

<b>APPLICATION NO.</b>	<a href="#">P22/V1422/FUL</a>
<b>SITE</b>	Land to the North West of Radley
<b>PARISH</b>	RADLEY
<b>PROPOSAL</b>	Variation of condition 1 (Approved Plans) in application P20/V0390/RM. (As amended & amplified by information received 29 June 2022, February 2023 and March 2023).  Reserved Matters application for appearance, landscaping, layout and scale for the erection of 240 dwellings, internal access arrangements, formation of public open space and ancillary infrastructure pursuant to outline planning permission ref. P17/V1894/O
<b>WARD MEMBER(S)</b>	Mike Pighills Max Thompson Bob Johnston Diana Lugova
<b>APPLICANT OFFICER</b>	Pye Homes Hanna Zembrzycka-Kisiel

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## **RECOMMENDATION**

**Planning permission is granted, subject to the following conditions:**

### **Standard**

1. Time limit
2. Approved plans

### **Pre-commencement/above slab levels**

3. Contaminated Land Risk assessment
4. Tree Protection
5. Landscape Scheme (Soft Landscape)
6. Staged programme of Archaeological Investigation

### **Pre-occupation**

7. Access point
8. Implementation of noise mitigation measures
9. Contaminated land remediation strategy
10. Specified Visibility Splays
11. Drainage: SUDS verification report to be submitted
12. Details of Lighting scheme
13. Car Parking

### **Compliance**

14. Strategic Water Main
15. Surface water drainage
16. Drainage maintenance plan
17. Groundwater monitoring

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18. Method statement for groundwater management
19. Foul water Drainage
20. Construction Method Statement
21. Archaeological Written Scheme of Investigation
22. Arboricultural method statement
23. Off-site highways works and timetable
24. Details of pedestrian and cycle crossing point at Church Lane
25. Details of connection to Church Farm access
26. Details of Whites Lane stopping up/realignment
27. Construction Environment Management Plan Biodiversity
28. Biodiversity Enhancement Plan
29. Housing Mix
30. Air Quality mitigation measures
31. Clearance and survey of existing culvert and ditch
32. Wastewater Housing and Infrastructure Phasing Plan
33. Travel Plan Statement
34. Electrical charging points
35. Construction hours of operation
36. Public open space
37. New Estate Roads
38. Details of Bin Collection Points
39. Details of Play Space
40. Arboricultural Method Statement
41. Badger crossing tunnel
42. Boundary Treatments

### 1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application has been referred to planning committee as Radley Parish Council object to the proposal.
- 1.2 The application seeks to vary condition 1 (approved plans) of planning permission Ref. P20/V0390/RM. The proposed amendments include the following:
  - House type amendments to include the addition of ground floor study rooms, ASHP (air source heat pump), PV (photovoltaic cells) and fenestration coordination, building form coordination and material finishes
  - Inclusion of fibre point layout plans (located south of plot 56) and sizing of substation (located south of plot 115)
  - Site plan layout adjustments for widening of parking bays from plot 119–145 including 224, 225-226
  - Roof form and level adjustments to plots 92–101 to reduce the overall height of the buildings adjacent to the rear of properties at Ferny Close
  - Revisions to site levels and approved drainage scheme
  - Minor internal road alignment reconfiguration and revised lighting column positions to facilitate adoption by OCC
  - Alterations to the approved landscaping scheme to accommodate the above changes.
- 1.3 The site is a strategic site allocation within the Local Plan 2031 Part 1 (LPP1). The Outline planning application for up to 240 dwellings (ref. P17/V1894/O) was approved in 2019, followed by Reserved Matters (ref. P20/V0390/RM) approved in 2021. All pre-commencement conditions for Phase 1 were discharged prior to the commencement of development and construction is underway.

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1.4 Since the submission of this application, the proposal has been amended to address technical comments received on highway and landscape matters. A comprehensive set of amended plans was submitted in February 2023, and following the queries received from the Landscape Architect, Urban Design Officer and Highway Authority, further technical clarifications have been submitted in March 2023.

1.5 The latest layout and master landscape plans are **attached** at **Appendix 1**. All other plans and supporting documents are available to view online on the council's website at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).

### 2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

A summary of the responses received is below. All comments received can be seen in full online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

Radley Parish Council	<p><u>Amendments February 2023</u> Objection</p> <ul style="list-style-type: none"> <li>• The Council supports the objections of neighbouring residents, and therefore cannot support what it proposed by this planning application</li> <li>• The Council notes concerns regarding flooding which may affect neighbouring properties and would like to be informed what will be done to help residents in that matter</li> </ul> <p><u>Original Proposal</u> No comments received</p>
Abingdon Town Council (neighbouring parish)	<p><u>Amendments February 2023</u> No comments received</p> <p><u>Original Proposal</u> No comments received</p>
Residents	<p>Three representations objecting to the proposal were received to the original consultation and four letters of objection were received in response to the amended plans. These are summarised as follows:</p> <p><u>Amendments February 2023</u> Amenity</p> <ul style="list-style-type: none"> <li>• There appears to be no substantial changes in regard to our main concern - the raising of the field and subsequent height of the roof line</li> <li>• The illustration contained in the Design and Access Statement shows the roof line to be level with existing houses in Ferny Close, which supports the expectations given to us by the</li> </ul>

	<ul style="list-style-type: none"><li>representative of the Radley College</li><li>• There have been substantial material changes (raising the field artificially) and massive amounts of soil have been imported to the site to overcome drainage issues due to the unsuitability of the field with a high-water table</li><li>• The residents were also assured that the new houses will be a minimum 20m away from the boundaries of the existing properties</li><li>• As the proposed pond and surrounding area is part of the open space for the whole development, we will lose all of our privacy and suffer increased levels of crime</li></ul> <p>Environmental aspects</p> <ul style="list-style-type: none"><li>• It is difficult to understand how this development has been portrayed as environmentally friendly development given the huge carbon footprint created trucking in lorry loads of soil</li></ul> <p>Consultation process</p> <ul style="list-style-type: none"><li>• The residents were not consulted on raising the field levels</li></ul> <p>Drainage and flooding</p> <ul style="list-style-type: none"><li>• We are however pleased to see in the new plans, after residents highlighted the risk of flooding to our properties due to run off from the raised field efforts have been made by planning to mitigate this by way of a linier drain</li><li>• I object because the proposed surface water run off pond at the end of my garden is considerably larger than the original application, and closer to my back boundary</li><li>• The proposed drainage ditch is exceptionally close to my house, therefore there are concerns that the water may undermine my property and there is a risk for my garden to be flooded</li></ul> <p><u>Original Proposal</u></p> <p>Amenity</p> <ul style="list-style-type: none"><li>• Residents of Ferny Close were assured by Radley College representative that the roofline on the new houses would not be higher than existing roofs in the Close</li></ul>
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	<ul style="list-style-type: none"><li>• The residents were also assured that the new houses will be a minimum 20m away from the boundaries of the existing properties</li><li>• The subsequent outline and reserved matters proposals have not reflected this, and the proposed roof heights are now almost 3 metres higher than our existing roof line</li><li>• We are disappointed to find the proposed changes fell well short of commitments made to us at the original consultation, as the proposed changes to building heights are very minimal</li><li>• The proposal means that our homes will be extensively overlooked</li><li>• As a resident bordering on plots 99 and 100, I believe plot 100 at the original height would result in loss of privacy</li></ul> <p>Environmental aspects</p> <ul style="list-style-type: none"><li>• The changes to the site topography must have created a huge carbon footprint on a development that is portrayed as an environmentally friendly development</li></ul> <p>Consultation process</p> <ul style="list-style-type: none"><li>• The consultation process has not been sufficiently transparent to provide residents with enough information to make considered observations to the plans prior to approval,</li><li>• Why were residents not informed because the impact of these changes is substantial and seriously impacts on our amenity?</li><li>• Although the plans were available to view prior to approval, it is impossible for a lay person to interpret the technical information provided</li><li>• These need an extra-large computer screen to display and are incomprehensible to the layman</li><li>• The planning approval should be reconsidered as this has not been a fair &amp; transparent process.</li><li>• The consultation process has omitted and mislead on crucial points by failing to highlight the impact of the drainage strategy to residents and is therefore flawed in our opinion</li></ul>
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	<p>Drainage and flooding</p> <ul style="list-style-type: none"><li>• The proposal increases the chances of flash flooding during heavy rainfall</li><li>• If a drainage problem cannot be solved without importing tonnes of landfill, then planning permission should not have been granted in the first place</li></ul> <p>Character, land use, landscape</p> <ul style="list-style-type: none"><li>• Our main objection to this development is the raising of the ground level by almost 6 ft behind Numbers 17a to 12 Ferny Close</li></ul>
Oxfordshire County Council – Transport and highways	<p><u>Amendments/clarifications March 2023</u></p> <p>No objection</p> <ul style="list-style-type: none"><li>• Correct Landscape Masterplan was submitted, which now correlates with both the detailed landscape plans and lighting column drawings</li><li>• Details relating to the street lighting columns, as part of this current submission, will be agreed during S38 (technical audit) process</li></ul> <p><u>Amendments February 2023</u></p> <p>Objection</p> <ul style="list-style-type: none"><li>• Whilst previous comments in relation to the study rooms and wider parking bays dated 12th July 2022 remain, the matters pertaining to the road alignment reconfiguration, revised lighting column positions and landscaping were further discussed with the Road Agreements Team in detail</li><li>• There are no visibility splays indicated</li><li>• Junction and Forward Visibility Splays and dimensions must be in accordance with the OCC Street Design Guide and dedicated to OCC if they fall out of the existing highway boundary. This should be demonstrated where changes are proposed to the road alignment reconfiguration and tree positioning</li><li>• Trees must not conflict with streetlights and must be a minimum 10 metres away and a minimum 1.5m from the carriageway.</li><li>• The street lighting locations should be overlaid so that we can determine if there is sufficient space to ensure they</li></ul>

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	<ul style="list-style-type: none"><li>operate effectively</li><li>• It is clear that a number of trees throughout the layout that are closer than 10 metres to a lighting column which will affect the efficiency of lighting in an unacceptable way in these areas</li><li>• Where three canopies overhang the footway/carriageway will require a minimum crown height of 2.4m</li><li>• Trees that are within 5m of the carriageway or footway will require root protection</li><li>• Trees must not obstruct junction and forwards visibility splays</li></ul> <p><u>Original Proposal</u> No objection</p> <ul style="list-style-type: none"><li>• The material changes noted are that study rooms are being introduced and some parking bays being widened. From the plans assessed it appears that the study rooms are quite small in floor space and are located on the ground floor in majority of the dwellings</li><li>• On this basis, I would not consider these as potential bedrooms that would generate additional parking demand</li><li>• As such I have no further highway comments</li></ul>
Oxfordshire County Council – Archaeology	<p><u>Amendments February 2023</u> No objection</p> <p><u>Original Proposal</u> No objection, subject to conditions</p> <ul style="list-style-type: none"><li>• Whilst part of the agreed programme of archaeological investigation and recording works has been implemented in advance of development in accordance with the agreed WSI, there remain specified elements which remain outstanding</li><li>• We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction</li><li>• This can be ensured through the attachment of a suitable negative condition.</li></ul>

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<p>Oxfordshire County Council – Lead Local Flood Authority</p>	<p><u>Amendments February 2023</u> No objection</p> <p><u>Original Proposal</u> No objection</p> <ul style="list-style-type: none"> <li>• This proposal does not affect the drainage aspects of the scheme, so the LLFA has no comments</li> </ul>
<p>Countryside Officer</p>	<p><u>Amendments February 2023</u> No further comments received</p> <p><u>Original Proposal</u> No objection to the proposed amendments</p> <ul style="list-style-type: none"> <li>• A monitoring report is overdue to meet the requirements of the s106, and this should be provided</li> </ul>
<p>Conservation Officer</p>	<p><u>Amendments February 2023</u> No objection</p> <p><u>Original Proposal</u> No objection</p> <ul style="list-style-type: none"> <li>• No heritage impacts as a result of the amendments</li> </ul>
<p>Environmental Health - Air Quality</p>	<p><u>Amendments February 2023</u> No objection</p> <p><u>Original Proposal</u> No objection</p>
<p>Environmental Health – Noise</p>	<p><u>Amendments February 2023</u> No objection</p> <p><u>Original Proposal</u> No objection</p>
<p>Environmental Health – Contaminated Land</p>	<p><u>Amendments February 2023</u> No objection</p> <p><u>Original Proposal</u> No objection</p>
<p>Natural England</p>	<p><u>Amendments February 2023</u> No further comments</p> <p><u>Original Proposal</u> Comments: Standard guidance provided</p>
<p>Environment Agency</p>	<p><u>Amendments February 2023</u> No comments received</p>



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	<p><u>Original Proposal</u> This planning application is for development we do not wish to be consulted on</p>
Thames Water	<p><u>Amendments February 2023</u> No comments received</p> <p><u>Original Proposal</u> No comments received</p>
Waste Management Team	<p><u>Amendments February 2023</u> No further comment</p> <p><u>Original Proposal</u> Comments received</p> <ul style="list-style-type: none"> <li>• Please confirm which plot/s will use bin presentation point shown outside plots 156-162 (flats)</li> <li>• Please confirm if plot 221 will use revised collection point next to plot 223, this will be too far for resident to walk or will it be the one shown near plot 227?</li> <li>• All other collection points that have been revised are ok</li> </ul>
Drainage Engineer	<p><u>Amendments February 2023</u> No objection</p> <ul style="list-style-type: none"> <li>• We note that drainage is directed the main infiltration basin at the south of the phase and that the depth of this drainage below proposed ground levels is reasonable</li> <li>• A perforated drain is included on the boundary of the site to intercept any overland flow with water diverted towards the infiltration basin</li> <li>• In general, the drainage scheme follows the outline strategy and we would therefore have no objection to the changes to the plans proposed.</li> </ul> <p><u>Original Proposal</u> No objection</p>
Landscape Officer	<p><u>Amendments/clarifications March 2023</u> No objection</p> <p><u>Amendments February 2023</u> No objection</p> <ul style="list-style-type: none"> <li>• I am happy with the Landscape Plans and I note that although the majority of the tree positions have been moved to avoid clashes with the lighting columns as shown on the landscape plans, the</li> </ul>

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	<p>lighting plans do not look like they have been fully revised and are showing trees in some positions that are no longer on the landscape plans.</p> <ul style="list-style-type: none"><li>• I also note that most of the lighting columns are on the roadside of the boundary footpath on the northern and western boundary. Having these columns of the houseward side would help reduce potential conflict with the existing roadside trees.</li></ul> <p><u>Original Proposal</u> Holding objection</p> <ul style="list-style-type: none"><li>• Any amended landscape plans should clearly indicate where those amendments have taken place</li><li>• 16 Landscape Plans have been submitted with no clear indication of where changes have taken place to the landscape scheme.</li><li>• The proposed amendments should be clearly listed and highlighted on the plans to understand what potential changes</li><li>• The Building Heights Plan is indicating a new Substation adjacent to the pumping station towards the south of the site. However, the Landscape Plans illustrate an additional area of reinforced grass next to the pumping station</li><li>• The Site Levels plan does not indicate any change to this area, nor does the Landscape Masterplan</li></ul>
Forestry Officer	<p><u>Amendments February 2023</u> No objection</p> <ul style="list-style-type: none"><li>• A tree protection condition should be attached requiring the implementation of the approved tree protection measures that were approved for application P20/V0390/RM.</li></ul> <p><u>Original Proposal</u> No objection</p> <ul style="list-style-type: none"><li>• A tree protection condition should be attached requiring the implementation of the approved tree protection measures that were approved for application P20/V0390/RM.</li></ul>

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Housing Team	<p><u>Amendments February 2023</u> No objection</p> <p><u>Original Proposal</u> No objection</p>
Urban Design Officer	<p><u>Amendments/clarifications March 2023</u> No objection</p> <p><u>Amendments February 2023</u> No objection, subject to further clarifications</p> <ul style="list-style-type: none"><li>• Could you submit an overall site plan showing which house types have been affected by this? I have seen the elevations and cannot see an issue but would like to establish in how many places study rooms have been added</li><li>• It would be preferable if there was a reduced number of bricks and roof materials. Providing visual interest is key, however a balance must be struck – use of too many different materials can become overbearing. Two to three facing materials and a couple of roof materials should suffice</li><li>• I understand that representations have been received from residents at Ferny Close which raise concerns regarding a loss of privacy. Having looked at the back-to-back distances throughout the stretch that backs onto Ferny Close, I am satisfied with the back-to-back distances between habitable rooms, which is above the minimum requirement of 21 metres (see Principle 4.3 of the Joint Design Guide)</li><li>• Moreover, the overall height reduction should ensure a good standard of privacy and outlook</li></ul> <p><u>Original Proposal</u> Holding objection – Further information required:</p> <ul style="list-style-type: none"><li>• It would be helpful if those alterations and amendments were specifically highlighted on the plans to be able to ascertain what the difference is with the approved plans</li></ul>

	<ul style="list-style-type: none"><li>• As it stands, it is difficult to spot, and I cannot comment whether urban design is affected by these amendments.</li></ul>
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3.0 **RELEVANT PLANNING HISTORY**

3.1 [P20/V0390/RM](#) - Approved (04/03/2021)

Reserved Matters application for appearance, landscaping, layout and scale for the erection of 240 dwellings, internal access arrangements, formation of public open space and ancillary infrastructure pursuant to outline planning permission ref. P17/V1894/O (as amended by plans and documents submitted 1 October 2020, amended by plans received 27 November 2020 and amended plans and application form received 15 January 2021, and in February 2021).

[P20/V2228/FUL](#) - Approved (02/12/2020)

New temporary site access for construction traffic (As amplified by additional drainage information received 23 November 2020, and annotated highway arrangement received 1 December 2020).

[P17/V1894/O](#) - Approved (24/07/2019)

Outline planning application for up to 240 dwellings (comprising a mix of 1, 2, 3, 4 and 5 bedroom dwellings) including affordable housing, open space and all associated ancillary works with all matters reserved except access (as amended by plans and documentation submitted on 3 April 2018). Amended plans correcting minor errors received 24 June 2019.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Two screening opinions have been issued previously (15/V1233/SCR & P17/V0301/SCR) for this development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (and as amended in 2018). The proposal is not EIA development.

5.0 **PLANNING CONSIDERATIONS**

5.1 The relevant planning considerations are the following:

- **The principle of development**
- **Principle of varying conditions**
- **Proposed changes**
- **Technical matters and planning conditions**
- **Financial contributions**
- **Planning conditions**

**The principle of development**

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for this case comprises of the Vale of White Horse Local Plan 2031 Part 1 (LPP1) and the Vale of White Horse Local Plan 2031 Part 2 (LPP2) and the Radley Neighbourhood Plan which also covers the site.

5.3 The principle of up to 240 dwellings on this site with access to Church Road and White's Lane is established through the allocation of the site for housing in LPP1 and the extant outline planning permission (P17/V1894/O).

**Principle of Varying Conditions**

- 5.4 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and under section 73 of the Town and Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission.
- 5.5 One of the uses of a section 73 application is to seek a material amendment, where there is a relevant condition that can be varied. Under section 73a of the Town and Country Planning Act 1990 an application can be made for development without complying with a condition subject to which planning permission was granted
- 5.6 The relevant planning considerations for this application are only those matters for which the modification is sought:
- *House type amendments to include the addition of ground floor study rooms, ASHP (air source heat pump), PV (photovoltaic cells) and fenestration coordination, building form coordination and material finishes*
  - *Inclusion of fibre point layout plans (located south of plot 56) and sizing of substation (located south of plot 115)*
  - *Site plan layout adjustments for widening of parking bays from plot 119–145 including 224, 225-226*
  - *Roof form and level adjustments to plots 92–101 to reduce the overall height of the buildings adjacent to the rear of properties at Ferny Close*
  - *Revisions to site levels and approved drainage scheme*
  - *Minor internal road alignment reconfiguration and revised lighting column positions to facilitate adoption by OCC*
  - *Alterations to the approved landscaping scheme to accommodate the above changes*
- 5.7 All the other matters have been previously considered as part of the approved outline and reserved matters applications and are not for re-consideration here.

**Proposed amendments**

House type amendments

- 5.8 Policy CP37 of LPP1 states that new development must demonstrate high quality design that responds positively to the site and its surroundings, creating a distinctive sense of place through high quality townscape and landscaping that physically and visually integrates with its surroundings.
- 5.9 The council has declared a climate emergency and Core Policy 40 of LPP1 encourages developers to incorporate climate change adaptation and design measures to combat the effects of changing weather patterns in all new development. The proposal must therefore be sustainable and resilient to climate change taking account of layout, building, orientation, massing, and landscaping to minimise energy consumption and mitigate water run-off to demonstrate compliance with policy.

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- 5.10 The proposal seeks to include the air source heat pumps (ASHP) and photovoltaic cells (PV). The proposed inclusion of these additional climate change adaptations and design measures aims to further improve the green/sustainable credentials of this development and is supported by CP40 of LPP1.
- 5.11 The changes proposed to the approved house types also include the provision of the ground floor study rooms and slight changes to the approved fenestrations and material finishes.
- 5.12 The amendments to the house types are considered minor changes that would not significantly harm the character of the area or harm the amenities of neighbours. Overall, the proposed changes are considered acceptable and do not significantly alter the scheme from the one previously approved.

### Inclusion of fibre-optic internet point layout plans and addition of substation

- 5.13 The proposed inclusion of fibre-optic internet point on layout plans (located south of plot 56) to improve the speed of the broadband is considered acceptable. Following a further review of the approved scheme, the applicant advised that an additional substation is required in the southern part (Phase II) of the proposed development. The size and location of the additional substation (south of plot 115) has been assessed and is considered acceptable.

### Widening of parking bays

- 5.14 The proposed adjustments to the approved site plan, include minor widening of some of the parking bays (plots 119–145 including 224, 225-226), to align more accurately with the minor amendments to the layout, landscape scheme and some architectural changes made to the approved houses. The OCC assessed these amendments and confirmed that they are not considered to have a harmful impact upon the highway's safety nor the level of parking provision.

### Landscaping and light columns position

- 5.15 Policy CP44 of LPP1 confirms that key features that contribute to the nature and quality of the district's landscape will be protected from harmful development, and where possible enhanced. Where development is acceptable in principle, proposals will need to demonstrate how they have responded to landscape character and incorporate appropriate landscape proposals.
- 5.16 Following the approval of Reserved Matters and subsequent discussions with the Oxfordshire County Council Roads Adoption Team, some aspects of the approved landscaping scheme is required to be revised, to address comments relating to road layout configuration and lighting column positions to ensure the scheme is suitable for adoption.
- 5.17 The Landscape Architect initially raised a holding objection, as there were several instances where the revised detailed landscape plans did not reflect the position of the street light columns correctly, resulting in a clash between proposed trees and street lighting.
- 5.18 A set of amended plans have now been submitted to address these points. The Landscape Architect and OCC have reviewed the amended plans and raise no objections. OCC also advise that details relating to the street lighting columns, proposed as part of the current submission, can be agreed further, during the S38 adoption process.

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- 5.19 Natural England advises that it is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies/consultees and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process. The proposal has been assessed by the Senior Landscape Architect, Senior Tree Officer and the Senior Countryside Officer, who consider the proposed scheme is acceptable and in line with the relevant national and local planning policies.
- 5.20 As such, the proposed changes to the approved landscape scheme and the street lighting column locations are considered acceptable and do not significantly alter the scheme from the one approved previously. The proposal remains compliant with policy CP44.

### **Residential amenity**

- 5.21 Development Policy 23 (DP23) of the LPP2 seeks to ensure the new proposals are designed and delivered in line with the design guide principles, in respect of residential amenity for both new and existing dwellings.
- 5.22 Objections have been raised by the residents of Ferny Close to the heights of some of the proposed houses that will be constructed adjacent to the rear boundaries of their properties. The residents consider that they will cause a harmful overlooking, overbearing and loss of light. It was also stated in the received comments, that the residents were not made aware, that as a part of the proposed development, the existing ground levels, will be raised to accommodate the proposed drainage scheme.
- 5.23 The increase in the existing ground levels and the finished floor levels (FFL) was a part of the reserved matters (ref. P20/V0390/RM) and was shown on the submitted plans that were available to view on the Council's website.
- 5.24 As part of the assessment of planning proposals, any increase in the existing ground levels is carried out to determine whether such change would result in a harmful impact upon the residential amenities of the neighbouring properties.
- 5.25 Furthermore, in this case, the increase in the ground levels was also assessed by the Drainage Engineers, to ensure that the proposed drainage strategy can be accommodated effectively and would not cause or increase the flood risk elsewhere, as required by the local and national planning policies.

### **Reserved matters submission**

- 5.26 The onsite levels plans submitted at the reserved matters stage indicated that the existing ground levels in the area were plots 92-102 were to be constructed ranged between approximately 59.25m to 59.80m and were proposed to be raised to 60.0m and 60.55m. The finished floor levels (FFL) of the properties approved under reserved matters, varied between 60.15m to 60.75m.
- 5.27 The properties approved under reserved matters on plots 92-101 are detached and semi-detached houses, with heights varying between 8.2m to 9.5m.
- 5.28 In order to avoid a harmful overlooking, the back-to-back distance between the properties, recommended in the Council's Design Guide, is 21m. The distances between the proposed new dwellings and the existing properties along Ferny Close range between 25m to 31m.

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- 5.29 The proposed increase in the ground levels and the FFL under the reserved matters application was thoroughly assessed and was considered acceptable.
- 5.30 Notwithstanding, Officers understand, that the proposed increase in the ground levels/and the FFL, may not have been fully appreciated/easily noticeable on the technical drawings submitted as a part of the reserved matters application, and once the site preparation works started, concerns have been raised by the residents, and brought to the Officers' and the applicant's attention.
- 5.31 Following the discussions and the meeting, that was held between the applicant and the residents of the neighbouring properties, the applicant advises that "*in response to these concerns, and as a gesture of good will to residents, Pye Homes has agreed to reduce the heights of the approved houses closest to properties on Ferny Close*". This is proposed to be achieved by amending the roof form and by level adjustments to plots 92–101 under this S73 application.

### S73 submission

- 5.32 As part of the S73 application the proposed ground levels have been adjusted and measure between 59.90 and 60.56 and the FFL have been reduced and now measure between 59.90m and 60.50m. Further to that, the heights of the proposed houses were also reduced and are now measuring between 8.1m and 8.9m. The distances between the proposed and the existing properties have not been changed, and still exceed the recommended 21m.

### Residential amenity- conclusion

- 5.33 Although the scheme presented to the Local Planning Authority at the reserved matters stage was acceptable in terms of its impact upon the residential amenities of the existing properties, the amendments proposed by the applicant under this S73 are considered to be an improvement to the already approved scheme.
- 5.34 As such, officers are satisfied that the amenity standards within the new development are acceptable as well as that no unreasonable overlooking, loss of privacy or loss of light will be caused as a result of the proposal to the residential amenity of the existing neighbouring properties. The proposed scheme is therefore considered to be compliant with DP23 of LPP2 and in line with the recommendations in the Council's Joint Design Guide.

### Changes to the drainage scheme

- 5.35 Core Policy 42 of LPP1 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.
- 5.36 According to the submitted documents, the only changes to the drainage scheme approved under reserved matters relate to the FFL of plots 92-101.
- 5.37 The Senior Flood Risk Engineer has assessed the scheme and raised no objections to the proposal, which follows (in majority) the already approved, and stated in his comments:

*"We note that drainage is directed the main infiltration basin at the south of the phase and that the depth of this drainage below proposed ground levels is reasonable.*

*A perforated drain is included on the boundary of the site to intercept any overland flow*



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*with water diverted towards the infiltration basin. In general, the drainage scheme follows the outline strategy, and we would therefore have no objection to the changes to the plans proposed”.*

- 5.38 Both, the District and the County Council Flood Risk Engineers are satisfied with the current drainage proposals, and it is concluded the proposal accords with the Policy CP42 of LPP1.

### **Technical Matters and Planning Conditions**

- 5.39 Matters of traffic generation, heritage assets, affordable housing, archaeology, ecology, detailed drainage scheme, contamination, scale, appearance, and financial contributions were previously assessed in detail on the outline and reserved matters applications and were considered acceptable.
- 5.40 The pre-commencement conditions attached to both outline and reserved matters consents for Phase 1 have been approved through the discharge of conditions and will therefore be reworded to reflect this. Conditions that remain relevant will be transferred over to a new permission, should permission be granted.
- 5.41 Officers consider the changes proposed in this application do not result in any material change to these matters. There is also no material change in policy since the adoption of LPP2.

### **Financial contributions**

- 5.42 This site is already subject to a signed legal agreement (S106) which allows for S73 applications. The proposed amendments do not require any variation to the existing legal agreement.
- 5.43 Since the approval of the outline consent, the Council has adopted a Community Infrastructure Levy (CIL) Charging schedule. The proposed changes do not create additional floor space that would be CIL liable.

### **CONCLUSION**

- 6.1 The application site is a strategic housing allocation in the council’s adopted Local Plan to contribute towards the sustainable planned growth of the district. The principle of up to 240 dwellings on this has already been permitted through the grant of extant outline planning permission (ref. P17/V1894/O).
- 6.2 This application has been determined against the development plan, unless material considerations indicate otherwise. In considering the application, due regard has been given to the representations received from statutory and other consultees. These have been taken into account in assessing the overall scheme.
- 6.3. The proposed changes to the design, appearance, landscape scheme and adjustments to the layout of the scheme approved under application reference P20/V0390/RM are acceptable and will not harm visual amenity and amenity enjoyed by neighbouring residents or adversely impact highway safety.
- 6.4 Overall, the proposed changes comply with relevant development plan policies and the provisions of the NPPF and amount to sustainable development.

### **7.0 POLICY & GUIDANCE**

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

**7.2 Development Plan Policies**

**Vale of White Horse Local Plan 2031 Part One**

- CP01 - Presumption in Favour of Sustainable Development
- CP02 - Cooperation on Unmet Housing Need for Oxfordshire
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP05 - Housing Supply Ring-Fence
- CP07 - Providing Supporting Infrastructure and Services
- CP08 - Spatial Strategy for Abingdon on Thames and Oxford Sub-Area
- CP12 - Safeguarding of land for Strategic Highway Improvements within the Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP13 - The Oxford Green Belt
- CP22 - Housing Mix
- CP23 - Housing Density
- CP24 - Affordable Housing
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP36 - Electronic communications
- CP37 - Design and Local Distinctiveness
- CP38 - Design Strategies for Strategic and Major Development Sites
- CP39 - The Historic Environment
- CP42 - Flood Risk
- CP43 - Natural Resources
- CP44 - Landscape
- CP45 - Green Infrastructure
- CP46 - Conservation and Improvement of Biodiversity
- CP47 - Delivery and Contingency

**7.3 Vale of White Horse Local Plan 2031 Part Two**

- DP16 – Access
- DP17 – Transport Assessments and Travel Plans
- DP20 – Public Art
- DP21 – External Lighting
- DP23 – Impact of Development on Amenity
- DP24 – Effect of Neighbouring or Previous Uses on New Developments
- DP25 – Noise Pollution
- DP26 – Air Quality
- DP27 – Land Affected by Contamination
- DP28 – Waste Collection and Recycling
- DP33 – Open Space
- DP36 – Heritage Assets
- DP38 – Listed Buildings
- DP39 – Archaeology and Scheduled Monuments
- DP47a – Delivery and Contingency

**7.4 Neighbourhood Plan**

The Radley Neighbourhood Plan was made on 18th October 2018 and the following policies are relevant:

- PP. 09 - Roads
- PP. 10 - Cycling and Walking
- PP. 11 - Connectivity
- PP. 12 - Radley Station
- PP. 13 - Surface Drainage

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### 7.5 **Adopted Supplementary Planning Guidance/Documents**

Joint Design Guide (July 2022)

Developer Contributions, Delivering Infrastructure to Support Development (November 2021)

### 7.6 **National Planning Policy Framework (NPPF)**

### 7.7 **Planning Practice Guidance (NPPG)**

### 7.8 **Other Relevant Legislation**

Planning (Listed Buildings and Conservation Areas Act) 1990

Community & Infrastructure Levy Legislation

Section 149 of the Equality Act 2010

Provisions of the Human Rights Act 1998

Section 17 of the Crime and Disorder Act 1998

Natural Environment and Rural Communities (NERC) Act 2006

The Conservation of Habitats and Species Regulations 2010

Localism Act (including New Homes Bonus)

Countryside and Rights of Way Act 2000

Contact officer: Hanna Zembrzycka-Kisiel

Email: [planning@whitehorsedc.gov.uk](mailto:planning@whitehorsedc.gov.uk)

Tel: 01235 422600