

APPLICATION NO.	P21/V2176/FUL
SITE	Land at Kiln Lane, Drayton, OX14 4FE
PARISH	DRAYTON
PROPOSAL	Demolition of single dwelling and associated outbuildings and structures, and erection of 5x4bed and 3x5bed detached dwellings with associated parking and landscaping. (As amended by plans and additional information received 14 September 2021 and 14 February 2022, including change to red line area and description amendment. Additional documentation received 29 March 2022. Corrected plans received 6 April 2022).
WARD MEMBER(S)	Andy Cooke
APPLICANT	JARE Ltd
OFFICER	Sally Appleyard

RECOMMENDATION

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

Standard

1. Commencement of development within three years
2. Development in accordance with approved plans

Pre-commencement

3. Details of materials to be submitted
4. Landscaping scheme
5. Tree/Hedge Protection details
6. Phased contaminated land risk assessment
7. Access and visibility details to be submitted
8. Construction traffic management plan
9. Surface water drainage scheme
10. Foul water drainage scheme
11. Biodiversity off-setting certificate
12. Biodiversity enhancement details
13. Details of any external lighting

Pre-occupation

14. Management of open space
15. Parking plan, including visitor parking, to be submitted
16. Details of boundary treatments

- 17. Bin storage details**
- 18. Bin presentation point details**
- 19. Contamination validation report**
- 20. SUDs compliance report**
- 21. Cycle parking in accordance with plan**

Compliance

- 22. Construction working hours**
- 23. Compliance with ecological mitigation measures**
- 24. Unsuspected contamination**
- 25. First floor side windows to be obscure glazed**
- 26. Rooflight sill height to be 1.7 metres from finish floor level**
- 27. Garages to be retained for parking**

Informatives

CIL

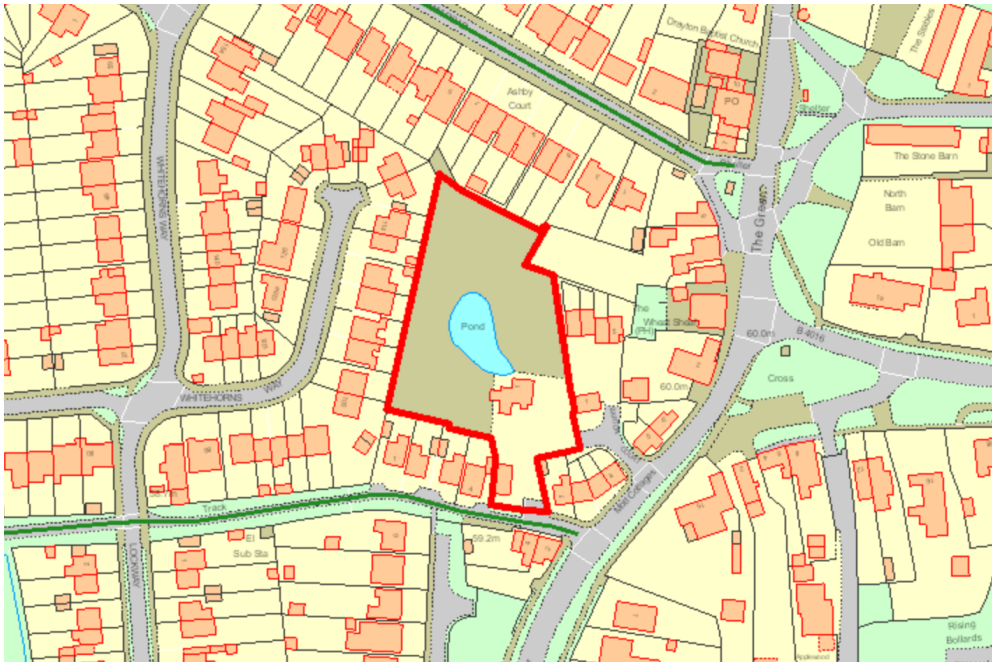
INF17 – Works within the highway

PRoWs

Thames Water

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The application is referred to planning committee at the Development Manager's discretion.
- 1.2 The application site is located within the village of Drayton. The site is currently occupied by a detached bungalow with a detached garage/workshop and other ancillary structures. The site was cleared of trees and vegetation prior to the submission of the planning application.
- 1.3 The application site is accessed from Kiln Lane to the south, a public right of way, off Steventon Road to the east. The site is surrounded by existing residential properties on all sides. The site is relatively flat, except for a steep incline of approximately 3.0 metres in height at the northern end of the site.
- 1.4 A site location plan is provided below:



- 1.5 As originally submitted, the application sought planning permission for the erection of nine detached dwellings, with associated car parking and landscaping.
- 1.6 The application has been subject to amendments which include the reduction in number of units proposed from nine to eight units along with alterations to layout and dwelling types. The red line has also been amended to include the garage/workshop building at the front of the site, which is now proposed to be demolished. Reference to re-development of brownfield land has also been omitted from the application description, as land in built-up areas such as residential gardens does not meet the definition of previously developed land as set out in the NPPF.
- 1.7 The latest layout plan, elevations and floor plans of the dwellings are **attached** at Appendix 1. All other plans and technical documents are available to view online at www.whitehorsedc.gov.uk.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 This a summary of the final responses received from consultees and third parties to the application. Full responses can be viewed online on the council's website: www.whitehorsedc.gov.uk

<p>Drayton Parish Council</p>	<p><u>Second Consultation (February 2022)</u></p> <p>Objection</p> <ul style="list-style-type: none"> • Previous objections have not been addressed • Disappointed that there are no smaller affordable houses provided
	<p><u>First Consultation (August 2021)</u></p> <p>Objection</p>

	<ul style="list-style-type: none"> • Allocation of development plots in Drayton already exceeds the SHMA • The clearing of the site and its development is not in accordance with the NDP policy on Biodiversity P-S1. • A comprehensive contamination assessment and remedial plan would be expected given previous uses • The density appears more urban than rural • There is a significant possibility of overlooking • The development would generate a significant increase in traffic at the junction of Kiln Lane and Steventon Road. Increasing traffic volumes will make it a dangerous junction • The NDP seeks for a mix of housing types to provide more smaller and affordable homes.
<p>Local Residents</p>	<p><u>Second Consultation (February 2022)</u> 12 further letters of objection have been received, and the following concerns raised:</p> <ul style="list-style-type: none"> • Reduction of one house does not go far enough • Too much extra traffic • Housing mix is not in accordance with policy • No provision of affordable housing • The amendments do not address concerns regarding traffic and highway safety • Construction access and movements • Egress and access for refuse vehicles • Ecological Assessment is not representative of the site before clearance • Flood risk concerns from filling in the pond, which should be reinstated • The site does not meet the criteria to be classified as a Brownfield Site • Overlooking and loss of privacy • Loss of light • No indication of street lighting locations • No indication of tree planting details • Timing and length of consultation • Target decision date has been extended several times • Inconsistencies and discrepancies with plans • Planting on top of slope is not sufficient to protect privacy and prevent overlooking • Devaluation of existing properties • Stability of slope during construction • Boundary treatments and damage to private passageway belonging to 2, 3 and 4 Ashby Court

- Land contamination
- Noise of construction
- Unsustainable development
- Damage during construction
- Increase in land levels
- Demolition of garage building and impact on property
- Proximity to boundaries and neighbouring properties

First Consultation (August 2021)

One letter of support, and 24 letters of objection have been received, and the following concerns raised:

- It is not a brownfield site
- Site clearance occurred before application submitted, resulting in a loss of trees and habitat
- Flood risk and drainage concerns from filling in pond
- The proposed development would result in increased light pollution
- Increase in noise pollution
- Overlooking and loss of privacy to neighbours
- Disruption to local amenities
- Traffic increase, visibility and impact on highway safety
- Distance to boundaries and impact on neighbours in terms of dominance, overshadowing, loss of light and visual intrusion
- Neighbouring properties not represented accurately on plans
- Concerns regarding boundary treatments
- Overdevelopment of the site
- Road surface of Kiln Lane is poor
- Contamination risks
- Gardens are small
- Mix of proposed dwellings does not meet policy CP4 or the Drayton NDP, with more 3-bed dwellings required
- Insufficient parking provision and turning space
- Lack of detail regarding external lighting
- Bin store locations
- Lack of detail regarding proposed tree planting and maintenance
- Traffic calming measures into the site are required
- Consultation period too short and timing of consultation within school holidays
- Devaluation of surrounding properties

	<ul style="list-style-type: none"> • Lack of detail regarding slope at northern end of site • Damage to private pathways behind 2, 3 and 4 Ashby Court • Construction noise and access • Damage during construction • Trees along western boundary to be retained • What the plan is for the garage/workshop building as not included in plans • Landscape maintenance • Bin collection point for existing properties • The site is not earmarked for development within the Drayton Neighbourhood Plan
<p>Councillor Andy Cooke</p>	<p><u>Second Consultation (February 2022)</u> Objection, for the following reasons:</p> <ul style="list-style-type: none"> • Previous comments remain extant and have not been addressed • Biodiversity off-setting calculation taken from after the site was cleared • Replacement tree planting cannot come close to the extent of tree removal already occurred • The proposed development does not comply with the VOWH Local Plan or the Drayton NDP. <p><u>First Consultation (August 2021)</u> Objection, for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development does not meet a local need or help support local services • No infrastructure has been proposed. The proposed development would be liable for CIL • Greater provision for 1-3 bed and 2-3 bed properties required, and affordable homes • The proposal does not comply with policy CP23 (housing density), and higher density development should be encouraged. • The site must provide affordable housing • Flood risk • Restoration of trees and hedgerows of those removed from site will need to be provided • The site has occurred a significant loss in biodiversity as a result of the site clearance, and this must be restored • Existing sewerage provision in Drayton has had significant issues recently and must be addressed • Access and visibility • Neighbour impact • Land contamination risks

<p>Countryside Officer</p>	<p><u>Third Consultation (March 2022)</u> No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Biodiversity offsetting • Compliance with ecological mitigation measures • Details of biodiversity enhancements <p><u>Second Consultation (February 2022)</u></p> <ul style="list-style-type: none"> • Biodiversity metric calculation does not considered the activities taken place prior to the submission of the application, contrary to guidance <p><u>First Consultation (August 2021)</u> Holding objection</p> <ul style="list-style-type: none"> • Preliminary Ecological Appraisal and biodiversity metric calculation to be undertaken
<p>Highways Officer (Oxfordshire County Council)</p>	<p><u>Second Consultation (February 2022)</u> No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Garage accommodation to be retained for parking vehicles • Details of vehicular access to be submitted • Car parking in accordance with plans • Construction Traffic Management Plan • Provision of bicycle parking in accordance with plans <p><u>First Consultation (August 2021)</u> Objection, for the following reasons:</p> <ul style="list-style-type: none"> • Insufficient turning provision for vehicles accessing and egressing the site • Insufficient information pertaining to access and parking provision
<p>Drainage Engineer</p>	<p><u>Second Consultation (February 2022)</u> No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Sustainable drainage scheme • Foul drainage scheme • SUDS Compliance report <p><u>First Consultation (August 2021)</u> Objection, for the following reasons:</p> <ul style="list-style-type: none"> • Further information including the provision of a detailed topographical survey and drainage investigation should be submitted to confirm details of this feature and to investigate any discharge points or inflow / outflow arrangements to / from the pond.

	<ul style="list-style-type: none"> • Sustainable drainage has not been incorporated within the layout
Thames Water	<p><u>Second Consultation (February 2022)</u> No objection, subject to an informative:</p> <ul style="list-style-type: none"> • Water pressure <p><u>First Consultation (August 2021)</u> Not consulted</p>
Forestry Officer	<p><u>Second Consultation (February 2022)</u> No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Tree and Hedge protection during construction • Landscaping scheme <p><u>First Consultation (August 2021)</u> No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Tree and Hedge protection during construction • Landscaping scheme
Contaminated Land	<p><u>Second Consultation (February 2022)</u> No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Phased contaminated land risk assessment and validation report to be submitted <p><u>First Consultation (August 2021)</u> Holding objection</p> <ul style="list-style-type: none"> • Further information required
Waste Management Officer (District Council)	<p><u>Second Consultation (February 2022)</u> No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Bin presentation points <p><u>First Consultation (August 2021)</u> Holding objection</p> <ul style="list-style-type: none"> • Access and turning for waste collection vehicles
County Archaeologist (VWHDC)	<p><u>Second Consultation (February 2022)</u> No objection</p> <p><u>First Consultation (August 2021)</u> No objection</p>
Countryside Access	No response

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P07/V1296](#) - Approved (15/10/2007)

Demolition of existing building on site and erection of 4 x 3 bedroom detached dwellings complete with access driveways, garaging, parking, screening, and external works to upgrade existing access. Erection of double garage, workshop and gates.

[P01/V0068](#) - Approved (22/02/2001)

Erect two pairs of gates.

[P99/V1481/O](#) - Approved (05/06/2000)

Erection of a single dwelling.

[P99/V1065/O](#) - Other Outcome (13/09/1999)

Demolition and clearance of garage and scrapyard. Residential development and garaging for existing bungalow.

[P77/V0406/O](#) - Approved (04/04/1977)

Proposed 4 bedroom detached dwellings with detached double garage (site area 12 acres)

3.2 **Pre-application History**

[P21/V1047/PEM](#) - Advice provided (11/06/2021)

Development of a brownfield site in Drayton to provide 9 purpose built houses to modern space and environmental standards.

3.3 **Screening Opinion requests**

None

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal does not fall within a category of development that would be subject to EIA.

5.0 **MAIN ISSUES**

5.1 The relevant planning considerations are the following:

- Principle of development
- Design and Layout
- Housing Mix/Density
- Heritage Assets
- Residential Amenity
- Trees and Landscaping
- Biodiversity
- Traffic, parking, and highway safety
- Flood Risk and Drainage
- Contamination
- Waste and Recycling
- Other considerations

- CIL
- Pre-commencement conditions

5.2 Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan currently comprises the Vale of White Horse Local Plan 2031 Part 1 and Part 2, together with the made Drayton Neighbourhood Plan (DNP). Paragraphs 15 and 16 of the NPPF confirms that a core principle of the planning system is that it is plan-led, to give predictability to the planning process. Paragraph 11 states that, where an up-to- date local plan exists, decisions should be taken in accordance with the local plan.

5.3 The settlement hierarchy set out in Core Policy 3 of the Local Plan 2031 Part 1 identifies Drayton as one of the “larger” villages which are defined as having a limited range of employment, services and facilities. Core Policy 4 of the Local Plan 2031 Part 1 confirms there is a presumption in favour of sustainable development within the existing built areas of larger villages.

5.4 Core Policy 8 says that, in addition to the proposed strategic housing allocations, 1,696 dwellings remain to be identified in the Abingdon-on-Thames and Oxford Fringe Sub-Area and will be allocated through the Local Plan 2031 Part 2 and Neighbourhood Development Plans, or will be permitted through the normal development management process.

5.5 It is acknowledged that the DNP allocates three sites for housing in Drayton, totalling about 250 houses. However the DNP does not seek to prohibit development on sites other than those allocated, and it does not impose a ‘cap’ or ‘ceiling’ to sustainable development elsewhere. Policy P-LF2 of the DNP states: *“Housing development that does not extend the village’s boundaries (see Figure 4) through ribbon development along roads to the adjacent settlements of Abingdon, Steventon, Sutton Courtenay and Milton, will be supported, subject to compliance with other policies in the Neighbourhood Plan.”*

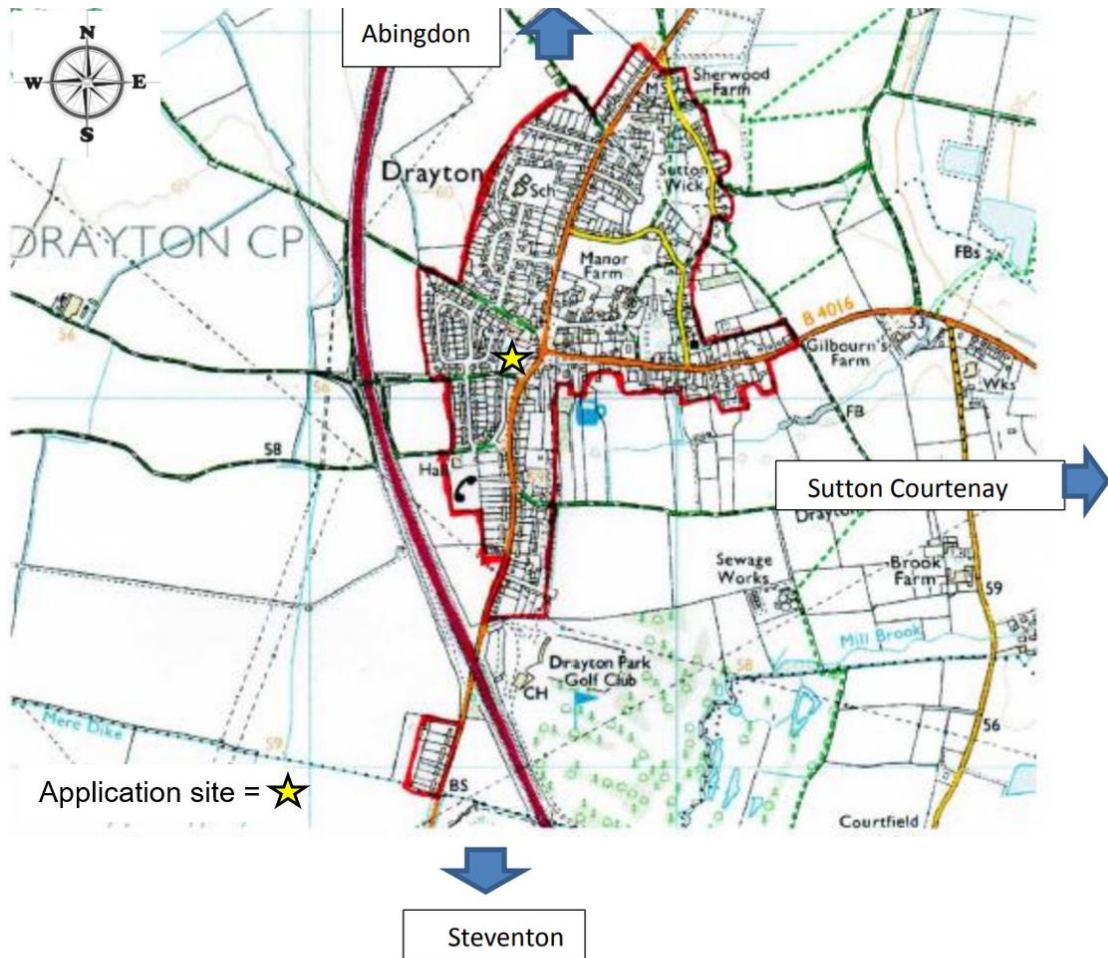


Figure 4 – Current Built Up Area for Drayton Village
(Outlined in Red)

- 5.6 The site is within the defined settlement boundary of the DNP, and in addition to Policy P-LF2, paragraph 110 of the DNP states: *“it makes sense to consolidate the village within the existing built ‘envelope’, rather than encourage the linear spread of the village outwards beyond its existing boundaries...”*
- 5.7 The proposed development of 8 residential dwellings is located within centre of the village and surrounded by existing residential dwellings. The proposed development is therefore located within the existing built area of the village, with the principle of development in this location supported by Policies CP3, CP4 and CP8 of the adopted Local Plan 2031, and with Policy P-LF2 of the DNP.
- 5.8 **Design and Layout**
The government attaches great importance to the design of the built environment. Paragraph 124 of the NPPF states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. The form, scale and design of any development should take its cue from its existing

context and new development should sit comfortably with existing built form and character of the wider area. Paragraph 127 of the NPPF states that decisions should ensure that developments will add to the overall quality of the area, are visually attractive as a result of good architecture, and are sympathetic to local character.

- 5.9 Core Policy 37 of the adopted Local Plan 2031 part 1 requires new development to be of a high-quality design that is visually attractive and the scale, height, massing and details are appropriate for the site and surrounding area. Policy P-LF3 of the Drayton Neighbourhood Plan requires new development to be designed to a high standard which responds to the distinctive character of Drayton and reflects the guidelines and principles as set out within the Drayton Design Guide (see Annex D of the DNP).
- 5.10 The Council's Design Guide provides a further guidance on how to achieve high quality, well-designed homes such as identifying the context of the site and how this should inform the development. Section 5 of the councils Design Guide sets out the design approach that should be adopted when designing buildings. This includes principles such as the scale, form and massing of buildings (DG51 and DG52) and the pitch and forms of roofs (DG57).
- 5.11 The Drayton Design Guide describes the village of Drayton as being rural in character, with the majority of dwellings set in spacious plots with private rear gardens. The site is within character area F, which is characterised by small pockets of infill development with a variety of style of dwellings presenting a strong frontage onto the public realm. Gables and dormer windows offer interest to the roofscape, with brick banding and lintels adding interest and echoing similar designs in the older built form in the High Street. Walls are predominantly red brick with grey slate on the roofs. Parking is mainly on driveways or in garages, with small private rear gardens.
- 5.12 *Layout*
The proposed scheme will comprise of 8 detached dwellings facing inward around a private driveway in a cul-de-sac arrangement. Each dwelling is sited comfortably within their plot, set off side boundaries with plenty of space in and around each dwelling, and each will have driveway parking and private amenity space to the rear of over 100 square metres. The layout and quantum of development is considered appropriate in this village location.
- 5.13 *Scale and Appearance*
The dwellings are proposed in a local vernacular style, consisting of two storey and two and a half storey dwellings. The scale of the development is considered to reflect the predominant heights within the area and is acceptable.
- 5.14 All dwelling types are considered to be simple in form, with rectangular floor plans and pitched roofs, and dormer windows being of a suitable size and sited appropriately in the roof slope. There are four dwelling types proposed, and the variation in scale, frontage widths and plan form add visual interest to the street scene. The proposed dwellings are to be constructed with red facing brick, cream render with a grey slate roof. Details such as string courses, fan headers

over the windows and doors and tile hanging features are also proposed. It is considered that the proposed materials are reflective of the character of the area and are acceptable in principle. Further specification of the proposed materials can be appropriately secured by condition.

5.15 *Boundary treatments*

Details of boundary treatments have not been shown on the plans as submitted, however it is considered that this can be appropriately dealt with by condition. It would be expected that the frontages are kept relatively open, with any boundary treatments to be low in height and reflective of the character of the area in terms of structure and materials.

5.16 Overall, it is considered that the scale, form, layout and appearance of the proposed development responds positively to the site and its surroundings, and complies with Policy CP37 of the LPP1, Policy P-LF3 of the DNP, and with both the Councils Design Guide and the Drayton Design Guide.

5.17 **Housing Mix/Density**

Policy CP22 of the LPP1 seeks to ensure that the right mix of housing sizes, types and tenures are provided on all residential development sites. It is recognised that the DNP highlights a preference towards “1-2 bedroom houses and flats as well as a greater number of 2-3 bedroom homes, and affordable housing”.

5.18 Policy CP23 of the LPP1 seeks to ensure that a minimum density of 30 dwellings per hectare are provided on all new developments, however this is unless specific local circumstances indicate that this would have an adverse effect on the character of the area.

5.19 The proposed development consists of 5x4 bed dwellings and 3x5 bed dwellings, which officers acknowledge is not SHMA compliant. However, officers have had to weigh this against the scale of development appropriate for the site to ensure that the development is in keeping with the character of the area. It is considered that eight dwellings sited in spacious plots with sufficient landscaping is more appropriate than a higher density scheme of smaller dwellings which could appear cramped and overdeveloped.

5.20 It is noted that several comments highlight the need for affordable housing. Paragraph 64 of the NPPF states that “*Provision of affordable housing should not be sought for residential developments that are not major developments...*”. Major developments are defined as 10 or more residential dwellings within the Town and Country Planning (Development Management Procedure) (England) Order 2010. The provision of affordable housing is therefore not a policy requirement for a development of this size.

5.21 **Heritage Assets**

Policy CP39 of the adopted LPP1 seeks to ensure that new development conserves, and where possible enhances, designated heritage assets and non-designated heritage assets and their setting in accordance with national guidance and legislation. Policies DP36, DP37 and DP38 of the adopted LPP2

sets out the Council's approach to conserve and enhance heritage assets in the Vale and seeks that development within conservation areas and within the curtilage and setting of a Listed Building will conserve or enhance its special architectural or historic interest and significance.

- 5.22 The site is not within the Drayton conservation area, although it is in close proximity with the boundary of the conservation running along the eastern side of Steventon Road. There is also a Grade II listed building (15 The Green) located in close proximity to the site, opposite Mott Cottages and Barton Court.
- 5.23 Given the site is well enclosed and surrounded by existing residential development, it is not considered that the proposal would harm the character and appearance of the conservation area, or harm the setting of nearby listed buildings.
- 5.24 **Residential Amenity**
Policy DP23 of the adopted LPP2 seeks to ensure that development proposals do not result in significant adverse impacts on the amenity of neighbouring uses, in relation to factors such as loss of privacy, dominance and overshadowing or visual intrusion.
- 5.25 *Overlooking, loss of privacy and dominance*
The councils design guide sets out minimum distances to ensure that people feel comfortable in their own homes. A minimum distance of 21.0 metres is advised between facing habitable rooms (Fig 5.59 of the Design Guide). Habitable room windows should also normally be at least 12.0 metres away from the flank wall of the neighbouring properties (paragraph 5.10.8 of the Design Guide).
- 5.26 The layout as originally submitted did not comply with the relevant minimum distances, particularly in relation to the distances and position of windows in relation to no. 1 and 2 Barton Court. The amended layout has fully addressed these concerns, and it is considered that amenities of both existing and future occupants will not be harmed in terms of overlooking and loss of privacy.
- 5.27 There is a distance of approximately 11.0 metres between the rear elevations of Nos. 1-4 Mott Cottages and Plot 1, which is considered a suitable distance to prevent any overlooking of the private amenity space of Plot 1. There is no direct overlooking between habitable rooms.
- 5.28 There have been several comments received from local residents raising concerns of overlooking, loss of privacy and dominance, and these have all been fully considered.
- 5.29 Concerns have been raised in relation to Plot 5 and no. 114 Whitehorns Lane to the east in terms of proximity and impact this will have on privacy and overlooking. Plot 5 is situated within the north-west corner of the application site. The dwelling is set off the western boundary by approximately 6.0 metres, with the lower garage element set off the boundary by approximately 3.5 metres. The distance between the rear elevation of no. 114 and the side

elevation of Plot 5 is approximately 12.5 metres, which is compliant with the minimum distances set out in the design guide to prevent harmful overlooking and dominance. The first floor side window serves a bathroom and can't be conditioned to be obscure glazed to prevent overlooking.

- 5.30 There is 21.0 metres between first floor habitable windows on the rear elevations of dwellings on Whitehorns Lane and plots 6, 7 and 8 of the proposed development.
- 5.31 Nos 1-4 Kiln Lane are situated to the south of the site, and will mostly be affected by Plot 8 of the scheme. No. 1 Kiln Lane will mainly overlook the rear garden of Plot 8, however the distance to the boundary will ensure that this is minimised. There will be no direct overlooking from first floor windows of Plot 8.
- 5.32 There is a distance of approximately 14.5 metres between the rear elevation of no. 2 Kiln Lane and the side elevation of Plot 8, which exceeds the minimum distance set out in the councils design guide. The first floor side window serves a bathroom and can therefore be conditioned to be obscure glazed.
- 5.33 The residents of no. 3 Kiln Lane will mainly be affected by the attached garage associated with Plot 8, which will be approximately 10.5 metres from the rear elevation of no. 3 Kiln Lane. The detached garage is single storey with rooms within the roof space with a relatively low eaves height of approximately 3.0 metres. Whilst the overall height of the garage building is approximately 7.0 metres, the pitched roof slopes away from no. 3 Kiln Lane and reducing the impact. For these reasons, it is not considered that the garage building would have a significant adverse effect on the amenities of No. 3 Kiln Lane in terms of dominance or visual intrusion to justify refusal of the application on this ground. The rooflights on the southern elevation of the garage can be conditioned to ensure the sill heights are 1.7 metres from finished floor level, to ensure that overlooking and loss of privacy does not occur.
- 5.34 The dwellings to the north of the site along Marcham Road and positioned approximately 3.0 metres above the existing ground levels of the site, and there will be approximately 30.0 metres between facing habitable rooms. As such, it is not considered that the amenities of residents along Marcham Road will be harmed in terms of overlooking, loss of privacy or dominance.
- 5.35 Overall, it is not considered that the proposed development will have a significant adverse impact on the amenities of neighbouring properties in terms of overlooking, loss of privacy, dominance or visual intrusion to warrant refusal. The proposal complies with Policy DP23 of the LPP2 and the Councils Design Guide.
- 5.36 *Levels*
Concerns have also been raised regarding levels and the potential impact this could have on neighbouring properties. Details of the existing ground levels have been provided, which indicate that the site is set lower than the surrounding existing residential dwellings to the north by approximately 3.0 metres, to the east by approximately 0.8 metres, to the west by approximately

0.6 metres and to the south by approximately 0.4 metres. Details of the proposed slab levels have been provided, which demonstrate an average of 0.5 metres above existing site levels. Taking account of existing site levels in relation to neighbouring properties, the proposed slab levels are considered acceptable in terms of neighbour impact.

5.37 *Noise*

Concerns have been raised that the proposed development will increase noise pollution. The proposed residential properties within an existing residential area are not considered to significantly increase noise in the area.

5.38 It is acknowledged that there may be some noise and disturbance during the construction phase, however this will be for a temporary period. Given the proximity to and number of neighbouring properties, it is considered reasonable and necessary to restrict construction working hours through a planning condition. The hours of operation for construction and demolition works will be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on a Saturday, with no work is permitted to take place on Sundays or Public Holidays.

5.39 *External Lighting*

Concerns have been raised regarding the potential impact on neighbours from external lighting. Whilst the plans submitted do not indicate any external lighting proposed, it is foreseeable that some external lighting may be required for security purposes. Officers do not consider that external lighting within an existing residential area would have significant adverse impacts on the amenities of neighbouring properties. Should any external lighting be proposed, details can be appropriately secured by a planning condition.

5.40 **Trees and Landscaping**

Core Policy 44 of the adopted Local Plan 2031 part 1 seeks to protect key features, such as trees, that contribute to the nature and quality of the Districts landscape, from harmful development and where possibly enhanced.

5.41 Policy P-LF6 of the Drayton Neighbourhood Plan seeks to encourage proposals for new development include tree and shrubbery planting wherever possible to reduce the impact on the built form and ensure that development is in keeping with the existing rural character of the village.

5.42 The main vegetation that appears to have been retained on the site following extensive vegetation removal, is a hedgerow on the West boundary of the site, that provides some screening from the properties to the West, but is of limited value from an arboricultural and landscape perspective and should not be considered a constraint to the proposed development.

5.43 The forestry officer has raised no objections to the proposed development from an arboricultural perspective, subject to protection of retained trees/hedges during construction, and a landscaping plan.

- 5.44 The site plan demonstrates indicative planting of trees and hedgerows which is considered acceptable in principle, however further details of species, size and location are required. This can be appropriately secured by way of a condition.
- 5.45 The gardens of plots 4 and 5 are to utilise the slope, with retaining walls stepping down to follow the change of gradient along the northern boundary. Concerns from residents to the north have been raised regarding the construction and potential for subsidence. It is considered reasonable to secure further details of the construction method within the landscape condition.
- 5.46 The site plan indicates some areas of landscaping that will be communal, and details of how these areas are to be managed and maintained are required. It is considered reasonable and necessary to secure this by condition.
- 5.47 **Biodiversity**
Policy CP46 of the LPP1 seeks to avoid impacts on ecological receptors (designated sites, protected species, priority habitats, etc.) and secure net gains for biodiversity. Net losses of biodiversity will not be supported.
- 5.48 Policy P-S1 of the DNP seeks to ensure that development proposals are required to protect and enhance biodiversity, with any loss or degradation of habitats needing to be mitigated and offset.
- 5.49 Officers are aware that the site was previously wooded, with trees on site recently felled and the site cleared. More recent photography shows that the site has been cleared and early successional plant communities are establishing. Mapping also indicates that there is a pond on site. Ponds can be priority habitats and therefore subject to consideration under CP46.
- 5.50 The application has been supported by an ecological impact assessment (EclA) which has concluded that the habitats present on site are not a constraint to development and that impacts on protected species can be avoided if simple ecological mitigation measures are followed on site. It has been concluded that development onsite would result in a net loss of biodiversity, contrary to CP46. Offsetting would be the only reasonable mechanism to address this conflict with the development plan.
- 5.51 Following concerns raised by the countryside officer, the EclA and biodiversity metric assessment have been updated to acknowledge that the site has been cleared of woodland previously and the pre-clearance state of habitats has been accounted for in the biodiversity metric. Development will result in an overall net loss of biodiversity (60% net loss), which will require offsetting if development is to accord with Core Policy 46 of the Local Plan Part 1.
- 5.52 Biodiversity offsetting can be appropriately secured by condition. The countryside officer has also requested further details of the biodiversity enhancement measures proposed, and this can also be secured by condition.
- 5.53 Overall, the proposed development can demonstrate compliance with Policy CP46, subject to an offsetting contribution and enhancement measures being

provided to mitigate the net loss of biodiversity. As these matters can be dealt with by condition, it is not considered reasonable or necessary to refuse the application on this ground.

5.54 Traffic, parking and highway safety

Core Policies 35 and 37 of the adopted Local Plan 2031 part 1 requires development to be well connected to provide safe and convenient ease of movement by all users, and that adequate car parking is provided in accordance with OCC standards on all new developments.

5.55 Policy P-H4 of the Drayton Neighbourhood Plan also requires all future housing development to have adequate car and cycle parking facilities for both residents and visitors, in accordance with OCC standards.

5.56 Traffic Generation

It is acknowledged that concerns have been raised by local residents regarding the increase in traffic and the impact on the highway network. It is estimated that the proposed development would generate trip generation of 5 movements in the AM peak hour and 4 in the PM peak hour. Paragraph 111 of the NPPF states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. The highways officer has raised no objections that the traffic generated by the proposed development will impact on highway safety.

5.57 Access arrangements

Visibility from the site access and the Kiln Lane/B4017 junction have been provided. The footway along Kiln lane stops up at the site entrance and does not continue into the development site. As such, in order to differentiate between the private access and public highway and in order to ensure pedestrian safety is maintained at this point, a rumble strip should be incorporated at the site entrance. This can be secured by way of suitable planning condition.

5.58 The applicant should be made aware that the construction and geometry of the road should be to adoptable standards. A private street agreement should be secured by OCC ‘Road Agreements Team’. The applicant will be advised through an informative.

5.59 Concerns have been raised regarding the road surface of Kiln Lane. As explained above, the access and road will need to be in accordance with OCC standards. The section of road beyond the site entrance is unsurfaced, with concerns raised that the proposed development will make this worse. As this is beyond the site entrance, traffic associated with the new development are unlikely to use this section of Kiln Lane. Conditions can only be applied where they mitigate the development itself, and therefore this is not considered to be reasonable.

5.60 *Parking*

Based on the quantum and layout of development, each dwelling provides 2 on-plot car parking spaces, with the exception of plot 8. Visitor car parking at a ratio of 0.6 spaces should be provided. This totals 4 visitor car parking spaces. Whilst this number has been provided, these spaces have not been indicated as visitor parking only. This however can be secured by way of condition. The highways officer is of the view that sufficient parking has been provided not to warrant displaced parking along the primary spine road.

5.61 To ensure that sufficient parking is retained for the dwellings, it is considered reasonable and necessary to ensure that garages are retained for parking purposes and not able to be converted to habitable use under permitted development rights. This can be appropriately secured by condition.

5.62 Suitable provision has been provided for bicycle parking, either within garages or storage.

5.63 Officers are satisfied that adequate car and cycle parking facilities for both residents and visitors have been provided, in accordance with policies CP35 and CP37 of the adopted LPP1, and Policy P-H4 of the DNP.

5.64 *Construction traffic management plan*

The highways officer has requested a construction traffic management plan (CTMP) by condition. This is in order to demonstrate that construction site parking, the loading/unloading of plant and materials, storage of associated plant and materials, wheel washing facilities and site facilities will not cause disruption to existing residents. The site is accessed via a public right of way, located off the B4017 a classified road, therefore any disruption during the peak network times as a result of construction traffic will need to be mitigated. On this basis, construction traffic volumes, timing and routing will need to be demonstrated as part of the CTMP. It is considered reasonable and necessary to secure this by condition.

5.65 *Public right of way*

The proposed access to the site is via a public right of way, but the proposals would not alter its route. It is accepted that if the footpath cannot remain open and available for public use throughout construction, then a temporary traffic regulation order will be required, with a suitable alternative diversion route arranged. This is covered under separate legislation outside of planning control, where separate consent is required from OCC as Highway Authority. The applicant is advised through an informative.

5.66 **Flood Risk and Drainage**

Core Policy 42 seeks to ensure that development provides appropriate measures for the management of surface water as an essential element of reducing future flood risk to both the site and its surroundings.

5.67 The site is located within flood zone 1 and is therefore not considered to be at risk from flooding. The information the applicant has submitted illustrates that

there is no drainage function for the pond, therefore the drainage engineer has raised no objections to it being filled from a drainage perspective.

- 5.68 Whilst there are no SUDs features on site, the applicant has demonstrated a drainage scheme is feasible, and it will be possible to incorporate SUDs such as permeable paving into the development without altering the layout.
- 5.69 The drainage engineer has raised no objections to the scheme, subject to details relating to sustainable drainage scheme and foul water drainage scheme. It is considered reasonable and necessary to secure these details by condition.
- 5.70 Thames Water have been consulted and have raised no objections with regards to surface water network infrastructure capacity or foul water sewerage network infrastructure capacity. No objections have also been raised with regards to water network and water treatment infrastructure capacity.
- 5.71 **Contamination**
Development Policy 27 of the adopted Local Plan 2031 part 2 sets out measures to ensure land affected by contamination is appropriately remediated and mitigated.
- 5.72 A preliminary Contamination Risk Assessment has been submitted, satisfactorily addresses the requirements for submission of a Phase 1 contaminated land preliminary risk assessment. Potential sources for land contamination have been identified which could present a significant risk to the proposed development. These include the former brick and tile works on site. Intrusive investigations have been recommended in the above report to characterise any contamination and substantiate any risk to the proposed use.
- 5.73 It is considered reasonable and necessary to secure by condition the undertaking of a phased contaminated land risk assessment, which shall include a comprehensive intrusive investigation and remediation strategy. A condition requiring the submission of a validation report to confirm completion of the works is also required.
- 5.74 **Waste and Recycling**
Policy DP28 of the LPP2 sets out measures to ensure the provision of adequate and appropriate facilities for the sorting, storage and collection of waste and recycling. Policy P-H4 of the Drayton Neighbourhood Plan also requires all future housing development to have adequate storage for waste recycling bins.
- 5.75 The waste management officer initially raised concerns about the access for the waste collection vehicle which was shown to pass over gardens, driveways and trees. The layout has since been amended to address this.
- 5.76 Space has been given for bin storage for each property, either in garages or within storage units. Details of the storage units, including size, can be appropriately secured by condition. The waste management officer has

requested details of bin presentation points to ensure that they do not obstruct collection vehicles manoeuvring. It is considered that these details can be appropriately secured by condition.

5.77 Other considerations

Consultation Process

Concerns have been raised regarding the timing and length of the consultation period. The formal period of public consultation is prescribed in article 15 of the Development Management Procedure Order (as amended). The statutory time period for public consultation on all planning applications is 21 days. A 21 day was carried out when the application was first submitted in August 2020. It is acknowledged that this would have been within the school holidays, however the LPA cannot delay the consultation start date for this reason. The 21 days is a statutory minimum, any comments that arrive from third parties after the end of this period are still accepted and taken into consideration up until the decision is issued. A further 21 day consultation was carried out on receipt of amendments in February 2022. Officers are satisfied that the consultation process has been carried out correctly in accordance with the relevant legislation.

5.78 Timeframe for a decision

Concerns have been raised regarding the time frame for determining the application and the extensions to the target decision date. The National Planning Policy Framework encourages working proactively with applicants and that councils should approach decisions on proposed development in a positive and creative way. Planning applications of this scale normally have an eight week target determination date from when they are registered, which is set by government legislation. However, in recognition of the fact that many planning applications do have numerous complex matters to address, the target date can be extended with agreement by the applicant as confirmed within the NPPF and its associated Planning Practice Guidance to allow more time to thoroughly address detailed technical matters that may arise during the process.

5.79 Damage during construction

Concerns have been raised regarding the potential for damage of neighbouring properties during construction. The Party Wall etc Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. This is a separate process outside of planning legislation or building regulations approval.

5.80 Property values

Residents have also raised concerns that the proposed development may impact on property values. This is not a material planning consideration, and therefore cannot be considered when assessing this application.

5.81 **Community Infrastructure Levy**

The council's CIL charging schedule was adopted on 1 November 2017. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. In this case as the proposal is for the creation of 8 new dwellings which are CIL liable.

5.82 **Pre-commencement conditions**

In accordance with S100ZA(6) of the Town and Country Planning Act 1990 (a), any pre-commencement conditions have been agreed with the applicant.

6.0 **PLANNING BALANCE AND CONCLUSION**

6.1 This application has been assessed on its merits and determined in accordance with the development plan unless material considerations indicate otherwise.

This council has a five year supply of housing land and the development plan accords with the NPPF. Consequently, as the Local Plan policies are fully consistent with the NPPF and housing supply policies are not out of date, they attract full weight.

6.2 The proposed development is located within the built up area of Drayton, a larger village, where there is a presumption in favour of sustainable development. The proposed layout and scale of development is considered to respond positively to the site and surrounding area. There are no significant adverse impacts on the amenities of neighbouring properties, and no adverse impact on highway safety. Drainage matters, contamination risks, and loss of trees and habitats can be appropriately mitigated by conditions.

6.3 Overall, the proposed development is considered to comply with the relevant policies within the Development Plan, the Drayton Neighbourhood Plan and the NPPF. Officers therefore recommend approval of the proposed development.

The following planning policies, guidance and legislation have been taken into account:

Vale of White Horse Local Plan 2031 part 1 policies:

CP01 - Presumption in Favour of Sustainable Development

CP03 - Settlement Hierarchy

CP04 - Meeting Our Housing Needs

CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area

CP08A - Additional Site Allocations for Abingdon-on-Thames and Oxford Fringe Sub-Area

CP22 - Housing Mix

CP23 - Housing Density

CP33 - Promoting Sustainable Transport and Accessibility

CP35 - Promoting Public Transport, Cycling and Walking

CP37 - Design and Local Distinctiveness

CP39 - The Historic Environment

CP40 - Sustainable Design and Construction

- CP42 - Flood Risk
- CP44 - Landscape
- CP46 - Conservation and Improvement of Biodiversity

Vale of White Horse Local Plan 2031 part 2 policies:

- DP02 - Space Standards
- DP16 - Access
- DP21 - External Lighting
- DP23 - Impact of Development on Amenity
- DP24 - Effect of Neighbouring or Previous Uses on New Developments
- DP27 - Land Affected by Contamination
- DP28 - Waste Collection and Recycling
- DP36 - Heritage Assets
- DP37 - Conservation Areas
- DP38 - Listed Buildings

Drayton Neighbourhood Plan policies:

- P-LF2 – Bounded Development
- P-LF3 – Building Design Guidance
- P-LF4 – Conservation area
- P-LF5 – The Historic Environment
- P-LF6 – Additional Greenery
- P-WP1 – Connected Development
- P-S1 – Biodiversity
- P-H1 – Scale of development and site allocation
- P-H3 - Contributions
- P-H4 – External Facilities

Supplementary Planning Documents (SPD)

Design Guide – March 2015

Other material documents/considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Other Relevant Legislation Due regard has been had to the following legislation;

- Community & Infrastructure Levy Legislation
- Human Rights Act 1998
- Section 149 of the Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Town and Country Planning (Development Management Procedure) (England) Order 2015 (amended)

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