby (all codes)

### **Accessibility Standard**

- Walking 15 minutes/900 m
- Driving 15 minutes/5625 m

As pitches should be within walking distance of most potential casual users, the primary accessibility standard, and therefore the standard used in the Council's Development Control Model, relates to walking. However, the driving standard will apply in the rural areas of the District where it would not be



sensible to have at least one pitch within walking distance of all residents.

### **Quantity Standard**

- 1.6 sq m per person

### **Minimum Size**

- Two pitches with changing accommodation and parking in Abingdon, Botley (as defined on the local plan proposals map), Faringdon, Grove and Wantage; one pitch with changing accommodation in all other areas

### **General Characteristics**

- External lighting in car parking areas
- External lighting on pavilions with PIR detectors
- Signs indicating that no dogs must at any time be allowed on the pitches
- Shade trees in car parking areas
- Adequately separated from adjoining residential properties
- Adequate measures in place to control light spill from floodlighting to adjoining properties and related land

### **Accessibility**

- Hard surfaced paths following desire lines from parking areas to changing facilities
- Path system appropriate to the circulation needs of users of the site, with wide, hard surfaces in heavily trafficked areas (for example, at the exit from changing rooms)

### **Planting and Biodiversity**

- Strong structure planting around the perimeter of the site using native species (designed as buffer planting to reduce wind on pitches and noise or light spill as appropriate to the site and adjoining properties or roads and also to promote biodiversity)
- Internal structure planting where appropriate
- Amenity or naturalistic landscaping in the vicinity of buildings and car parking

## Facilities and Features

### *Changing pavilions*

- Changing rooms (with the number of rooms appropriate to the number of pitches or other facilities on site) consisting of changing spaces, showers and drying area, plus separate changing for match officials where appropriate
- Capable of simultaneous male and female team and/or officials' use, where appropriate
- First aid room (essential only for pitch sports and athletics)
- Space for refreshments with kitchen
- No rooflights in flat roofs on single storey buildings
- Adequate secure maintenance equipment storage
- Lockable security shutters on all pavilion doors and windows
- Passive surveillance from nearby properties

### *Pitches, practice areas and other facilities*

- Pitch orientation generally between 35 degrees west and 20 degrees east of N-S wherever possible
- Playing facilities meeting relevant governing body requirements in terms of length, width, even-ness of surface, boundary distances (cricket) and side clearances or safety margins
- Floodlighting to relevant governing body requirements for the standard of play
- No end to end slope on football, hockey, lacrosse or rugby or other winter season pitches greater than 1:40 (1:80 preferable); no side to side slope greater than 1:40 (1:60 preferable)
- Well drained pitch surfaces
- Winter sports grass pitches to have pipe drains plus sand slits where necessary (note: sand slits to be renewed every 10 years)

## Management and Maintenance

- Grass lengths appropriate to sport with full grass cover on grass pitches
- Posts and goals safe and free from rust or sharp edges, with hooks for nets where appropriate

- Line markings straight and easily seen
- Surface repairs carried out quickly and effectively
- Surround netting and entrance gates to artificially surfaced areas in good condition
- Floodlights in full working order
- Information on site ownership and the facilities available at the site entrance
- Contact details for emergencies at any pavilion

## **Outdoor Sports Facilities: Tennis Courts**

### **Definition**

- Tennis courts, usually with a hard or synthetic surface, and with or without floodlighting

### **Accessibility Standard**

- Walking 15 minutes/900m
- Driving 15 minutes/5625 m

As tennis courts should be within walking distance of most potential users, the primary accessibility standard, and therefore the standard used in the Council's Development Control Model, relates to walking. The cycling and driving accessibility standards will apply in the rural areas of the District where it would not be sensible to have at least one court within walking distance of all residents.

### **Quantity Standard**

- 0.8 sq m per person

### **Minimum size**

- 36.5 x 18.25 m (court and safety margins) plus surround

### **General Characteristics**

- Reasonably sheltered from the wind
- A free-draining or impervious surface laid to appropriate falls to shed water to soakaways
- Surrounded by netting which prevents balls escaping from the court(s) area
- Oriented within 30 degrees of north-south

## Indoor Sports Halls and Swimming Pools

### Planting and Biodiversity

- Amenity planting composed mainly of native species to improve appearance, provide shelter, reduce noise transfer and promote biodiversity

### Facilities and Features

- Posts and tennis nets
- Clearly marked courts with adequate safety surrounds
- Floodlighting (if present) to meet governing body requirements

### Management and Maintenance

- Court(s) surface, posts and nets, surround netting and floodlighting (if present) in good condition

### Definition

- Large scale indoor sports facilities operated by the public, commercial or voluntary sectors

### Accessibility Standard

- Driving 15 minutes/5625 m

While it will be desirable for many users of indoor sports facilities to walk or cycle to them, they serve a wide area and therefore a driving distance threshold is appropriate.

### Quantity Standard

- Sports halls, other indoor “dry” sports facilities and related ancillary accommodation: 0.08 sq m of building per person
- Indoor swimming pools and related ancillary accommodation: 0.06 sq m of pool building per person

### Minimum Size

- Sports halls: 4 badminton court hall plus changing
- Pools: 25 m x 4 lanes (8.5 m total width) plus changing

## **General Characteristics**

- External lighting, with movement or passive infra-red (PIR) detectors
- Entrance clearly identifiable from the car park
- No landscaping in which potential attackers could hide

## **Accessibility**

- Accessible by public transport: nearest bus stop within 250 m of entrance/access points
- Adequate parking for the range of facilities available, with a tarmac surface in good repair and at least two designated disabled spaces close to the main entrance
- Cycle parking

## **Planting and Biodiversity**

- Attractive landscaping to the site and building, incorporating native species where possible

## **Facilities and Features**

### *Internal Support Areas*

- Reception desk immediately inside main entrance and clearly visible
- Disabled toilets
- Baby changing facility in male and female changing areas or toilets
- General accessibility for people with disabilities – see separate checklist
- Décor and finishes in good condition
- Clear route from reception to changing and activity areas

### *Activity Areas*

- Meeting appropriate governing body or Sport England standards
- Adequate storage, accessed from activity areas
- Mat storage, where required, physically separate and vented to outside air
- Décor and finishes in good condition

### *Changing Areas*

- Separate male and female changing (although mixed sex villages desirable for pools)
- Adequate locker provision
- Adequate shower and toilet provision
- Décor and finishes in good condition

### **Management and Maintenance**

- Professionally managed

### **Useful Information**

- CABE Space (undated), *A Guide to Producing Park and Green Space Management Plans*
- CABE Space (undated), *Green Flag Award Winners (various years)*
- Children's Play Council (2002), *More than Swings and Roundabouts: Planning for outdoor play*
- DETR/CABE (2000), *By Design - Urban design in the planning system: towards better practice*
- DTLR (2002), *Improving Urban Parks, Play Areas and Open Spaces* (report on research undertaken by the University of Sheffield for the Urban Green Spaces Taskforce)
- English Nature (1995), *Accessible Natural Greenspace in Towns and Cities* (Research Report 153)
- English Nature (2002), *Providing Accessible Natural Greenspace in Towns and Cities*
- Kit Campbell and Geraint John (ed, 1995), *Handbook of Sports and Recreation Building Design*, Volumes 1, 2 and 3
- National Playing Fields Association (2001), *The Six Acre Standard*
- Sport England (various dates), *Lottery Guidance Notes*
- Sport England (various dates), *Planning Bulletins*

**GOO/17829/3 – Mr. A Hayward**  
**Proposed erection of a garden shed.**  
**The Parsonage House, Goosey, Faringdon Oxon, SN7 8PA.**

**1.0 The Proposal**

- 1.1 This planning application seeks permission for the erection of a wooden shed to the rear of this detached Grade II Listed Building. The site is located in Goosey Conservation Area.
- 1.2 Extracts from the application plans are at **Appendix 1**.
- 1.3 The application comes to Committee as the applicant is a Councillor.

**2.0 Planning History**

- 2.1 The building was permitted to be converted from a school and dwelling house into one dwelling in 1971.

**3.0 Planning Policies**

- 3.1 Policy HE4 of the adopted Local Plan relates to the impact of the development on the characteristics of the listed building in its setting.
- 3.2 Policy HE1 relates to the impact of development on the established character or appearance of a Conservation Area.
- 3.3 Policy DC1 relates to design and its impact on the character of the locality.
- 3.4 Policy D9 relates to the amenities of neighbouring properties and the wider environment.

**4.0 Consultations**

- 4.1 Goosey Parish Meeting has raised no objections to the application.
- 4.2 The Conservation Officer has raised no objections to the application.
- 4.3 No neighbour comments have been received.

**5.0 Officer Comments**

- 5.1 The proposed shed is only 2.5m high at the apex and is to be constructed from traditional garden shed materials, shiplap timber with felt roof. It is to be positioned within an existing hedged enclosure, screening the shed's north, west and east elevations, and the garden boundary hedge provides screening to the south. As such the siting, scale, design and proposed finishes and materials of the proposal are considered to respect the characteristics of the listed building in its setting.
- 5.2 The proposed shed will not be visible from the roadside or nearby open areas and is therefore not considered to present any negative impact on the character or appearance of the conservation area.

5.3 There is no impact on the amenities of the neighbouring properties.

6.0 **Recommendation**

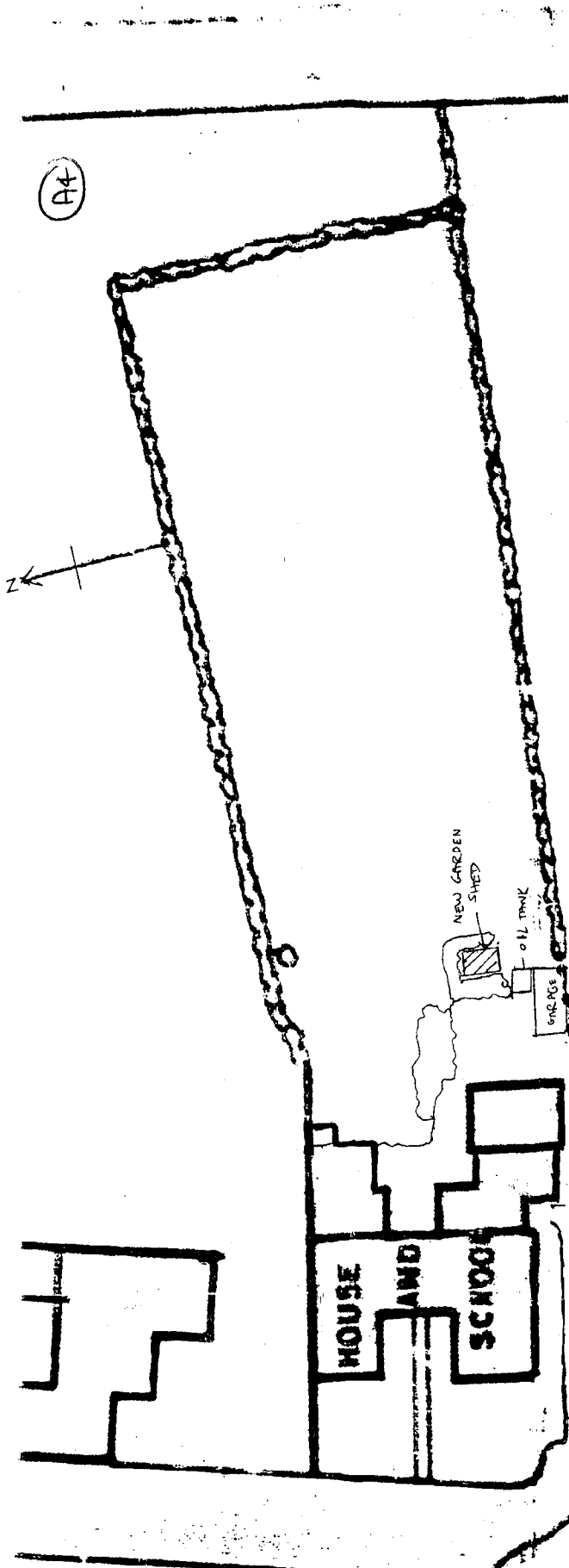
6.1 *It is recommended that planning permission be granted subject to the following conditions:*

1. *TL1 – Time Limit*

2. *CN8 – Submission of full details of materials*



# APPENDIX 1



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**CHURCH FARM**

08/00538/Ful 000 /17829/3

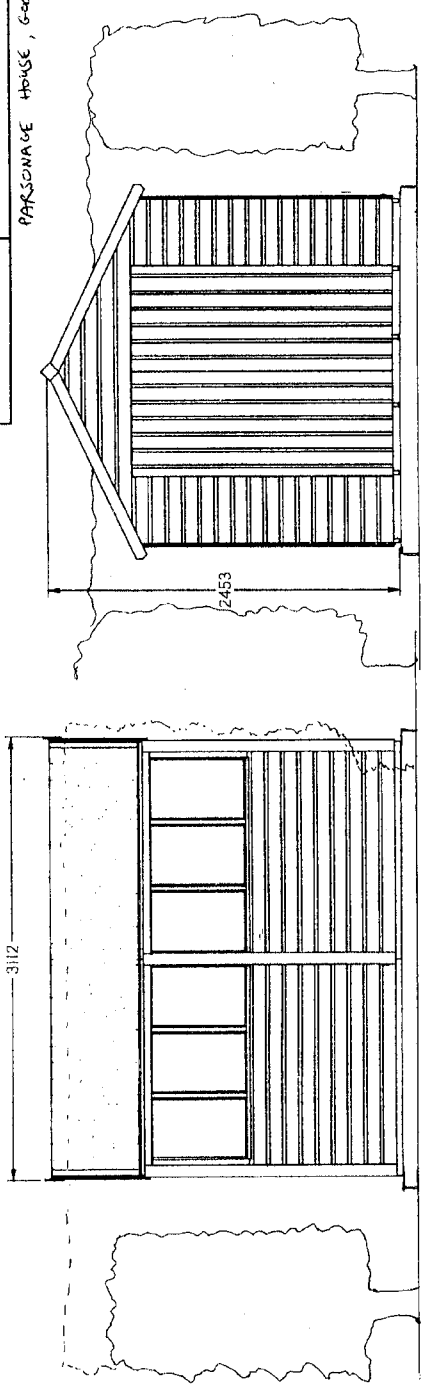
**BLOCK PLAN - AIR SERVICE HOUSE**  
**SCALE 1/500**  
 G00887

- 1:20 = 1.2m
- 1:50 = 3m
- 1:100 = 6m
- 1:200 = 12m
- 1:500 = 30m
- 1:1250 = 75m
- 1:2500 = 150m

VALE OF WHITE FRIARS  
 DISTRICT COUNCIL  
 REC'D 27 MAR 2008  
 CORPORATE POSTAL  
 SERVICES 3

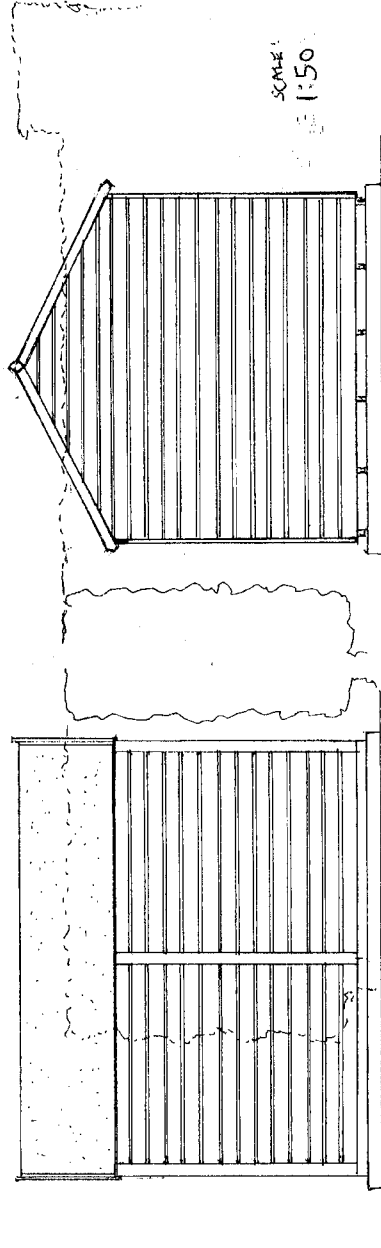
A4

ELEVATIONS  
10' x 8' Heavy Duty Workshop  
PARSONAGE HOUSE, GORSEY



SOUTH

WEST



NORTH

EAST

SCALE:  
1:50

- 1:20 = 1.2m
- 1:50 = 3m
- 1:100 = 6m
- 1:200 = 12m
- 1:500 = 30m
- 1:1250 = 75m
- 1:2500 = 150m

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# APPENDIX 1

08/00538/FUL G00/17829/3

VALE OF WHITE HORSE  
DISTRICT COUNCIL  
REC'D 27 MAR 2008  
CORPORATE POSTAL  
SERVICES - 3

**HIN/19721/4 – M S Lawrence Ltd**  
**Erection of a terrace of 3 x 3 bedroom dwellings.**  
**Land adjoining 1 High Street, Hinton Waldrist, SN7 8RN**

## 1.0 **The Proposal**

- 1.1 This application seeks planning permission for the demolition of a range of garages, to be replaced with a terrace of 3 dwellings with 2 parking spaces for each dwelling, accessed off The Row. Planning permission was granted in January for the erection of 2 semi-detached dwellings with parking. This application is a revised scheme which includes part of the garden of the adjoining property, No.1 Laggots Close.
- 1.2 The site is located on the corner of High Street and The Row. It is bounded by traditional cottage style dwellings to the north, west and east, with the more modern development of Laggots Close to the south.
- 1.3 A copy of the plans showing the location of the proposal, the design of the dwellings together with extracts from the Design and Access Statement are attached at **Appendix 1**.
- 1.4 The application comes to Committee because several letters of objection have been received and the views of Hinton Waldrist Parish Council differ from the recommendation.

## 2.0 **Planning History**

- 2.1 In September 2006, an application to erect two semi-detached dwellings fronting onto High Street was withdrawn due to adverse impacts on the amenities of neighbouring dwellings.
- 2.2 In April 2007, outline planning permission was granted for a 2 storey detached dwelling. In September 2007, an application for a pair of semi-detached dwellings was withdrawn. In January 2008, a revised application for a pair of semi-detached dwellings was granted permission. A copy of the approved plans for this scheme is attached at **Appendix 2**.

## 3.0 **Planning Policies**

- 3.1 *Vale of White Horse Local Plan 2011*  
Policy GS5 (making efficient use of land and buildings) seeks to promote the efficient re-use of previously developed / unused land and buildings within settlements (provided there is no conflict with other policies in the Local Plan).
- 3.2 Policy H13 (development elsewhere) allows 'infill' development of one or two dwellings within the existing built-up area of Hinton Waldrist.
- 3.3 Policies DC1, DC5, DC6, and DC9 (quality of new development) are relevant and seek to ensure that all new development is of a high standard of design / landscaping, does not cause harm to the amenity of neighbours, and is acceptable in terms of highway safety.

3.4 PPS3, "Housing", is also relevant and reiterates the key objective of developing previously developed sites, where suitable, ahead of greenfield sites and making the most effective and efficient use of land.

#### 4.0 **Consultations**

4.1 Hinton Waldrist Parish Council objects to the application. Their comments are attached at **Appendix 3**.

4.2 County Engineer – no objections, subject to conditions.

4.3 Consultant Architect – comments are attached at **Appendix 4**.

4.4 Drainage Engineer – no objections (subject to conditions).

4.5 8 letters of objection have been received, which are summarised as follows:

- As stated in relation to earlier applications, residents are concerned over the increased number of vehicles which will have to park on street in The Row. The current off road area used by residents will be used for the new access to the dwellings.
- A condition should be imposed to ensure construction vehicles do not park in The Row, as this will inconvenience residents.
- A parking restriction should be imposed to prevent people parking outside the windows of the properties in The Row.
- The dwellings will impact on the vision available at the road junction with the High Street, to the detriment of highway safety.
- The positioning of the front door onto High Street will only encourage on street parking there.
- The existing sewer system regularly gets blocked. New dwellings will only add to this problem.
- The proposal will be built on land that absorbs surface water. This will lead to local flooding.
- The new dwellings will be higher than and out of character with existing properties.
- The proposal will result in a loss of privacy / light to neighbours, in particular to No 1 High Street, Laggots Farm and properties in The Row.
- If approved, the materials used must be natural and not reconstituted stone.
- Policy H13 states there should be no more than 1 or 2 dwellings as infilling. This application proposes 3 dwellings. How can it be so easy to get permission for 3 houses after permission was granted for 2?

#### 5.0 **Officer Comments**

5.1 The main issues in this case are considered to be 1) the principle of the development in this location, 2) the impact of the proposal on the character and appearance of the area, including its design, 3) the impact of the proposal on neighbouring properties, 4) the safety of the access and parking arrangements, and 5) drainage.

5.2 On the first issue, Hinton Waldrist is a village which in planning terms is classed as a small settlement and is thus restricted to infill housing proposals of only 1 or 2 small dwellings as outlined in Local Plan Policy H13. The site in question lies within the built-up area of the settlement and is therefore considered acceptable for redevelopment.

- 5.3 The proposal is for 3 dwellings on a larger site than previously considered, which at face value appears to conflict with Policy H13. However, planning permission has already been granted for 2 dwellings, and the applicant could submit a separate application for an additional dwelling on the additional land which would comply with the Policy. In considering whether this proposal for 3 dwellings is acceptable in Policy terms, your Officers have had due regard to the appeal decision at Home Farm, Sparsholt (July 2006). This was a scheme for 5 dwellings. Planning permission had previously been granted for 2 separate applications for 2 dwellings on different parts of the site (making a total of 4 dwellings).
- 5.4 The Inspector stated: "It seems to me that the Council's sole objection is that the revised wording for Policy H12 (now H13 in the adopted Local Plan) that has been adopted by the Council limits each new housing scheme in villages such as Sparsholt to no more than one or two dwellings as infilling developments. However, there is nothing in the (Local Plan) Inspector's report or the new policy that restricts such infilling to just one scheme of one or two dwellings in each village. Indeed at the Hearing, it was confirmed by the Council's representative that it would be possible for the appellant to submit separate planning applications for the new housing and still comply with Policy H12."
- 5.5 He went onto state in paragraph 8: "Whilst I agree that Sparsholt has few facilities, I fail to understand how the Council can regard a number of individual planning applications for one or two dwellings as being an acceptable form of development, but one comprehensive scheme for a similar number of dwellings as being unsustainable. Although new development schemes must be considered against adopted planning policy, there is also a need to ensure any decision restricting housing development is on a sound and proper basis in order to assess whether the development would cause significant harm to any interests of acknowledged importance. But, for the Council to resist the current scheme simply because it is a comprehensive proposal is unreasonable".
- 5.6 Whilst the Sparsholt appeal was dismissed on other grounds, the appellant was successful in an award of costs on the basis of the Council's policy interpretation. In the light of this decision, your Officers consider that the principle of redeveloping the current site in the manner proposed with 3 dwellings is considered acceptable.
- 5.7 Regarding the second issue, the scale of development in the form proposed is not considered to be out of keeping with the locality. Other two storey dwellings exist nearby and the proposed dwellings remain in the style previously approved with traditionally proportioned narrow building spans, small painted timber windows and slate roofs, all of which are typically found on nearby properties. The rear projections remain subordinate to the main building form and are not considered to be harmful in the streetscene. The overall massing, bulk and design of the dwellings are also considered to fit within the site so as not to appear visually cramped on this prominent corner plot. Consequently Officers consider the scheme proposed is not an overdevelopment of the site and providing natural stone is used, its visual impact is acceptable.
- 5.8 Turning to the third issue, the impact on neighbouring properties, your Officers consider that no harm would be caused to those properties opposite the site to the north, on High Street. The properties most affected would be those in The Row, No1 Laggots Close to the south and 1 High Street to the west. Any impact on light or

privacy to these properties, however, is not considered to be sufficiently harmful to warrant refusal as, in your Officer's opinion, the dwellings have been carefully designed to protect neighbouring privacy and amenity, whilst achieving a complementary spatial relationship with the existing pattern of development.

- 5.9 In terms of parking and access, the proposed arrangements in highway safety terms are considered acceptable. The parking provision shown provides 2 spaces for each dwelling. Adequate visibility can be achieved at the new access to ensure pedestrian and highway safety.
- 5.10 The Consultant Architect has raised concern over the likely visual impact of the formal parking arrangements. His comments stem from an assumption that the site lies within the Hinton Waldrist Conservation Area, which it does not. Furthermore, the parking arrangements for 2 dwellings have already been agreed with the granting of the previous permission in January. Coupled with the informal parking that currently takes place on the area to the front of this site, your Officers consider no undue visual harm would be caused by the parking arrangements for the third dwelling.
- 5.11 With regard to concerns raised over the loss of an area of informal parking, and loss of the use of the existing garages, these parking arrangements are not material planning considerations. Your Officers have no evidence that existing residents have a right to park on the land in front of the site, and the renting of the garages from the applicant is a civil arrangement. The County Engineer has raised no objection to the proposal, and thus planning permission again could not reasonably be refused on these grounds.
- 5.12 On the issue of drainage, it is not considered that these additional dwellings would overburden the existing sewerage network. The Drainage Engineer has raised no objections.

## 6.0 **Recommendation**

6.1 *That planning permission be granted subject to the following conditions:*

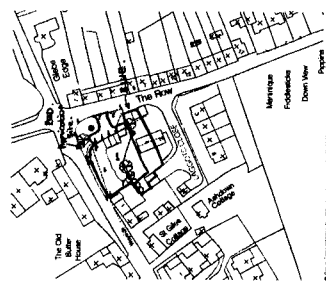
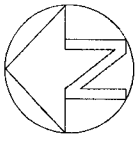
1. *TL1 – Time Limit*
2. *MC2 – Sample Materials*
3. *RE3 – Restriction on extensions / alterations to dwelling (PD rights removed)*
4. *PD Restriction of fence erection and retention of existing stone wall fronting High Street.*
5. *RE8 – Submission of drainage details*
6. *HY3 - Access in accordance with specified plan*
7. *HY25 – Parking is accordance with specified plan*
8. *No development shall commence until a scheme for off site highway works has been submitted to, and approved in writing by, the District Planning Authority.*

*The approved works shall be completed prior to first occupation. Of any dwelling hereby approved.*

*Informative:*

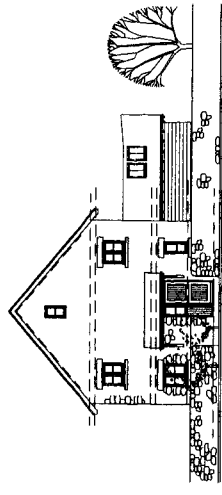
*In respect of meeting the requirements of Condition 2, it is expected that the dwellings hereby approved shall be constructed using natural stone.*

The client is advised by the Council that the drawings are for information only and are not to be used for any other purpose. The Council is not responsible for any errors or omissions in the drawings or for any consequences arising from their use. The Council is not responsible for any damage or loss of any kind, including loss of profits, arising from the use of the drawings. The Council is not responsible for any delay in the completion of the drawings or for any other consequences arising from the use of the drawings. The Council is not responsible for any other consequences arising from the use of the drawings.

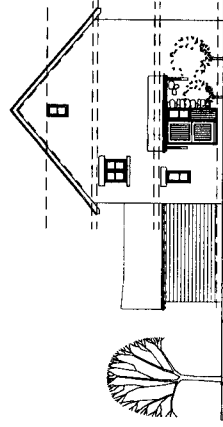


location plan 1:1250

1:250 = 1:250  
 1:500 = 1:500  
 1:1000 = 1:1000  
 1:2000 = 1:2000

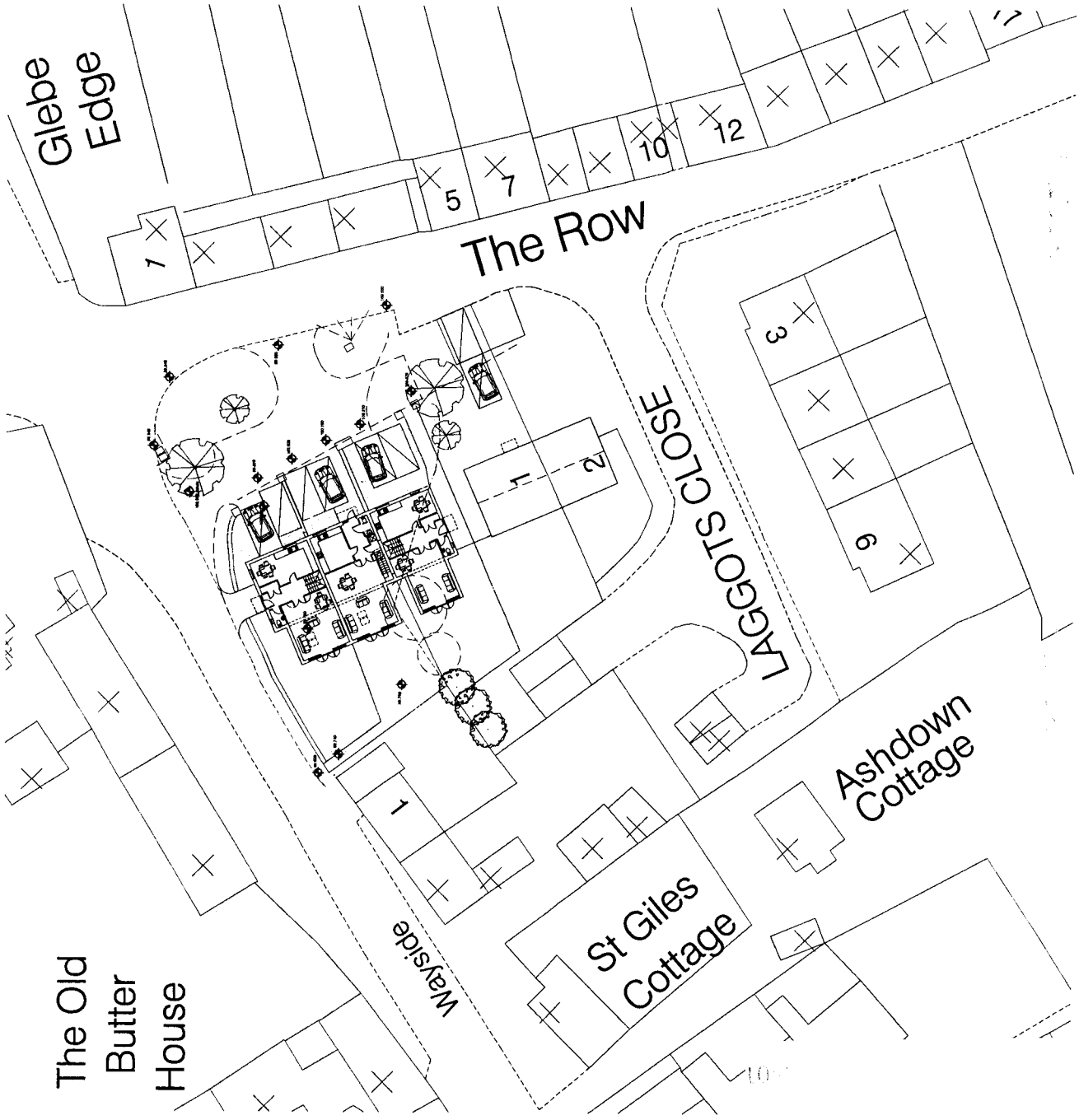


side elevation



side elevation

THE OLD BUTTER HOUSE  
 HISTORIC BUILDING  
 11 MAR 1988  
 COMPOSITE POSTAL  
 SERVICE PERMIT NO. 2



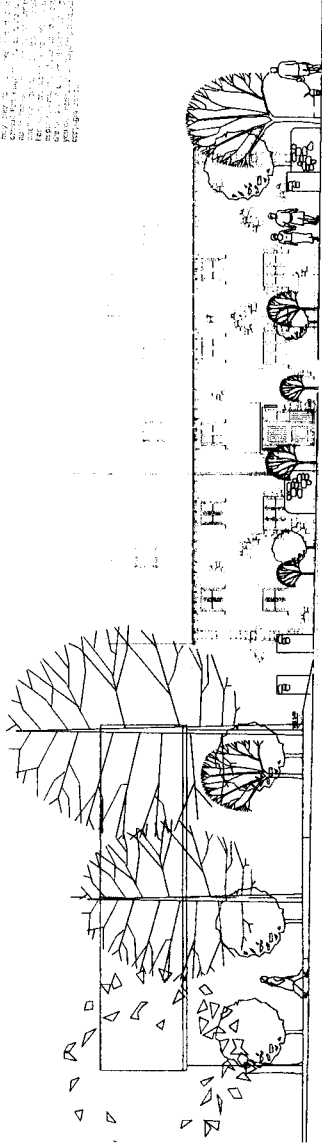
CLIENT: Mrs. Lawrence  
 PROJECT: The Old Butter House  
 DRAWING NO.: C046.51A  
 SCALE: 1:100 (2011/05/01) 1:200 (2011/05/01) 1:200 (2011/05/01)  
 DATE: 1:100 (2011/05/01) 1:200 (2011/05/01) 1:200 (2011/05/01)  
 DRAWING NO.: C046.51A  
 DRAWING NO.: C046.51A  
 rev date 1



Copyright  
 All dimensions and levels  
 shown on this drawing are  
 approximate and should be  
 checked before construction.  
 Where dimensions are given,  
 they shall take precedence over  
 any other information on the drawing.

materials

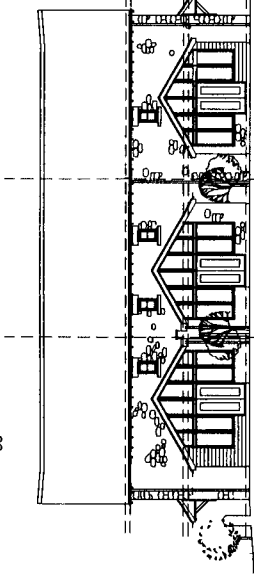
roof: slate  
 walls: composite stone  
 (random pattern),  
 timber cladding to rear  
 extension  
 windows/doors:  
 painted timber



Planning Approval ref: H/N/19721/3

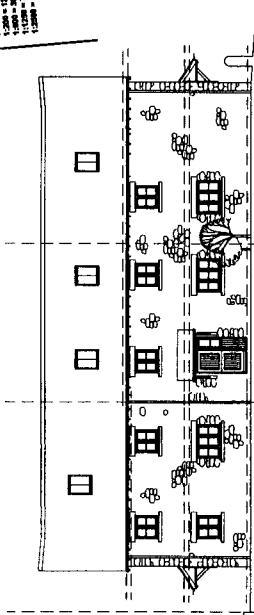
existing semi detached houses

laggotts close street elevation



Planning Approval ref: H/N/19721/3

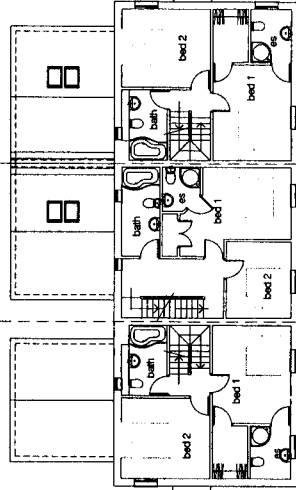
rear elevation



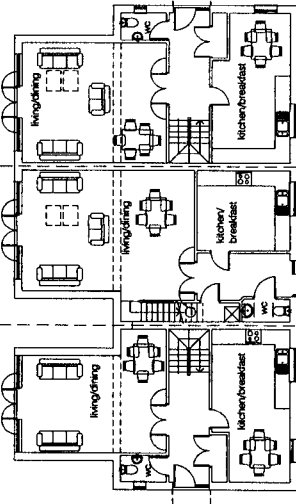
Planning Approval ref: H/N/19721/3

front elevation

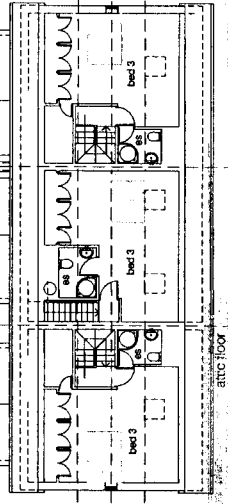
APPENDIX 1



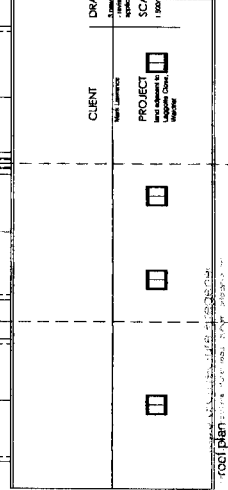
first floor



ground floor



attic floor



second floor

os / 60445 | ful

DRAWING NO.  
 C046.508

CLIENT  
 Mark Lawrence

PROJECT  
 New 3 Bed House

SCALE  
 1:100 (for P1)

DATE  
 02/11/11

rev date

lapo architecture + regenero

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proposed block plan 1:500

existing block plan 1:500

Down View

Down View

Down View

Down View

Down View

Down View

Down View

Down View

Down View

Down View

Down View

Down View

Down View

## **Planning, Design and Access Statement**

### **Introduction**

1. The application seeks planning permission for the erection of a terrace of 3 x three bed dwellings on the site. The site incorporates the application area for the recently approved pair of dwellings (application HIN/19721/3) together with a portion of the side garden area of 1 Laggots Close, which has been purchased by the applicant.
2. This application follows the submission of a pre-application letter on 31<sup>st</sup> January attaching plans showing: 1) the erection of a terrace of 4 dwellings across the site, or 2) the erection of a detached dwelling between the approved pair of dwellings and 1 Laggots Close.
3. Following the pre-application submission, Officers suggested that a terrace of three dwellings incorporating part of the side garden of 1 Laggots Close would be preferred and, as you will see, the proposal has been amended accordingly. As per the previous approval, the proposed dwellings would be built in stone with slate roofs and the windows are proposed to be of painted timber construction.

### **Site Context**

4. The application site is slightly larger than that subject of application HIN/19721/3 as it incorporates a portion of the side garden of 1 Laggots Close in addition to the scrubland and pre-fabricated garage block located on the junction of The Row and High Street.
5. The terrace of dwellings opposite the site, along The Row, is uniform in appearance and design, being (as the road name suggests) a row of stone terraced cottages under slate roofs. The cottages are set close to the road edge and there is no footway. The properties on Laggots Close (including no. 1) to the south of the site are post war semi-detached and terraced dwellings built in red brick under concrete tiled roofs. 1 High Street to the west of the site is a traditional stone cottage with a slate roof and The Old Butter House opposite is a converted agricultural building of similar materials.

### **Design**

6. The proposed dwellings have been sited to provide an appropriate form of development to turn the corner of The Row into High Street. The ridge line runs north south in accordance with that of the terraced traditional cottages opposite, whilst the careful use of openings on the north elevation of the proposed terrace ensures there is also interest on the High Street elevation. A low stone wall is proposed on this boundary to match that opposite at 1 The Row.
7. The main body of the proposed dwellings have a simple rectangular plan form and are proposed at a height that would be commensurate with the height of surrounding development. The proposal would be fully in keeping with the existing streetscene and the character and appearance of the area and will provide an appropriate addition in this gap that will appear as a natural continuation of the traditional development which surrounds it.
8. The span of the roof has been reduced from nearly 9m to just over 7m in order to provide a more traditional depth of building and ensure that the proposal would not appear as an overdevelopment of the plot. To the rear, each dwelling is served by a single storey

projection the walls of which are to be clad in contrasting, albeit complimentary, horizontal timber boarding.

9. As per the previously approved scheme the proposed dwellings would be served by a small number of rooflights in the elevation fronting The Row to provide light to the master bedrooms in the roof voids.
10. In order to provide some engagement with the public realm on High Street, the northern end plot would have its pedestrian entrance on that road as would the southern end plot in order to best emphasise the symmetrical form of the terrace in views from The Row.

#### **Amenity**

11. Each proposed dwelling would have an appropriate sized garden in order to ensure that a decent level of amenity space is provided and, furthermore, the living rooms of the proposed dwellings would not be harmfully overlooked from any vantage point.
12. Each of the proposed dwellings would be served by a private amenity space in excess of 60 sq. metres and, notwithstanding that the garden of 1 Laggots Close would be reduced in area as a result of this proposal the residual rear amenity space available to the occupiers of no.1 would still be in excess of 100 sq. metres.
13. The position of the buildings on the plot has been devised so that the main rear wall of the proposed dwellings would be over 14m from the flank elevation of No1 High Street. This complies with the Council's design guidance that rear walls should be separated from flank walls by 12m (40ft). Furthermore, there would be no bedroom windows facing towards No1 High Street in order to preserve its amenity. Only bathroom and landing windows would face the rear at first floor level.
14. With reference to the relationship with 1 Laggots Close, the flank elevation of the southern most dwelling contains 1 first floor window to bedroom 2 and an attic window to bedroom 3 which would face the flank elevation of no.1. However, the flank elevation of no.1 contains no openings and, as such, there would be no potential for intrusive views into the property from these windows.
15. The first floor window would, potentially allow an oblique view to the rear garden area of no.1 but, in truth, this would be upon a part of the site that is already overlooked more directly by the first floor windows of the attached semi (no. 2 Laggots Close) such that no material loss of privacy would be caused. However, in the event that Officers are concerned about the potential for overlooking from this window, the applicant would have no objection to re-siting this window further to the east above the entrance porch.

#### **Access**

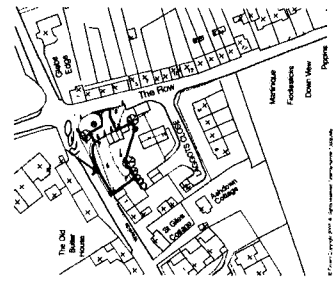
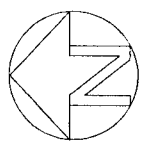
16. It is proposed that all three dwellings are accessed from The Row and that each dwelling has two frontage off-street parking spaces from which a level threshold to each dwelling is to be provided. The access conforms to the standards in the "Manual for Streets" and has adequate visibility and would not be of any detriment to highway safety.
17. The dwellings have been designed with a level access and downstairs WC as is required by the building regulations to ensure they will be accessible to all persons.

#### **Planning Policy Context and Considerations**

18. New residential development within Hinton Waldrist falls to be considered by Policy H13 of the adopted Vale of White Horse Local Plan, which states as follows:

Changes  
 All dimensions are  
 given in millimetres  
 unless otherwise stated  
 unless otherwise stated  
 unless otherwise stated  
 unless otherwise stated

THE SEWERAGE  
 AUTHORITY  
 1111  
 1111  
 1111



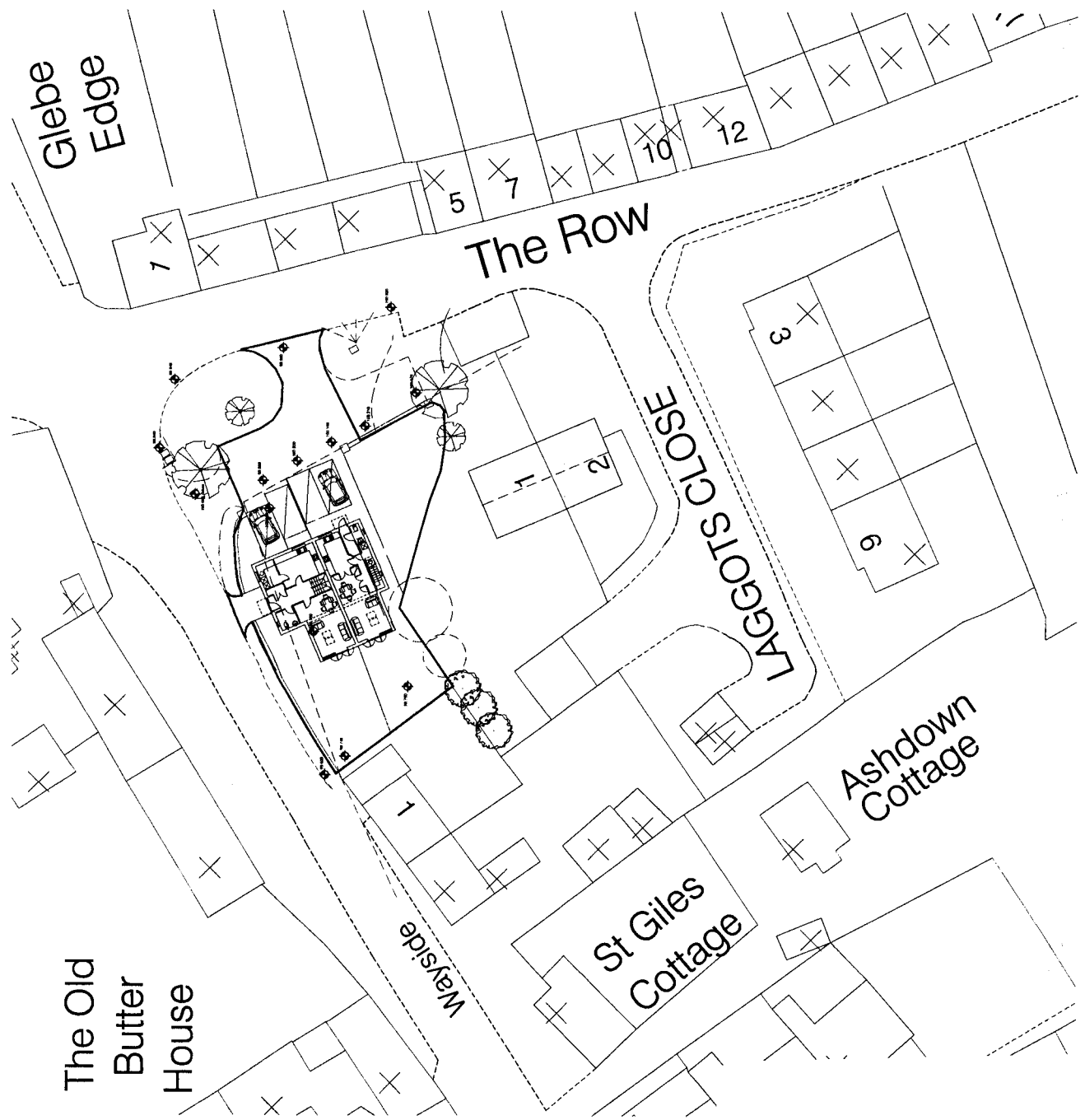
location plan 1:1250

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 1:1000 = 1:1000  
 1:1500 = 1:1500  
 1:2000 = 1:2000

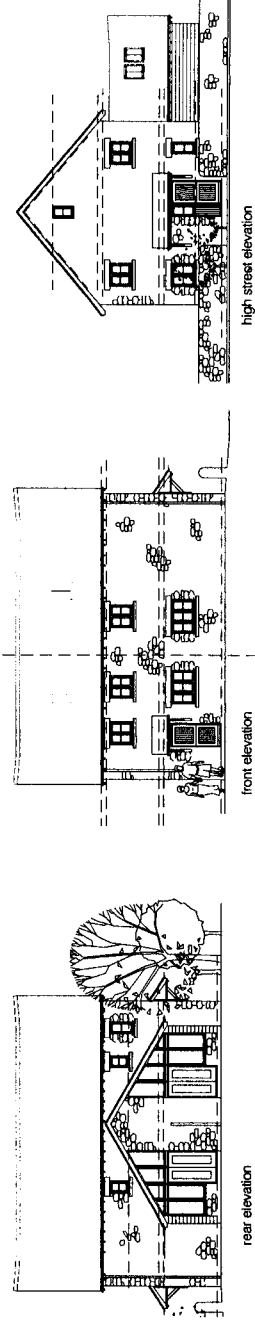
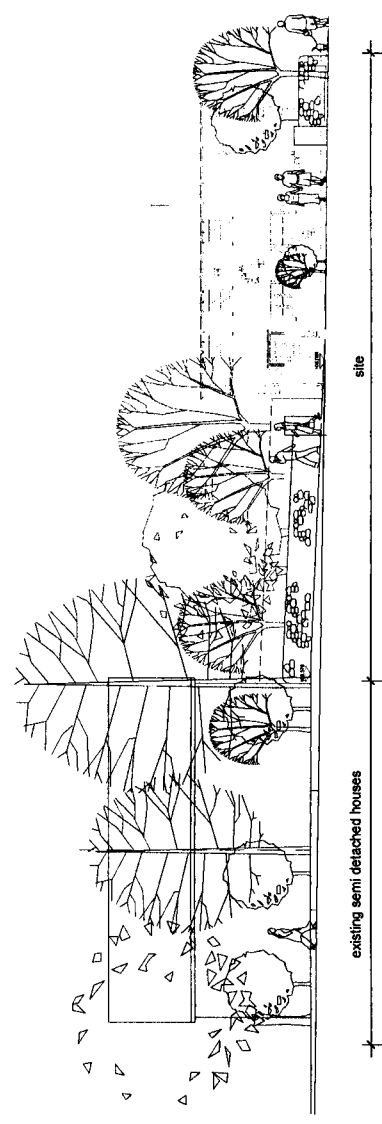
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VALE OF WHITE HORSE DISTRICT COUNCIL  
 PLANNING SERVICES DIRECTORATE  
**APPROVAL**  
 DATE OF DECISION 30 JAN 2005

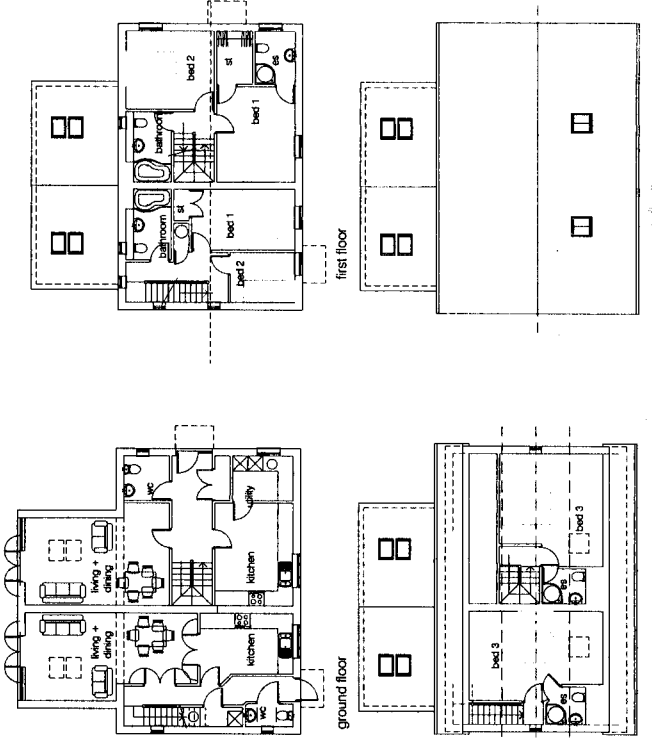
CLIENT  
 Vale Learning  
 PROJECT  
 Vale Learning Centre  
 DRAWING NO.  
 CD46 21 B  
 SCALE  
 1:200 (1:200 PA1)  
 DATE  
 07/07  
 rev date 1



1:500 = 1:500  
 1:1000 = 1:1000  
 1:2000 = 1:2000  
 1:5000 = 1:5000  
 1:10000 = 1:10000



VALE OF WHITE HORSE DISTRICT COUNCIL  
 PLANNING SERVICES DIRECTORATE  
**APPROVAL**  
 DATE OF DECISION 08 JAN 2014



materials  
 roof: slate  
 walls: composite stone (random pattern), timber cladding to rear extension  
 windows/doors: painted timber

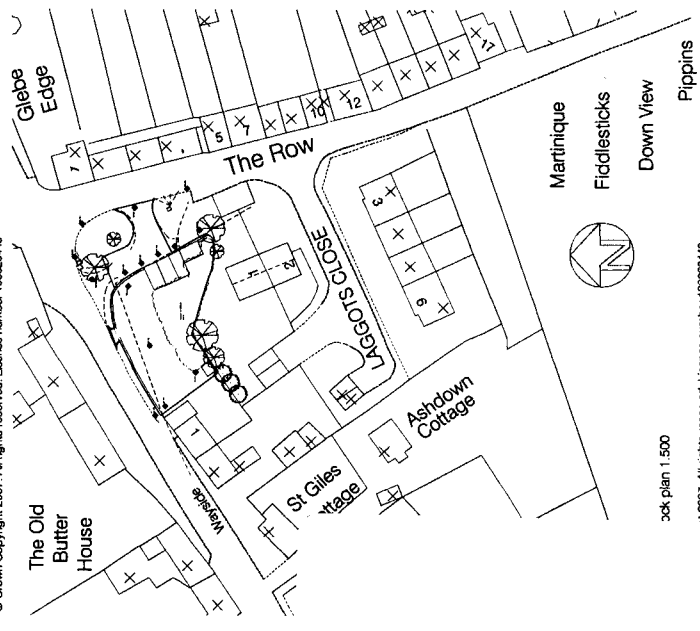
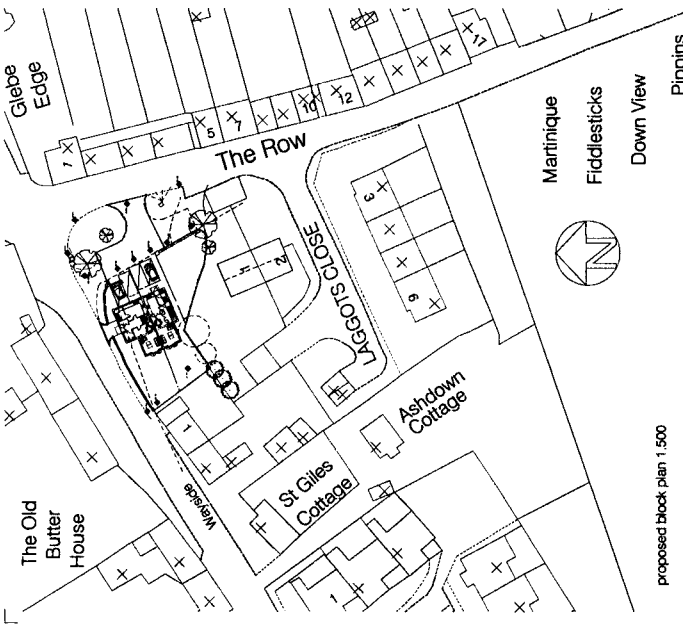
south east elevation

CLIENT: Mart Laminos  
 PROJECT: Laggotts Close, Walsley  
 DRAWINGS: proposed alterations  
 SCALE: 1:200 (00/04)  
 DATE: 07/07

DRAWING NO. CD46.20 C  
 DATE 07/07

rev 01b 1

lepd architecture + regenerate



(2)

9 April 2008

Hinton Waldrist Parish Council

Planning Application HIN/19721/4 - Erection of a terrace of three 3no bedroom dwellings.

Parish Council Response.

1. Natural stone rather than composite materials should be used.
2. No trees must be planted behind the stone wall as the roots will destroy it.
3. There must be no timber boarding - not appropriate and not in keeping
4. Original stone wall adjacent to High Street must not be removed and must be maintained and repaired.
5. Velux roof lights would be preferable on the rear of the properties.
6. Access on to the High Street should be reduced - drawing shows room for a ' Smart Car ' - should be the width of a wheel chair.
7. Ownership of land - The red line shows there is a large area in the developers ownership but our enquiries show that this is highway land
8. Point 6 of Design states that a low stone wall is proposed while point 26 comments that the garden would be screened in part by an existing stone wall boundary - what do they mean?
9. Parking - Real concerns regarding the parking of 6 cars in the space available, traffic issues along with current parking overflow on the green. The vehicles associated with the new housing will clog up The Row. Residents in Laggotts Close have raised their concerns regarding overflow parking.

**APPENDIX 3**

# McCoy Associates Chartered Town Planners

54 New Street □ Henley on Thames □ Oxon RG9 2BT □ Tel: 01491 579113  
Fax: 01491 410852 www.mccoyassociates.co.uk email denis@mccoyassoc.co.uk

10 April 2008

For the attention of Alison Blyth

**your ref HIN/19721/4**

Deputy Director (Planning and Community Strategy)  
The Vale of White Horse District Council  
PO Box 127  
The Abbey House  
ABINGDON OX14 3JN

email and post

Dear Sir

**re: Erection of a terrace of three 3-bed dwellings  
1 High Street and 1 Laggots Close, Hinton Waldrist**

Thank you for the drawings of this project received on 28 March and on which you have requested design comments.

This is a proposal to replace a two dwellings scheme for which planning permission has been granted by a three dwellings scheme. Since the materials and details are so similar, or even identical, to what has been approved I shall not comment on them. They are confirmed as acceptable in the village, and the relationship of the northern gable and retained boundary wall to the High Street is commendably sensitive.

However, in my judgement, that is not the case with the parking arrangements proposed. The scheme depends upon six open parking spaces in front of the terrace, with a shared access drive duplicating the public highway.

Though I appreciate that the ground at the road junction seems to be used for incidental parking, and the dilapidated garage structures on the site are unattractive, the space has an informal, soft, village character. I doubt whether the formalised parking arrangements now proposed to replace the present arrangements (or in addition to informal parking on what would remain of the grassy area?) could be said to preserve or enhance the character or appearance of Hinton Waldrist Conservation Area, of which the site is presumably part.

For this reason alone I am reluctant to support this proposal.

Your papers and drawings are returned with the postal copy of this letter.

Yours faithfully

## APPENDIX 4

**McCOY ASSOCIATES**

**encs**

**This letter refers to drawing nos C046.50B and .51A,  
and Planning Design & Access Statement**

Denis F McCoy DiplArch(Oxford) ARIBA FRTPI FRIAI

Christopher R Baker Company Secretary

McCoy Associates Limited, company registered in England no 4457420  
VAT No. 363 3525 59

**ASH/19908/3 – Mr A Lord**

**Erection of a single dwelling, single garage and re-use existing access (resubmission)**

**Land adjoining Tilling, Berrycroft, Ashbury.**

## 1.0 **The Proposal**

1.1 This application was presented to Committee on 21st April 2008, when it was resolved to refuse planning permission, with reasons to be agreed at a future meeting. Committee expressed concern regarding the impact of the proposal on the setting of the adjacent listed buildings and the Conservation Area. In this regard Members did not consider that the previous reason for refusal had been overcome. Further concerns were raised by Committee relating to the impact of the proposal on the residential amenity of the occupiers of No.3 Berrycroft.

## 2.0 **Recommendation**

*The suggested reasons for refusal are:*

- 1. Due to the size of the proposed dwelling and its siting on the plot the proposal would be over dominant and would harm the setting of the adjacent listed cottages, which are small in scale and have a staggered roof line down towards the bottom of Berrycroft. The proposal would also be of significant harm to the character and appearance of the Conservation Area. The proposal is therefore contrary to Policies DC1, HE1 and HE4 of the adopted Vale of White Horse Local Plan 2011.*
- 2. Due to the proximity and orientation of the proposed dwelling in relation to the adjacent neighbouring property, No.3 Berrycroft, the proposal would result in an unacceptable level of overlooking into the rear garden of that dwelling. This would result in a harmful impact on the amenities of the occupiers of this dwelling. The proposal is therefore contrary to Policy DC9 of the adopted Vale of White Horse Local Plan 2011.*



## **ASH/19908/3 – Mr A Lord**

### **Erection of a single dwelling, single garage and re-use existing access (resubmission) Land adjoining Tilling, Berrycroft, Ashbury.**

#### **1.0 The Proposal**

- 1.1 The application is for a single dwelling with a detached single garage. The dwelling would measure a maximum width of 17.2 metres (13.5 of which is at two-storey height) and a maximum height of 7.6 metres. The proposal is adjacent to listed cottages to the north, and is within the Ashbury Conservation Area.
- 1.2 Extracts from the application plans are at **Appendix 1**.
- 1.3 This application is an amendment to a previous permission on the site for a single dwelling which was renewed in 2007, and remains extant. This application is submitted further to a previously refused scheme, which was also an amendment to the permitted scheme. This application seeks to address the refusal reason. The planning history is set out below, and the permitted and refused schemes are appended.
- 1.3 The application comes to Committee at the request of the Local Member Councillor Yvonne Constance.

#### **2.0 Planning History**

- 2.1 ASH/9768/4 – Erection of dwelling and new access. Permitted in November 2002.
- 2.2 ASH/199908 – Erection of new dwelling, double garage and re-use existing access. Withdrawn in February 2007.
- 2.3 ASH/19908/1 – Erection of new dwelling, double garage and re-use existing access. Withdrawn in July 2007.
- 2.4 ASH/19908/2 – Erection of new dwelling, double garage and re-use existing access. Refused in November 2007 due to the dominant and harmful impact the proposal would have on the adjacent Listed Building, and the subsequent harm it would have on the character and appearance of the Conservation Area. The refused scheme is at Appendix 2.
- 2.5 ASH/9768/7 – Renewal of planning permission ASH/9768/4 for the erection of a dwelling and new access. Permitted in November 2007. The permitted scheme is at Appendix 3.

#### **3.0 Planning Policies**

- 3.1 Policy DC1 of the adopted Local Plan requires development to be of a high design quality in terms of layout, scale, mass, height, detailing, materials to be used, and its relationship with adjoining buildings, and to take into account local distinctiveness. Policy DC5 of the adopted Local Plan requires safe and convenient access and parking.
- 3.2 Policy DC9 of the adopted Local Plan seeks to ensure development will not unacceptably harm the amenities of neighbouring properties and the wider environment.
- 3.3 Policy HE1 of the adopted Local Plan seeks to ensure proposals would preserve or enhance the character and appearance of the Conservation Area. Policy HE4 of the adopted Local Plan resists proposals that would not respect the setting of a Listed Building.
- 3.4 Policy H11 of the adopted Local Plan allows for new housing sites of up to about 0.5 ha and not more than 15 dwellings within the built up areas of the larger villages.

## 4.0 Consultations

4.1 Ashbury Parish Council does not object but requests the following issues be taken into consideration:

- Requests that the ground level be lowered by at least half a metre
- Requests the use appropriate building materials
- Must consider appropriate construction of the access
- The full comments of the Parish council are at Appendix 4.

4.2 County Engineer – “The proposal as submitted revises an existing extant permission, therefore there are no objections subject to conditions.”

4.3 8 letters of objection have been received from 4 different households. Their comments can be summarised as follows:

- There have been only small and cosmetic changes when compared to the permitted scheme (at Appendix 3)
- Concerns are raised with regard to the size and scale of the dwelling
- The proposal will dominate the surrounding cottages
- Concerns are raised with regard to the increased risk of flooding
- Concerns are raised with regard to the impact of the proposal on the amenities of neighbouring properties
- The proposal would be visible within the surrounding landscape
- Concerns are raised with regard to highway safety issues, in particular the access, the increase in vehicular movements, the poor state of the lane and its narrow width
- The proposal would fill the existing gap between the listed buildings and the 20<sup>th</sup> century housing
- The proposal would be out of keeping within the Conservation Area
- The revised application is twice the size of the permitted scheme (at Appendix 3)
- The style and materials of the dwelling are not in character with the area

## 5.0 Officer Comments

5.1 The application has been submitted following a previous refusal on the site for a single dwelling and detached garage which was refused due to the harmful impact of the proposal on the adjacent Listed Buildings, and the impact on the Conservation Area. The refused scheme is at Appendix 2. It should be noted that there is an extant planning permission on the site for a single dwelling, which was renewed in 2007; therefore the principle of residential development on this site has already been established. Whilst the proposal would fall slightly outside the general line of buildings along Berrycroft, it is still considered to be within the general built form of the village, especially as there is residential development to the north. Whilst it is noted some public views would be lost towards the fields to the rear of the site, this is not considered to be so significant to justify refusal, especially as a dwelling has already been permitted on the site.

5.2 The proposed dwelling is larger compared to that already permitted on the site, and is not dissimilar in size to the previously refused. However the proposal has now been ‘broken-up’ compared to the previous refused scheme, and part of the ridge-line has now been set down. Furthermore the single storey element has now been moved to the north side of the dwelling. The proposal now has the appearance of a smaller dwelling when compared to the refused scheme, with a central structure, with smaller additions to the north and south. The change of position of the single storey element now creates a greater visual separation between the proposal and the Listed Buildings to the north. Whilst it is appreciated the land is higher on the application site, due to the location of this single storey element, the distance between the proposal and the Listed Buildings (which is more than 10 metres) and the other changes to the design described above, it is not considered that the proposal would have a harmful

impact on the setting of the Listed Buildings, or be harmful to the character or appearance of the Conservation Area. In this regard it is noted that the Conservation Officer has no objection to the proposal. Given the differences in the land levels between the application site and the adjacent Listed Buildings it is considered reasonable that a slab level condition is imposed in the event of planning permission being granted, to control the level at which the proposed dwelling is built.

- 5.3 The proposed dwelling would face towards the rear garden of No.3 Berrycroft, however given the distance of approximately 12 metres to the common boundary it is not considered that the proposal would be harmful to the neighbour's amenities. It is noted that the garage has been reduced in size compared to the previously refused application. No objections were raised to the previous garage, and given that it has now been reduced in size it is not considered to have any harmful impact on the character of the area or neighbour's amenities.
- 5.4 Whilst the comments received from the neighbouring residents regarding the access and other highway issues are noted, the County Engineer has raised no objections to the proposal noting that permission has already been granted for a single dwelling. Notwithstanding this the County Engineer requests details of the visibility splays, parking and boundary treatments to be approved by condition.
- 5.5 Comments from the Principal Drainage Engineer were not received at the time of writing this report, however his comments on the previous application are noted which stated that the applicant will need to demonstrate that surface water could be satisfactorily disposed of. It needs to be noted, of course, that planning permission exists for a dwelling on the site. Given the differences in land levels it is considered to be reasonable to impose a condition requesting details of the proposed drainage system (both surface water and foul sewage).

#### 6.0 **Recommendation**

6.1 *It is recommended that planning permission be granted, subject to the following conditions.*

1. *TL1 Time limit*
2. *MC1 Submission of materials*
3. *RE7 Submission of boundary details*
4. *LS4 Landscaping scheme to be submitted*
5. *RE22 Floor/slab level details to be submitted*
6. *HY2 Submission of access details*
7. *HY24 Parking/turning area as shown on plan retained*

## **APPENDIX 1.**

## **ABG/20415 – Mr D Papa**

**Erection of a first floor and rear extensions to an existing detached bungalow.  
174 Oxford Road, Abingdon, Oxfordshire, OX14 2AE.**

### **1.0 The Proposal**

- 1.1 This application seeks planning permission for first floor and rear extensions to an existing detached 2 bedroom bungalow to provide additional living accommodation on the ground floor and three additional bedrooms one with en-suite and a bathroom at first floor. 174 Oxford Road is located on one of the main artery roads leading into Abingdon in a predominantly residential area. A location plan, with proposed floor plans and elevations are at **Appendix 1**.
- 1.2 Amended drawings have been submitted which show the hipping of the roof of the proposed first floor side extension facing 172 Oxford Road. This change has been made in order to reduce the dominant impact on this neighbour.
- 1.3 This application comes before Committee because the Town Council has objected.

### **2.0 Planning History**

- 2.1 There is no planning history on this property

### **3.0 Planning Policies**

- 3.1 Policies H24, DC1, DC5 and DC9 of the adopted Vale of White Horse Local seek to ensure that all new development is of high standard of design, does not cause harm to the amenity of neighbours or to the character and appearance of its surroundings, and is acceptable in terms of highway safety.

### **4.0 Consultations**

- 4.1 Abingdon Town Council objects: "The Town Council felt that the application did not give regard to the Vale of White Horse District Council's guidelines on extensions being subordinate to the existing house, therefore over development of the site. The roof line does not comply to guidelines as it remains the same height"
- 4.2 County Engineer - No objections subject to conditions
- 4.3 No letters have been received from neighbours.

### **5.0 Officer Comments**

- 5.1 The main issues to consider in determining this application are: 1) whether the proposal would have a detrimental impact on the character and appearance of the area; and 2) the impact on the amenity of neighbouring properties in terms of overshadowing.
- 5.2 The proposal is to demolish the existing single storey lean to conservatory at the rear of the bungalow and replace it with a ground floor and first floor 5.34 metre long rear extension and for a first floor side extension to provide additional accommodation in the roof space. The proposed eaves and ridge heights will not be any higher than the existing bungalow.

- 5.3 Officers consider that the design of the proposal meets the Council's House Extension Design Guide, in that the whole bungalow will be modified /remodelled in a way that it is considered sympathetic to the street scene.
- 5.4 In terms of residential amenity, the nearest property is No. 172 Oxford Road, which is located 1.5 metres away to the south. This is a detached bungalow. The main windows of this property face front and rear gardens. There are no windows on the flank elevation facing the proposal. Therefore due to the distance away and orientation, Officers consider that there will be no harmful impact on this property in terms of overlooking or overshadowing.
- 5.5 No. 176 Oxford Road is located approximately one metre away to the north. This is a detached house with an attached single garage nearest to the proposal. The main windows of this property face front and rear gardens. There are no windows on the flank elevation facing the proposal. Therefore due to the distance away and orientation Officers consider that there will be no harmful impact on this property in terms of overlooking or overshadowing.

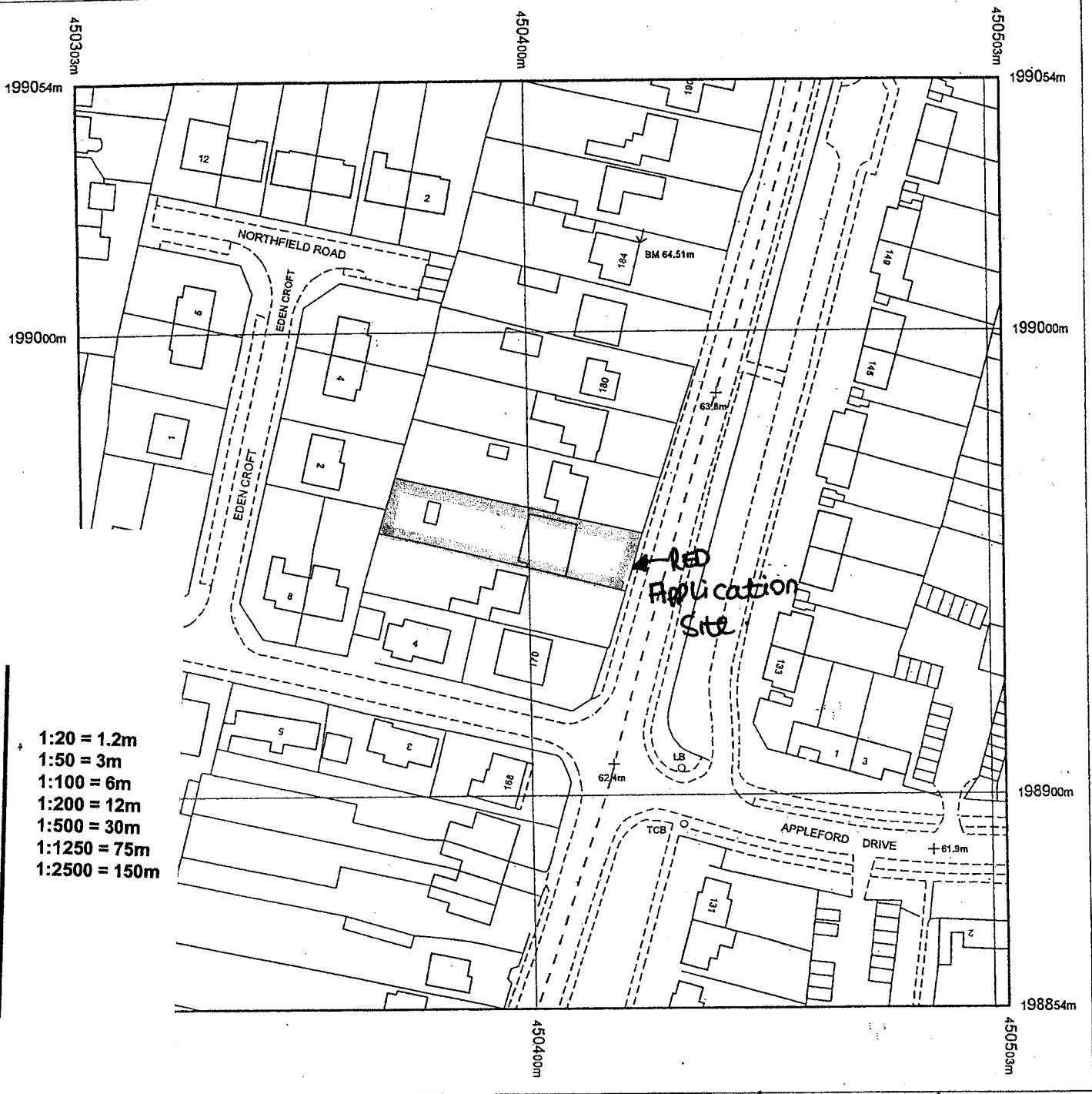
6.0 **Recommendation**

6.1 *Permission subject to the following conditions:*

1. *TL1 - Time Limit.*
2. *RE1 - Matching Materials*
3. *MC9 – Proposed first floor shower room roof light and bathroom roof light in the north elevation shall be glazed with obscure glass only and no additional windows to be inserted at first floor level and above in the north elevation of the proposed development hereby approved without prior grant of planning permission.*
4. *RE14 – Existing garage to be retained for such use*
5. *MC20 – Amended Drawings*



(A4)



- 1:20 = 1.2m
- 1:50 = 3m
- 1:100 = 6m
- 1:200 = 12m
- 1:500 = 30m
- 1:1250 = 75m
- 1:2500 = 150m

08/00119/FUL ABG/20415

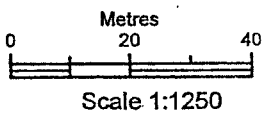
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 Serial number: 00418700  
 Centre coordinates: 450403 198954

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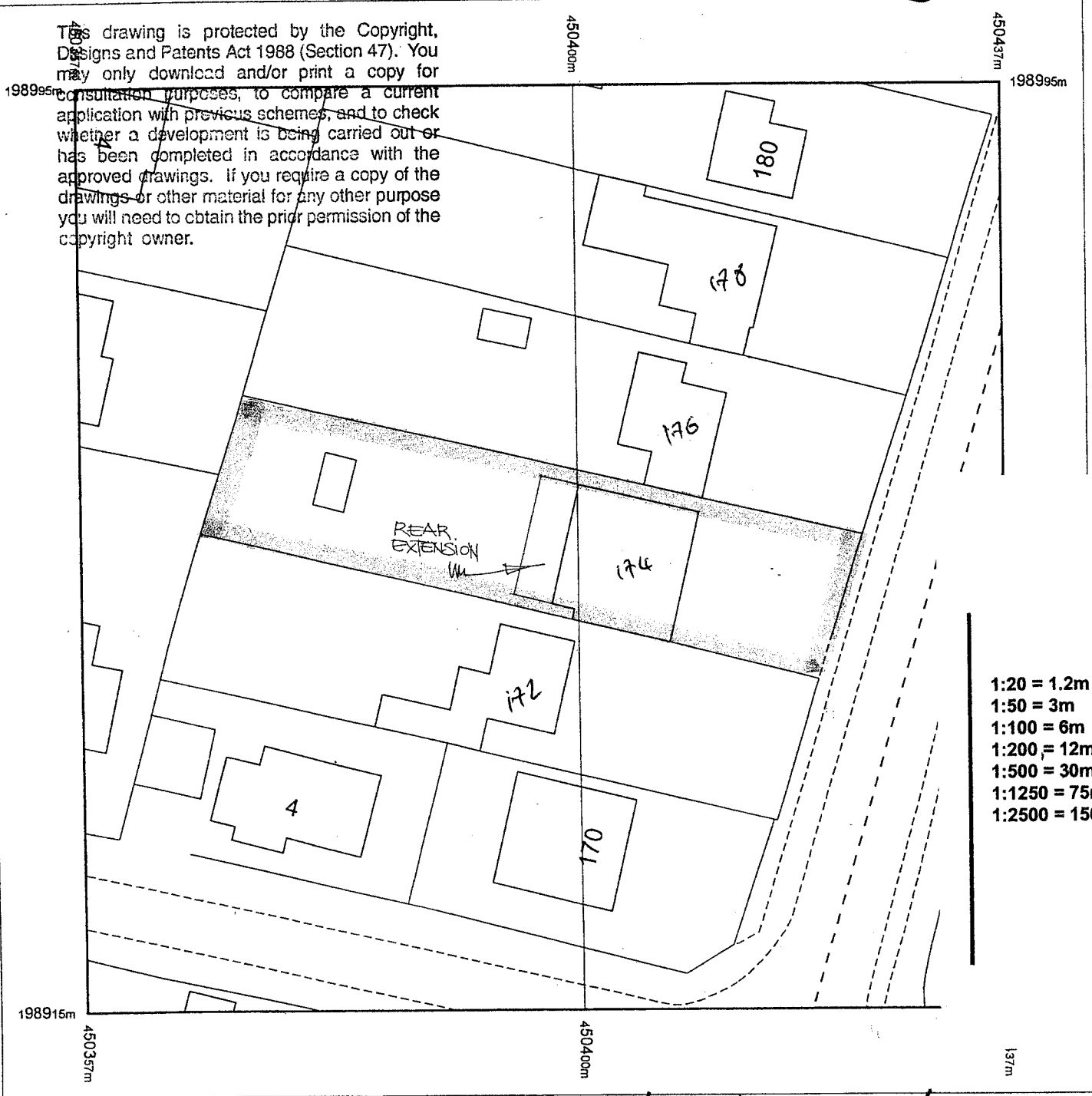
**VALE OF WHITE HORSE DISTRICT COUNCIL**  
 REC'D 23 JAN 2008

**APPENDIX 1**



(A4)

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08/00119/FUL ABG/20415

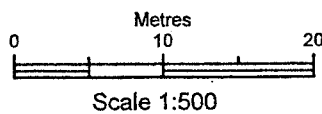
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 Centre coordinates: 450397 198955

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[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)

**VALE OF WHITE HORSE DISTRICT COUNCIL**

REC'D 23 JAN 2008

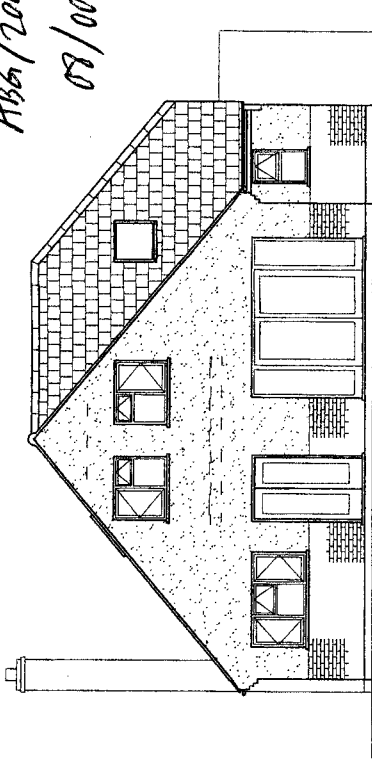
**CORPORATE POSTAL SERVICES . 5**

**APPENDIX 1**

AR3

AB66/20415

08/08/19/FULL

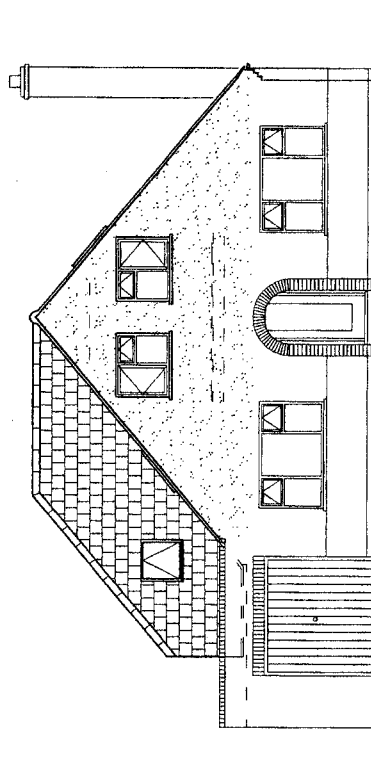


White UPVC windows & doors to match existing.

PROPOSED REAR ELEVATION

VALE OF WHITE HORSE  
DISTRICT COUNCIL  
REC'D 13 4 00 2019  
CORPORATE POSTAL  
SERVICES - 2

**AMENDED  
PLAN**



PROPOSED FRONT ELEVATION

1:20 = 1.2m  
1:50 = 3m  
1:100 = 6m  
1:200 = 12m  
1:500 = 30m  
1:1250 = 75m  
1:2500 = 150m

Client: PAPA / WOOLTON  
Scale: 1:100  
Date: 08.01.18  
Ref: 07/104/7R

G A J SOAME & ASSOCIATES,  
Acre Cottage, Chapel Road, South Leigh,  
Witney, Oxon OX29 6UP  
Tel. No. 01993 772799

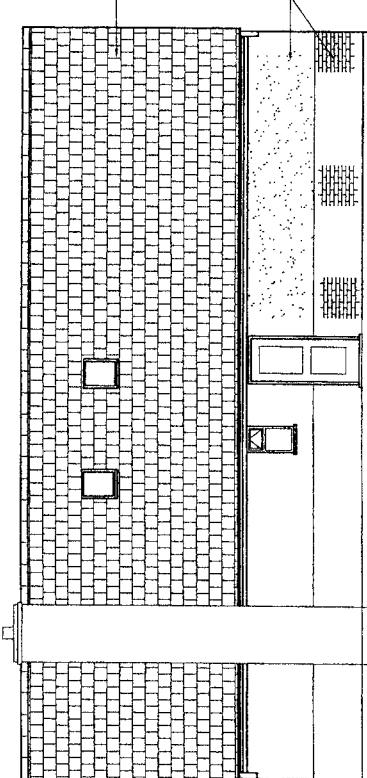
REAR EXTENSION, LOFT CONVERSION, & ALTERATIONS TO  
174, OXFORD ROAD, ABINGDON, OXON

0 1.0M 2.0M 3.0M 4.0M 5.0M

Plain grey concrete  
tiles to match existing.

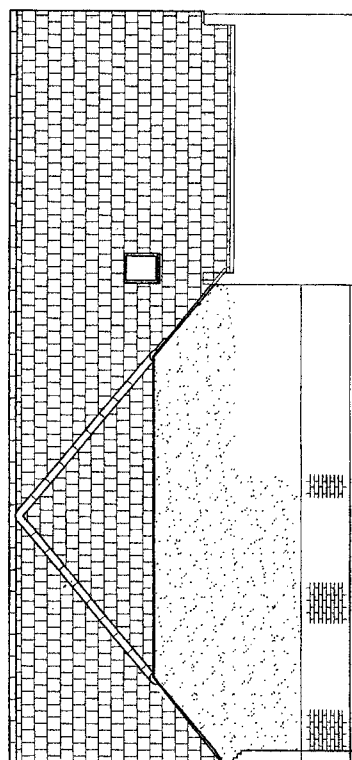
Fascias, gutters  
& downpipes to  
match existing.

Cement rendered walls painted  
white above cill line & facing bricks  
below to match existing.



PROPOSED SIDE ELEVATION

**AMENDED  
PLAN**



PROPOSED SIDE ELEVATION

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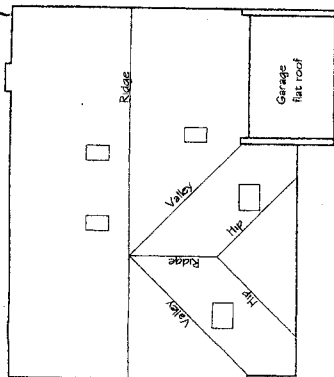
APPENDIX 1



AB3

AB69/20415

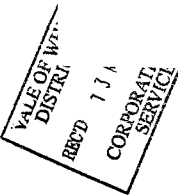
08/00/19/FUL



ROOF PLAN  
SCALE 1:2500

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# APPENDIX 1

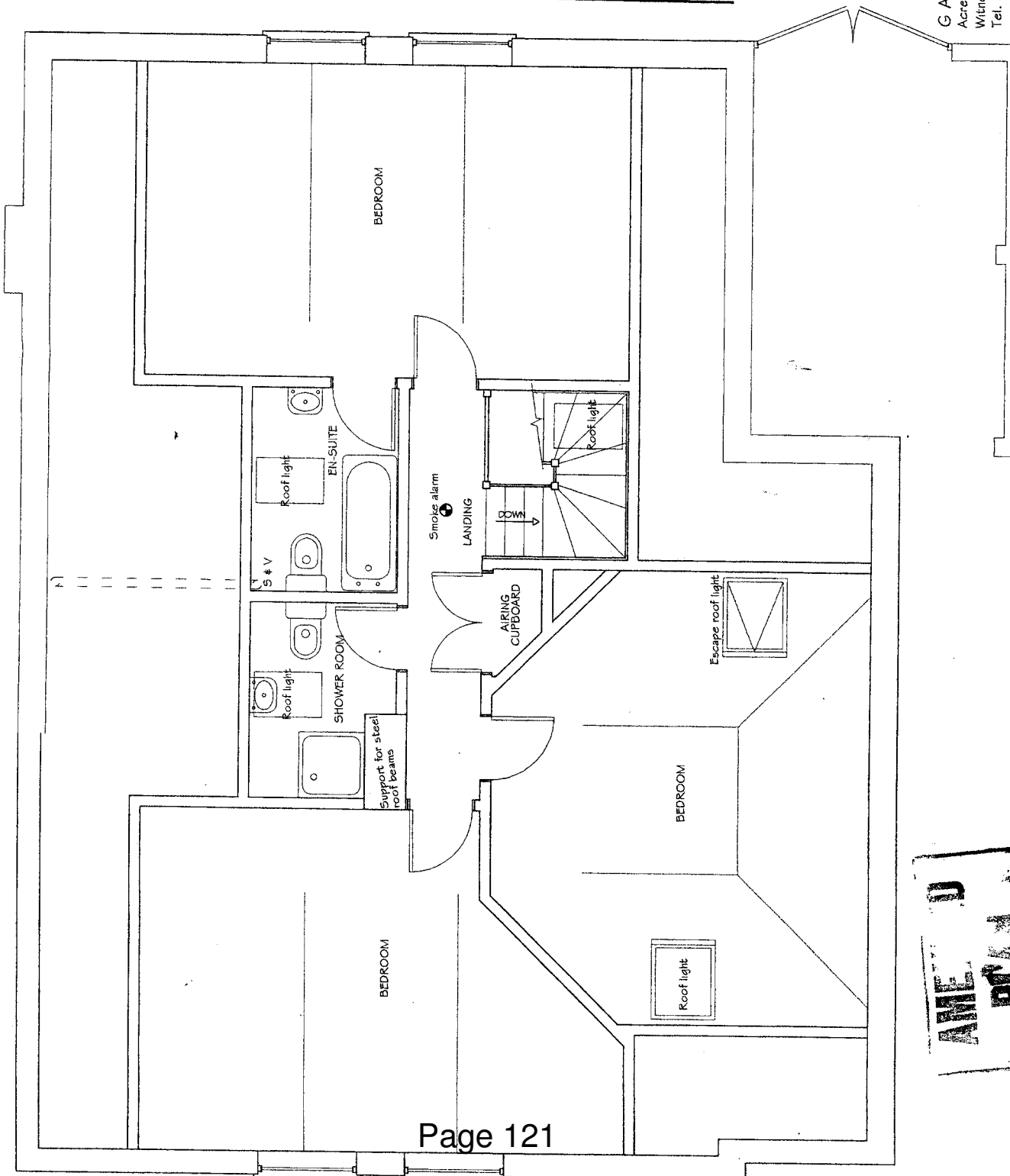


- 1:20 = 1.2m
- 1:50 = 3m
- 1:100 = 6m
- 1:200 = 12m
- 1:500 = 30m
- 1:1250 = 75m
- 1:2500 = 150m

Client: PAPA / WOOTTON  
 Scale: 1:50  
 Date: 08.01.18  
 Ref: 07/104/6R

G A J SOAME & ASSOCIATES,  
 Acre Cottage, Chapel Road, South Leigh,  
 Witney, Oxon OX29 6UP  
 Tel. No. 01993 772799

REAR EXTENSION, LOFT CONVERSION, & ALTERATIONS TO  
 174, OXFORD ROAD, ABINGDON, OXON



0 1.0M 2.0M 3.0M 4.0M 5.0M



A3

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# APPENDIX 1

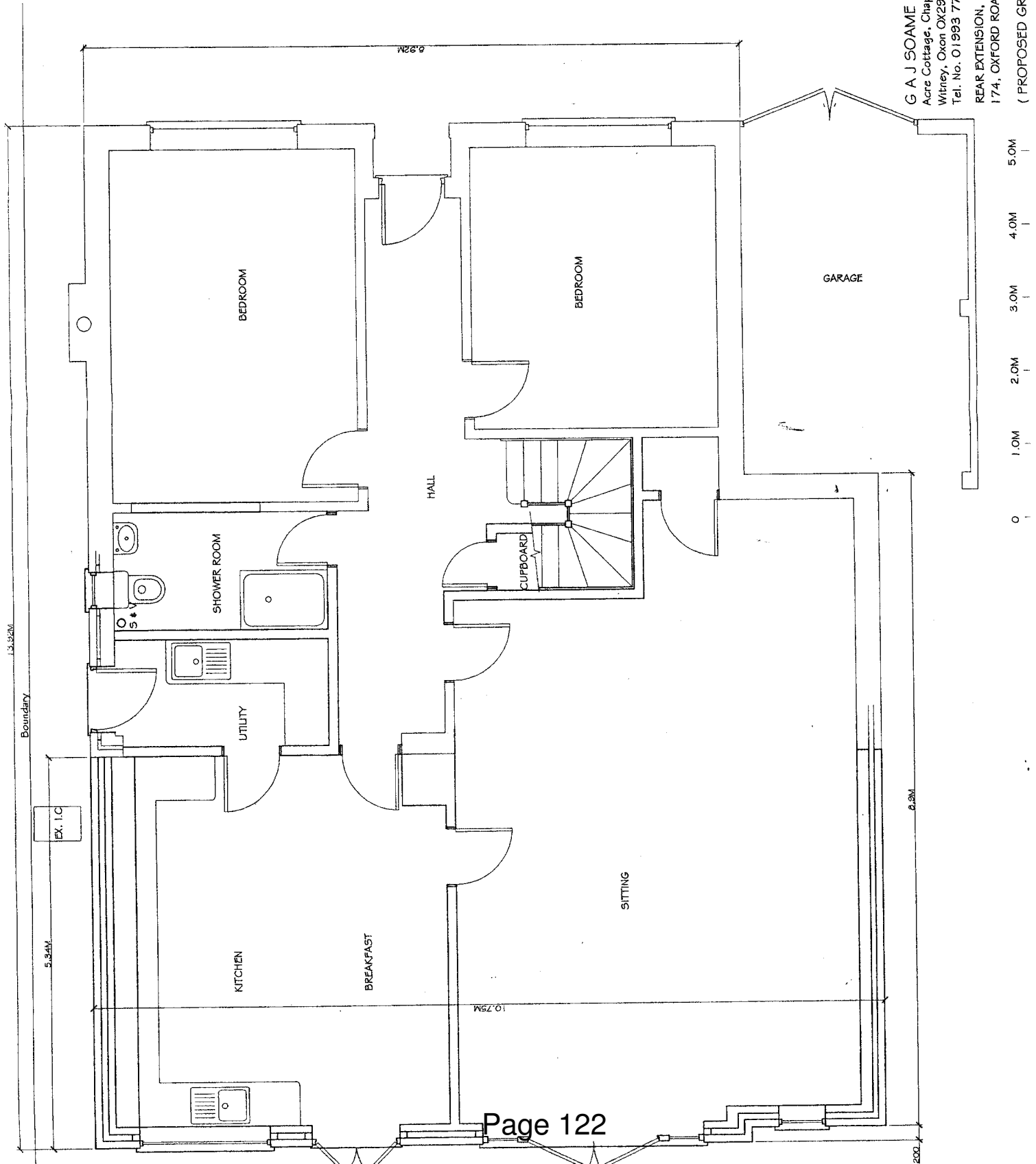
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08/0019/FUL 174/20413

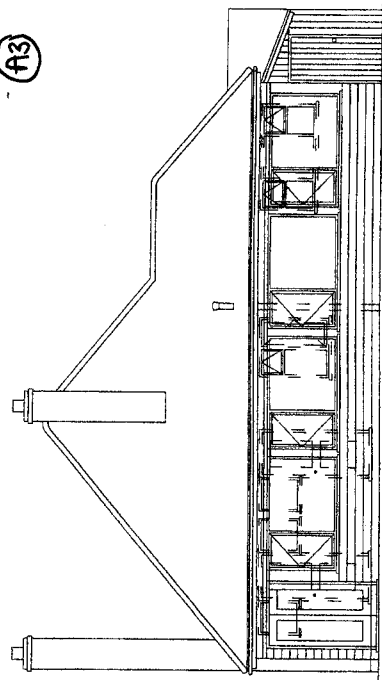
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 Date: 08.01.18  
 Ref: 071104/5

G A J SOAME & ASSOCIATES,  
 Acre Cottage, Chapel Road, South Leigh,  
 Witney, Oxon OX29 6UP  
 Tel. No. 01993 772799

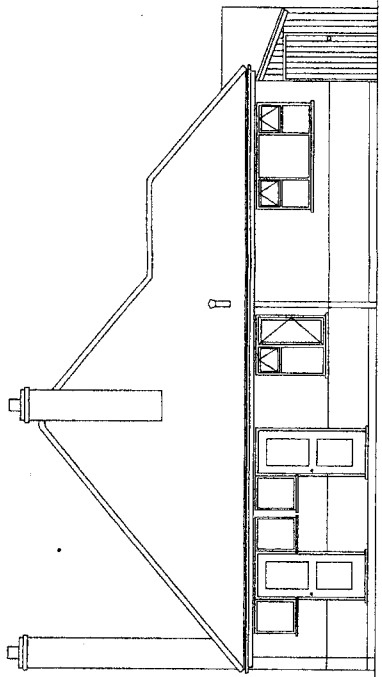
REAR EXTENSION, LOFT CONVERSION, & ALTERATIONS TO  
 174, OXFORD ROAD, ABINGDON, OXON  
 ( PROPOSED GROUND FLOOR PLAN )



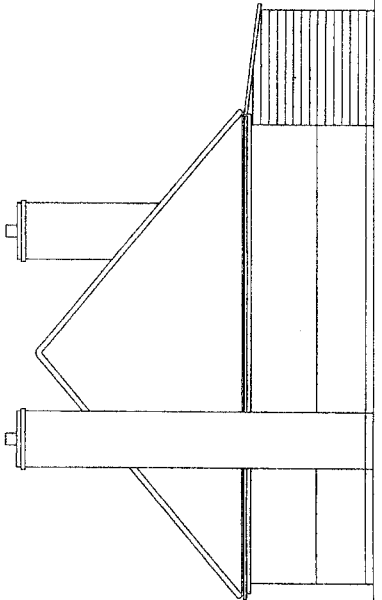
A3



EXISTING REAR ELEVATION PLUS CONSERVATORY



EXISTING REAR ELEVATION MINUS CONSERVATORY

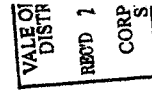


EXISTING SIDE ELEVATION

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P  
1:50 = 1.2m  
1:100 = 3m  
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1:750 = 30m  
1:1500 = 75m  
1:2500 = 150m  
A3

# APPENDIX 1



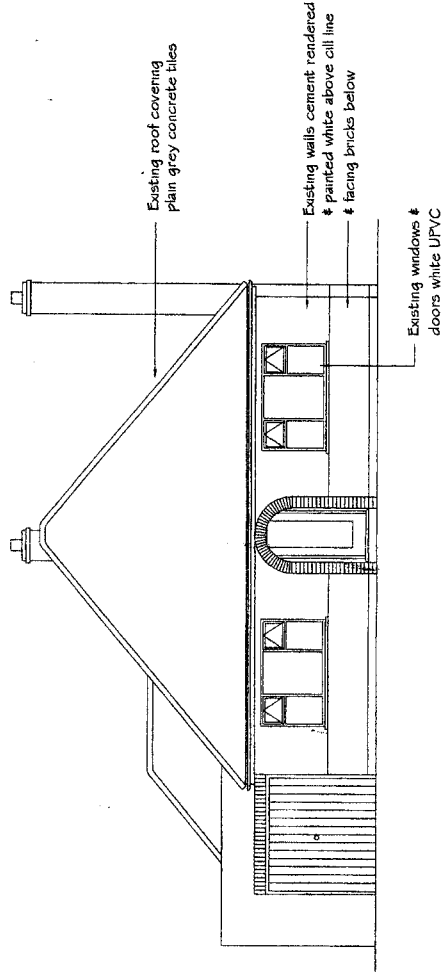
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G A J SOAME & ASSOCIATES,  
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Tel. No. 01993 772799

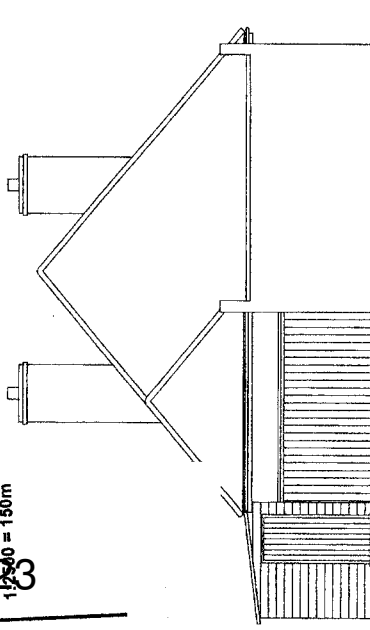
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Scale: 1:100  
Date: 07.12.20  
Ref: 071104/4

REAR EXTENSION, LOFT CONVERSION, & ALTERATIONS TO  
174, OXFORD ROAD, ABINGDON, OXON

EXISTING ELEVATIONS



EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION

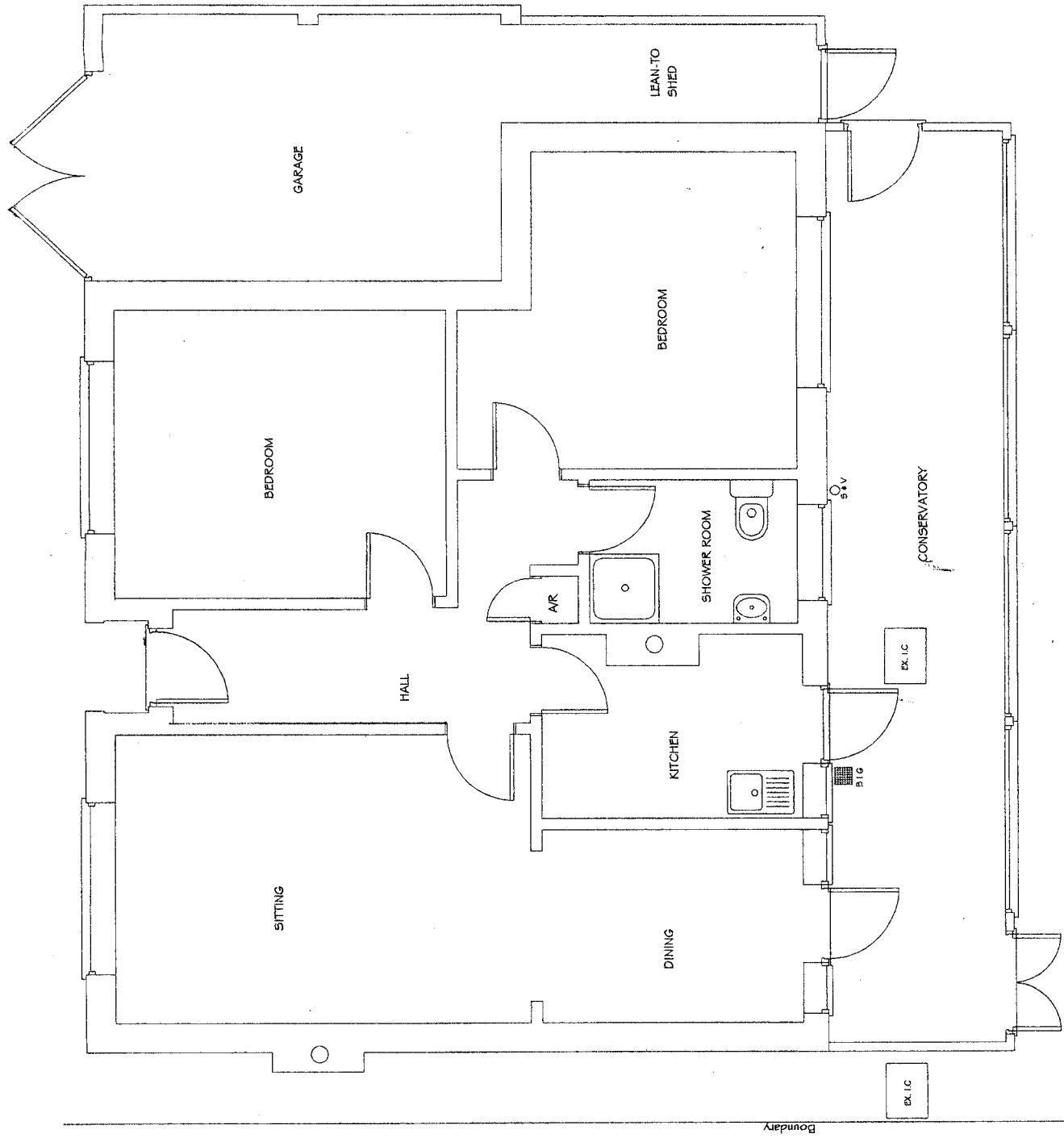
VALE OF WHITE HORSE  
DISTRICT COUNCIL  
RB00D 2 3 JAN 2008  
CORPORATE POSTAL  
SERVICES 5

08/0019/ful ABG/2041

Client: PAPA / WOOTTIC  
Scale: 1:100  
Date: 07.12.20  
Ref: 07/104/3

G A J SOAME & ASSOCIATES,  
Acre Cottage, Chapel Road, South Leigh,  
Witney, Oxon OX29 6JF  
Tel. No. 01993 772799

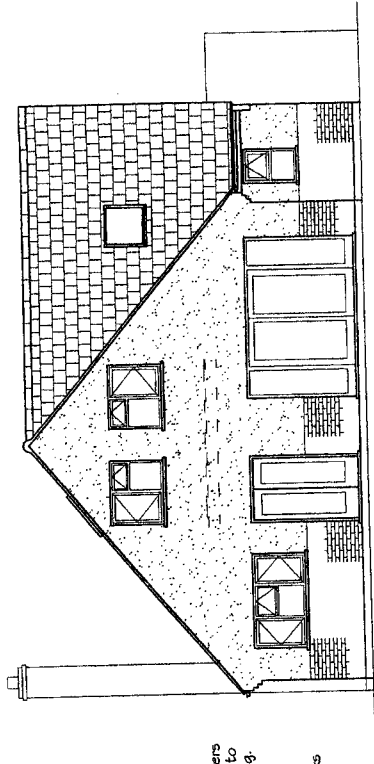
REAR EXTENSION, LOFT CONVERSION, \* ALTERATIONS TO  
174, OXFORD ROAD, ABINGDON, OXON  
( EXISTING GROUND FLOOR PLAN )



APPENDIX 1

AS

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PROPOSED REAR ELEVATION

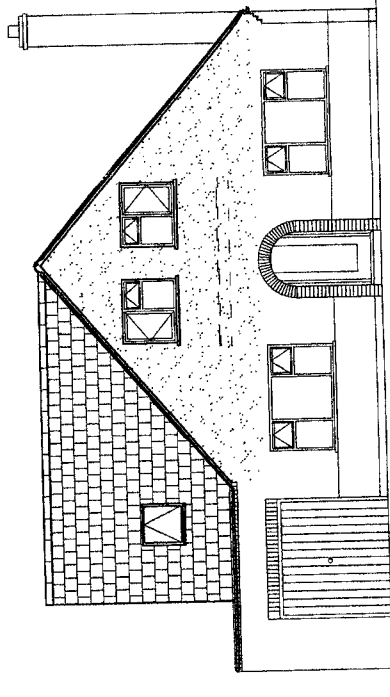
White UPVC windows & doors to match existing.

Plain grey concrete tiles to match existing.

Fascias, gutters & downpipes to match existing.

Cement rendered walls painted white above cill line & facing bricks below to match existing.

VALE OF WHITE HORSE DISTRICT COUNCIL  
RECD 23 JAN 2008  
CORPORATE POSTAL SERVICES - 5



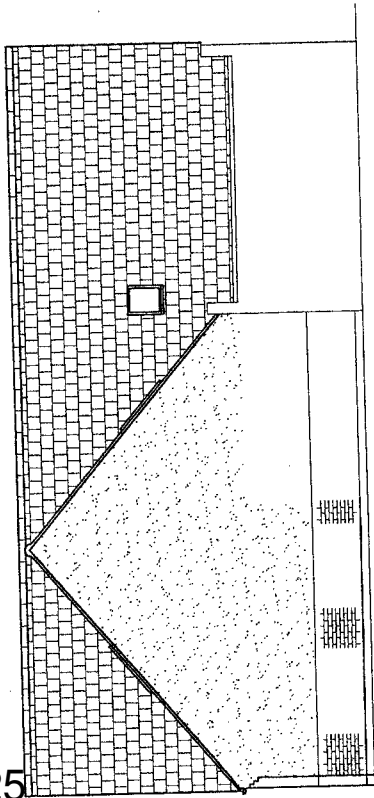
PROPOSED FRONT ELEVATION

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1:500 = 30m  
1:1250 = 75m  
1:2500 = 150m

0 1.0M 2.0M 3.0M 4.0M 5.0M  
( PROPOSED ELEVATIONS )

APPENDIX 1

PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION

**SUPERSEDED**

08/00119 / full A69/20415

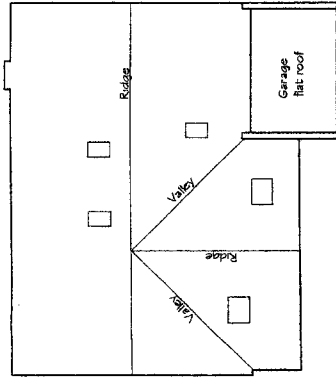
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Ref: 07/1047

G A J SOAME & ASSOCIATES,  
Acre Cottage, Chapel Road, South Leigh,  
Whitney, Oxon OX29 6JP  
Tel. No. 01993 772799

REAR EXTENSION, LOFT CONVERSION, & ALTERATIONS TO  
174, OXFORD ROAD, ABINGDON, OXON

( PROPOSED ELEVATIONS )

A3



ROOF PLAN  
SCALE 1:2500

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- 1:50 = 3m
- 1:100 = 6m
- 1:200 = 12m
- 1:500 = 30m
- 1:1250 = 75m
- 1:2500 = 150m

# APPENDIX 1

OFFICE OF WHITE HORSE  
STRICT COUNCIL  
23 JAN 2008  
CORPORATE POSTAL  
SERVICES - 5

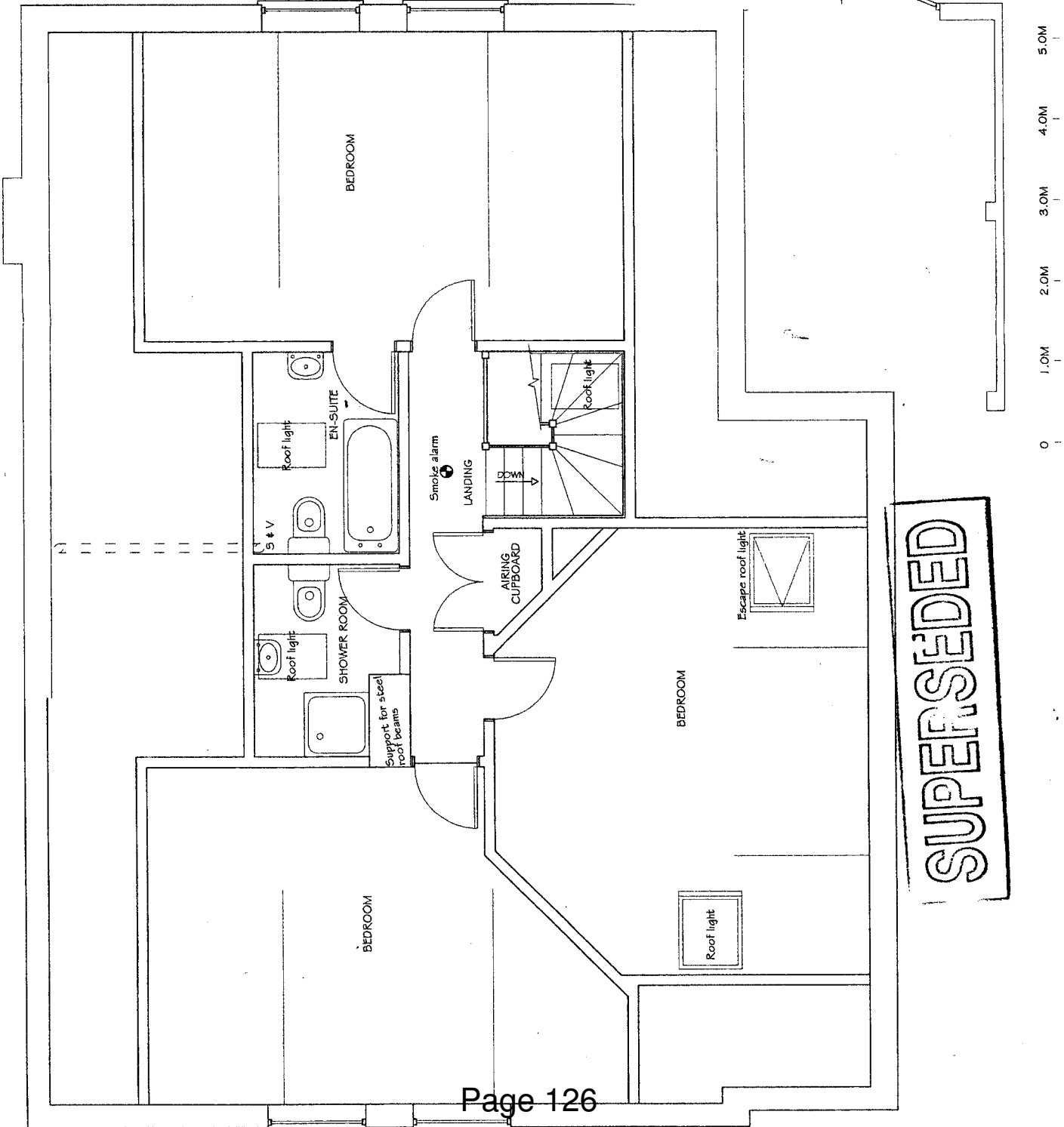
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Ref: 071104/G

G A J SOAME & ASSOCIATES,  
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Witney, Oxon OX29 6JF  
Tel. No. 01993 772799

REAR EXTENSION, LOFT CONVERSION, & ALTERATIONS TO  
174, OXFORD ROAD, ABINGDON, OXON

( PROPOSED FIRST FLOOR PLAN )



**KEN/20447 – Mr J Eekelaar**

**Variation of condition 3 of planning permission KEN/7664 to exclude number 5 Perkins from age restriction.**

**5 Perkins, Upper Road, Kennington, OX1 5LN**

**1.0 The Proposal**

- 1.1 This application seeks to vary condition 3 of planning permission KEN/7664 which granted planning permission for the erection of 7 old person bungalows in March 1984. The condition requires the occupation of the dwellings to be restricted to persons over the age of 55 years unless otherwise agreed in writing by the District Planning Authority.
- 1.2 The condition was imposed for the following reason: “because the scheme was designed specifically for elderly persons”. The application originally sought to lower the age limit to 30 and to impose a single occupancy restriction. This has since been amended to vary the condition on the basis of excluding no. 5 from the age restriction.
- 1.3 A copy of the plan showing the location of the property and the applicant’s supporting statement are attached at **Appendix 1**.
- 1.4 The application comes to Committee at the request of Councillor Jerry Patterson and because Kennington Parish Council objects to the application.

**2.0 Planning History**

- 2.1 See above.

**3.0 Planning Policies**

- 3.1 *Vale of White Horse Local Plan 2011*  
Policies DC1, DC5 and DC9 (quality of new development) are relevant and seek to ensure that all new development is of a high standard of design / landscaping; does not cause harm to the amenity of neighbours; the development is acceptable in terms of highway safety.

**4.0 Consultations**

- 4.1 Kennington Parish Council has objected to the application and their comments are attached at **Appendix 2**.
- 4.2 The County Engineer has no objections to the variation proposed stating:

“Typically lower levels of trip generation and parking demand are associated with care and nursing homes for the elderly. However no such data is held for private housing for those over 55. The spirit of the condition was to provide for the elderly who, perhaps at that time, were likely to be less active in terms of car use and ownership. However I doubt this would be applicable now and indeed would not necessarily describe someone over the age of 55 as elderly. For example it is quite probable a couple, meeting this criterion, would both be in full-time employment and would travel to work by car. Therefore, whilst there may have been some merit to the condition at the time of granting planning permission, it is now, in highway terms, considered of little significance.

- 4.3 With regard to the provision of off-street parking; there would be some potential for an overspill of parking, however, this would be most likely to take place at the end of a cul-de-sac and would not significantly impact upon highway safety. Please note; the potential for the aforementioned overspill of parking would be no greater than currently exists with the condition imposed.
- 4.4 Therefore the Local Highway Authority has no objection to this application.”
- 4.5 5 letters of objection have been received, which are summarised as follows:
- Neighbouring residents are very concerned that unrestricted occupation could give rise to noise nuisance from younger occupants.
  - The proposal will set a precedent.
  - There is no need to remove this property from the restriction in order to sell it.
  - Altering the age limit to 30 is not acceptable to neighbouring residents.
  - Restricting the property to single occupancy would be impossible to enforce.
  - There are few properties in Kennington with an age restriction and there is a demand for such property. 2 other bungalows at Perkins have been sold recently, which proves there is a demand for these retirement bungalows.
  - There is at present a problem with car parking in this development. Lowering / removing the age restriction will most likely increase the number of residents needing car parking spaces.

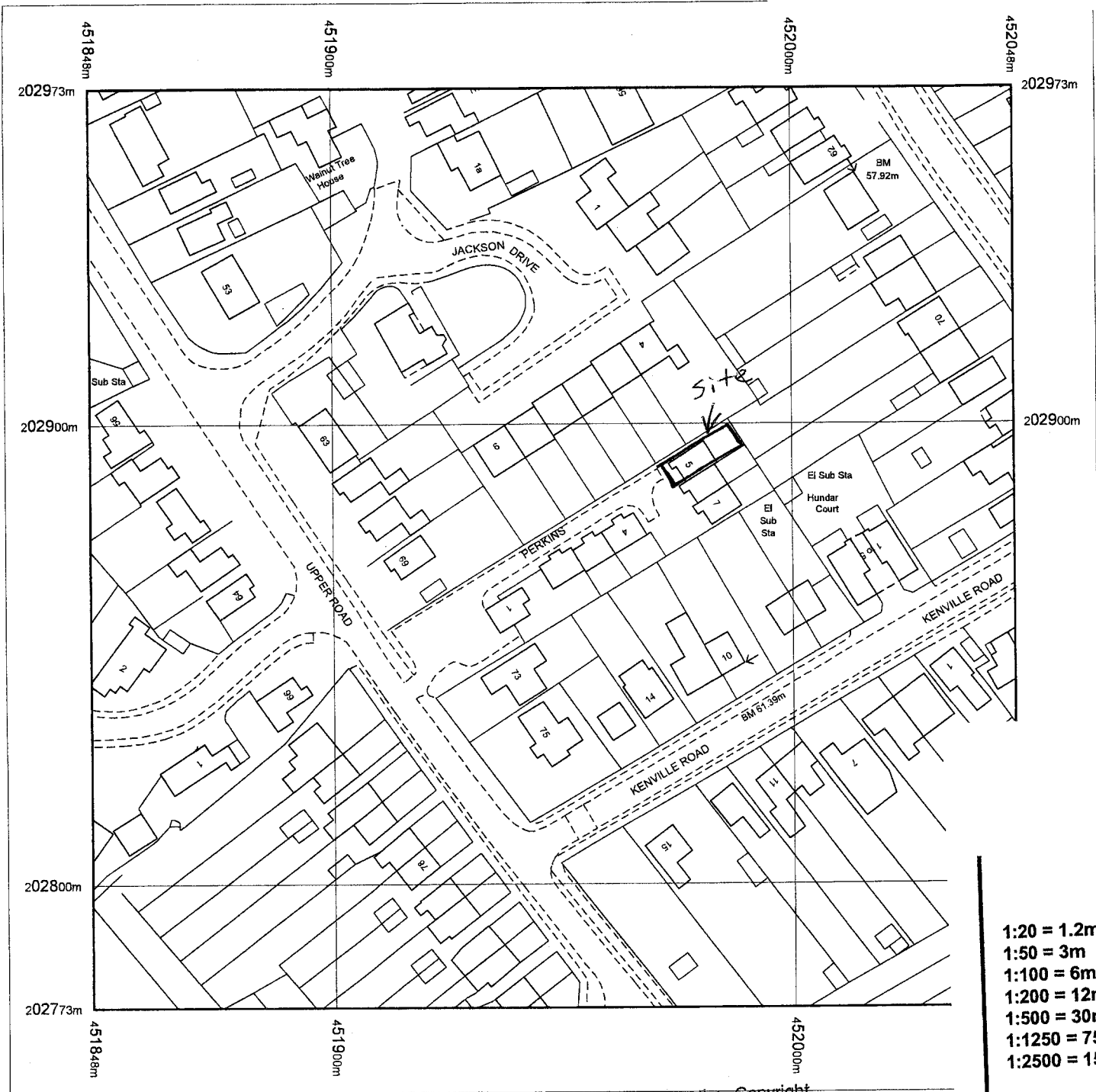
## 5.0 **Officer Comments**

- 5.1 The main issue in this case is whether the proposed variation to the condition to effectively enable general needs housing at No.5 Perkins would have any appreciable impact on the whole development or on the character of the surrounding area that could be detrimental to neighbouring residents.
- 5.2 The original development in 1984 created 7x1 bed units which were designed for elderly occupancy (i.e. easy access with a single ground floor). The condition was imposed as a result of this tailored design, as evidenced by the reason given on the decision notice (see section 1 above).
- 5.3 Since the planning permission was granted in 1984, Government advice on the imposition of conditions has changed, whereby if one were considering the imposition of such a condition today, the condition would need to comply with the six tests for the validity of conditions as set out in Circular 11/95 – Use of Conditions in Planning Permissions. Paragraph 92 of this Circular covers the issue of occupancy conditions and states:
- “Since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will normally be irrelevant. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated, and where the alternative would normally be refusal of permission.”
- 5.4 As a general rule age restriction conditions are only imposed where normal planning standards (parking, privacy etc) are reduced to a level that would render a general housing scheme to be unacceptable or where a site lies within an area where general



residential development would not normally be permitted. This is normally based on the fact that such conditions are not readily enforceable and are often unnecessary.

- 5.5 The site clearly lies within the built up area of Kennington whereby new residential development, in principle, would be allowed, and sufficient amenity space exists on site for each dwelling whereby the overall layout of the existing development would be acceptable for general housing needs.
- 5.6 Your Officers, therefore, have considered relevant case law in consideration of this application as to whether there would be any other reason to withhold permission for the proposed variation.
- 5.7 One legitimate concern that is apparent is that reducing / relaxing the age of occupancy could give rise to additional car parking demand which may result in a reduction of residential amenity and highway safety. However, the development was constructed in the mid 1980s where parking standards were more generous than the standards today. Under current maximum standards only 1 parking space would be required for this 1 bedroom dwelling, and this currently exists on site. The County Engineer has commented that the imposition of the condition in today's climate has 'little significance'. It is also worthy to note an appeal on a similar case where a reduction in age was allowed on the grounds that 'car parking requirements were unlikely to be different'. Your Officers, therefore, consider withholding permission on highway grounds would not be defensible on appeal.
- 5.8 The only other issue for consideration is whether harm would arise from occupancy of No.5 by a younger person. In this respect your Officers consider that such occupation would not be harmful, as evidenced from relevant appeal cases. In the first case, it was argued that young couples were likely to lead a more active lifestyle than the elderly. An Inspector accepted that young people were likely to have a higher per capita car ownership and that the extra vehicle movements would lead to more noise and disturbance. The inspector thought it wrong, however, to assume that the young would behave unduly noisily, and if they did the remedy was outside planning legislation. It was also stated that some peoples hearing impairs with age and so many elderly need to listen to the radio etc at a higher volume than others. In the second case an Inspector concluded that persons under the age restriction imposed would not be likely to make greater use of the grassed areas within the development such as to cause a nuisance. Nor was their lifestyle likely to disturb more elderly neighbours.
- 5.9 In the light of all of the above, your Officers do not consider that planning permission could reasonably be withheld.
- 6.0 **Recommendation**
- 6.1 *That planning permission to vary condition 3 of KEN/7664 to exclude No.5 Perkins be granted.*



- 1:20 = 1.2m
- 1:50 = 3m
- 1:100 = 6m
- 1:200 = 12m
- 1:500 = 30m
- 1:1250 = 75m
- 1:2500 = 150m

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The representation of features as lines is no evidence of a property boundary.

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Supplied by: **Blackwells**  
 Serial number: 00459600  
 Centre coordinates: 451948 202873

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[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)

*KEN/20447*  
*08/00275/KUL*

*A4*

Ridgeway Cottage, The Ridgeway,  
Boars Hill, Oxford OX1 5EX  
Tel. 01865-735485 (h)  
01865-276429 (w)

2 February 2008

Stuart Walker,  
Principal Planning Officer,  
VWHDC,  
Abbey House,  
Abingdon OX14 3JE

**APPENDIX 1**

Dear Mr Walker,

**Bungalow 5, Perkins, 71 Upper Road, Kennington**

I wrote to you on 3 December 2007 regarding this property, asking if you would consider giving permission to depart from the age restriction of 55 in the planning consent in the case of a prospective buyer with a disability. You were kind enough to respond quickly (6<sup>th</sup> December) agreeing to do this. Unfortunately, the transaction fell through because of the failure of the prospective buyer to sell his property.

I would like to make another request, arising from the same considerations as the one of 3 December, namely, the apparent lack of demand for a property with this restriction. The result is that a property which the agent assures me would be attractive to someone who is not qualified stands empty. You point out that the reasons for the original imposition of the restriction were that the site is deficient in car parking (only one bay is available per property) and to ensure that such accommodation would be available in Kennington.

The second reason seems now to have lost all weight, since there is clearly no demand for such accommodation in Kennington which requires special protection. The first concern could be met if the planning authority was prepared to allow occupancy by a person under 55, but only on the basis that the occupancy was single occupancy. There is only one bedroom, and it is very unlikely that a single person would have more than one car.

Might the authority therefore agree, as you did in the abortive case last year, that it will give permission for occupancy in the case of someone under 55, but only if that person occupied the property as a single occupant? I think there are likely to be many single people working in and around Oxford who would be attracted by the property. It might be reasonable to impose a lower age limit of, say, 30.

I have discussed this with the Chairman of the Perkins Residents Association, who is supportive, and the residents of the next-door property (No. 6), who would be very happy to have No 5 occupied on this basis. They share my view that the introduction of a younger person into the ageing residents group would be an actual benefit.

I would be very grateful for your reaction to this.

Yours sincerely,  
John Eckelaar



**Kennington Parish Council  
Oxfordshire**

**KEN/20447            5 Perkins Upper Road Kennington  
Vary condition number 3 of planning permission KEN/7664 to exclude number 5  
Perkins Upper Road Kennington.**

The Parish Council object strongly to the application for the following reasons:

- Perkins was developed specifically as old persons bungalows. The Parish Council sees this as a valuable resource in an increasingly ageing population.
- Removal of this condition from one of the bungalows would set a precedent and be difficult to resist for the other properties. This would change the nature of the development to the detriment of those living there at present.

The members of the Parish Council were convinced that with correct marketing and a realistic price this property could be sold as a retirement home.

*Pam Johnston*

Pam Johnston  
Clerk to the Council

**APPENDIX 2**