



Appeal Decision

Site visit made on 23 November 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/V3120/W/20/3246347

Greensands, Reading Road, East Hendred, Wantage OX12 8JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mears New Homes and Sovereign Housing Association against the decision of Vale of White Horse District Council.
 - The application Ref P19/V0301/RM, dated 31 January 2019, was refused by notice dated 19 December 2019.
 - The development proposed is details of access, appearance, landscaping, layout and scale following approval of outline permission, reference P15/V2328/O.
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Decision

1. The appeal is allowed, and planning permission is granted for the details of access, appearance, landscaping, layout and scale following approval of outline permission, reference P15/V2328/O at Greensands, Reading Road, East Hendred, Wantage OX12 8JE, in accordance with the terms of application Ref P19/V0301/RM dated 31 January 2019, and subject to the conditions within the attached schedule.

Procedural matter

2. The description of development was changed by the Council to add the details of the outline application. The appellant explains, in Section E of the appeal form, that the description has not changed but has nevertheless used the Council's revised description. I do not have confirmation that agreement was sought for this change and I am satisfied that the original description clearly describes the proposal. Accordingly, I have retained the original description.
3. Amended plans have been submitted in support of the appeal. These show broadly minor layout and design improvements to parts of the refused layout (version 'P8') and a redistribution of some of the affordable housing units. Given these changes are minor in nature and do not materially change the substance of the proposal my consideration of the amended plans would not prejudice any party. I have therefore dealt with the appeal on the basis of the amended layout (version 'P10') and its accompanying plans.
4. The site, and an adjacent site at Mather House, was subject to outline planning approval for up to 75 dwellings¹ granted at appeal in 2017². The approval included conditions that limited the total number of dwellings to 75, to two-stories on Greensands and single-storey on Mather House and limited the

¹ Planning Application Reference P15/V2328/O

² Planning Appeal Reference APP/V3120/W/16/3145234

occupation type of the approved dwellings at Mather House. I have taken this into account in my decision.

Main Issues

5. The main issues are:

- The mix and type of housing proposed, with particular regard to the distribution of affordable housing and the mix of open market dwellings and whether this would accord with local and national policy, and
- The effect of the proposed dwellings on the character and appearance of the area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and on-site trees.

Reasons

Mix and type of housing

6. The proposal relates to the provision of 26 affordable housing (AH) units and 39 open market housing (OMH) units. The proposed layout shows five residential blocks, separated by roadways, with a central area of public open space. Each block would be arranged in a perimeter block formation. This would place rear gardens adjacent to other rear gardens and frontages facing onto public space and the roadways.
7. The S106 Legal Agreement requires the mix of affordable housing to consist of 18 rented units and 8 shared ownership and be in clusters of no more than 15 units. The Tenure Layout Plan (ref: 0233-D5-P8) shows the distribution of affordable housing (AH). In broad terms this shows the AH units to be dispersed throughout the development area, albeit generally along the edges of the site facing Reading Road and Featherbed Lane. They would however be in groups no greater than 8 and would be interspersed with the OMH units.
8. This arrangement is supported by the Council's Housing officer³ and the Registered Provider. Therefore, although the site is relatively small, it is nevertheless acknowledged that a wide distribution of AH units would present some management and maintenance difficulties to the provider. As a result, the proposed distribution includes clustering. However, these clusters would not exceed the relatively prescriptive parameters set by the Legal Agreement. Consequently, the proposed distribution would not result in the AH units being segregated from the OMH units. They would be reasonably well spread throughout the development whilst still meeting the management needs of the operator.
9. Policy CP22 of the Vale of the White Horse Local Plan 2031- Part 1 (LP) requires that a variety of dwelling types and sizes be provided to meet the district wide requirements. This is consistent with the National Planning Policy Framework (The Framework) in seeking the provision of a suitable size, type and tenure of housing for different groups within a community. The policy also requires that the mix is to be in accordance with the Council's Strategic Housing Market Assessment (SHMA). The 2014 SHMA seeks the provision of a range of house types that establishes a limited need for one bed units and the greatest need

³ Correspondence from Senior Affordable Housing Officer 13 August 2019

for three bed dwellings. The companion text for policy CP22 also states that it adopts a flexible approach to the implementation of the housing mix.

10. The OMH units, on the Greensands site, would include 5 two-bed, 13 three-bed and 21 four bed or greater units. The objective of the SHMA implies that the proportion should have more one and two bed properties and fewer larger dwellings. It is not disputed between parties that there is some variance between the proposal and the requirement sought by the SHMA. However, in my view the housing mix stated in policy CP22 is a strategic target over the whole district rather than a specification for individual developments.
11. Furthermore, the Greensands and Mather House sites were subject to a conjoined outline planning approval. This included the approval of 10 two bed dwellings, on the Mather House site, for specialist accommodation for older people. This site is subject to an approved reserved matters application for 10 two-bed units. These units are subject to condition 8 of the outline approval, that would provide small units for a specialist group. The Mather House site is therefore not a separate planning unit, it forms part of the application site that gained outline consent. This subsidiary site makes an important contribution towards the overall provision of dwellings across the outline site.
12. Therefore, although the proposal would not fully align with the target sought by the SHMA it would nevertheless make a meaningful contribution to the supply and mix of housing in the area. Accordingly, the range of sizes across both sites aligns sufficiently with the SHMA to address its requirements. As such, the proposed dwellings, across the combined sites, would deliver a range of house types that would provide a suitable and required mix of housing units to create a balanced community.
13. Accordingly, the proposal would comply with Policies CP22 and CP24 of the LP. These seek, amongst other things, for affordable housing to be evenly distributed across the site. The proposed development would also comply with principle DG65 of the Council's design guide which seeks new residential development to be inclusive with affordable housing pepper-potted throughout the site.

Character and appearance

14. The site is adjacent to the village of East Hendred. The village is a combination of traditional dwellings and several new estates mostly built along Reading Road. Therefore, various designs and density of dwellings are evident locally. The new estate, to the west of the site, is a relatively large housing development. This broadly consists of two-storey terraced and semi-detached dwellings. This medium density development has a limited number of detached properties and has a clear intention to make efficient use of the land. Existing recent development, whilst set back from the highway, are therefore more suburban than rural in character. The site itself was partially previously developed. It is bound by tree and hedge field boundaries. The boundaries and adjacent highways of Reading Road and Featherbed Lane provide a sense of containment to the site. This aligns with the previous Inspector's comments who found that the site has a domesticated appearance and was not part of the open countryside. The site makes a neutral contribution to the character and appearance of the area.

15. Highway improvements are proposed at the junction of Reading Road and Featherbed Lane. The proposal would deliver development that would reinforce the containment of the site. This coupled with the proposed highway changes would continue to evolve the appearance of the site. The southeast corner of the proposed development would present an important corner at the entrance to the settlement. The southeast blocks within the proposal would have a slightly greater concentration of built form, than those blocks set away from the highways.
16. The dwellings would consist of brick and render with tile roofs. These would include detailing such as splayed brick headers, stone windowsills and porch canopies. The more intensive part of the scheme, around the southeast crescent, would include projecting gables and several designs of porch to add interest and variety to this row. The southeast corner would therefore make a positive contribution to the proposal with robust detailing and strong articulation of form. Furthermore, by being set back from the highway it would create a clear sense of spaciousness and separation from the surrounding open countryside. As such, the crescent of development, with particular regard to its streetscene formed by the two southeast blocks, would create a high-quality character of design. Furthermore, the proposed development would have a unified design philosophy and material palette.
17. The design of the open market dwellings and affordable dwellings use a similar material palette. Several OMH units would be identical to AH units, such as in comparison between plots 37/38 and 39/40. These examples are indistinguishable. Nevertheless, some AH units would be of a style and grouping not seen within the OMH units. This is evident when considering the grouping and arrangement of plots 58-60 and especially 61-63. These are a terraced group and a maisonette above a car port with semi-detached dwellings either side. However, the majority of AH units are semi-detached and there some OMH units of this type. Furthermore, the AH units within the revised layout 'P10', are in groups of no more than 8 and in frontages no more than 8. Accordingly, this would not appear to visually segregate the AH units.
18. The southern and eastern facing blocks include a slighter higher density of built form including terraced and semi-detached blocks of housing with detached housing more prevalent in the blocks set away from Reading Road and Featherbed Lane. This enables the development to address with main roads with regimented and structured development whilst reserving more spacious plots to the centre and rear of the site. The south and east blocks would therefore be higher density than other blocks, although they would include designs that are evident within the OMH units. Accordingly, the higher density would be an appropriate design response to the site and would complement the character of the wider area. Furthermore, the design of the AH units would satisfy the Legal Agreement⁴ in providing affordable housing that would be 'tenure blind' being materially indistinguishable from the OMH.
19. Reading Road forms a boundary to the AONB to the south of the site. The southeast corner of development marks the edge of the settlement and provides a vantage towards the AONB. The development would be set back from the highway and the field boundaries would be retained and enhanced through new planting. The development would therefore integrate well into the

⁴ Extract in appendix 8 of Appellant's Statement of Case

- existing landscape and would preserve the setting of the AONB. As such the impact of the development on the AONB would be negligible.
20. The perimeter block layout would place parking spaces either to the side or in front of dwellings. For the larger detached dwellings, parking would be arranged in front of garages. Therefore, parking spaces located in front of dwellings is a characteristic found throughout the layout. Consequently, this arrangement is not exclusive to the southeast corner of the scheme or to the AH units. Furthermore, the majority of parking spaces for the AH units are to the side of dwellings. As such, the placement of parking throughout the development does not clearly signify which would serve AH units and does not therefore clearly distinguish the AH from OMH units.
 21. Furthermore, the parking areas in the southeast corner of the site would be arranged in groups of no more than two spaces and would have landscaped gaps between them. This would disaggregate the car parking and provide visual interest. Accordingly, the proposed parking configuration, including around the south eastern corner, would not dominate the adjacent frontages. Moreover, having found that the AH units would be indistinguishable from the OMH units and the car parking largely subdued, the AH units would be visually blended into the development as a whole.
 22. The preliminary drainage strategy includes the provision of an attenuation basin in the north east corner of the site. The attenuation scheme shows proposed drainage running close to a mature poplar tree within the grass verge of Featherbed Lane. This tree makes an important contribution to the character and appearance of the area. The appellant has offered a number of design solutions that would prevent root damage to the tree. I am satisfied that a revised drainage solution, or specification of works in connection with the existing drainage solution, would adequately address this issue. This can therefore be satisfied by the discharge of condition 12 of the outline approval.
 23. Accordingly, the proposal would comply with policies CP37 and CP44 of the LP. These seek development that creates a distinctive sense of place through high quality design and to protect the landscape from harmful development. The proposal would also satisfy principles DG20, DG29, DG76 and DG82 of the Council's design guide. These seek development to integrate buildings into the local topography, provide a positive edge adjacent to the countryside, take into account landscape character and setting and for front driveways to not dominate the streetscape through mitigating landscaping. The proposal would also accord with the Framework that seeks development to be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside.

Other matters

24. Around a quarter of the gardens are below the size requirement within the Council's design guide. However, these shortfalls are relatively marginal. They result from the perimeter block arrangement of the layout that assist in the achievement of a high quality streetscene. Furthermore, the development provides a significant provision of public open space and informal areas for future occupiers to enjoy. Consequently, the on-site provision of open space, both formal and less formal, would off-set the minor shortfall found. In this context, the proposed garden sizes would be sufficient to meet future occupier's day to day needs.

25. The appellant's Design and Access Statement explains that residents of dwellings, accessed from private drives without turning heads, would leave refuse within identified collection points on the public footway. Therefore, although recommended by the Council's waste management team, it is not necessary for the tracking plan to show suitable access to plots around the front crescent. Sufficient and adequate refuse collection points are indicated on the refuse management plan (version 0234 D5-P7).
26. The Council's drainage officers have raised no objection to the proposed sustainable drainage strategy. Therefore, although there is an outstanding concern from the Council in regard to the impact of the drainage proposal on the poplar tree, the strategy as a whole is acceptable and the outstanding concern can be adequately addressed by planning condition.
27. The proposal would provide access onto Featherbed Lane. This would enter where the highway is relatively straight and flat affording good visibility in both directions. Furthermore, the scheme shows a pedestrian link to the existing footway to the west of the site. The proposal raised no objection from the County Highway Engineer. As such, despite the concerns raised by interested parties, I am satisfied that the proposal would be well connected to the village and would not have an unacceptable impact on highway safety.
28. An appeal decision in evidence explains that large clusters of affordable housing resulted in a clear and noticeable concentration of units with a limited connection to the rest of the site. Although it is necessary to consider each case on its own merits, there are nevertheless significant differences between the proposal and the proposal in regard to the size of the clusters.
29. The noise of any increased traffic using the adjacent highways in the future would be unlikely to be significant. In any event, suitable noise attenuation would be provided through the discharge of condition 11 of the outline approval.
30. Furthermore, any variance in design from the illustrative masterplan of the outline application has been adequately addressed through the appellant's design and access statement. These illustrate that the proposal would accord with the character and appearance of the area.
31. Finally, payments towards infrastructure improvements and mitigation are matters that were fully addressed during consideration of the outline scheme.

Conditions

32. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (The Guidance). The Council has suggested the imposition of 19 conditions. The appellant has commented on several of these and I have taken all comments into account. I have applied those conditions that are directly related to the reserved matters details provided. I have adjusted the trigger points for suggested conditions 5 and 7 to prior to first occupation and prior to above ground works respectively as these would not be required prior to the commencement of development.
33. Furthermore, suggested condition 2, with respect to levels is not necessary as the site is relatively flat and set away from neighbouring boundaries. Suggested condition 3 is unnecessary as it would repeat condition 14 of the outline approval. Similarly, suggested condition 6 is also unnecessary,

regarding drainage, as this would repeat condition 12 of the outline approval. Suggested conditions 10 and 11 would duplicate the requirements of condition 15 of the outline approval. External finishes are defined by plan 0231-D5-P9, these are acceptable and listed within the 'approved plans' condition. Therefore, suggested condition 14, that relates to compliance with external materials, is unnecessary.

34. A condition requiring details of the Local Equipped Area of Play (LEAP) is necessary to ensure that a satisfactory design can be agreed prior to its installation. Although the Council have requested these details prior to determination, I see no reason why these cannot be required by planning condition.
35. Furthermore, the appellant has requested that the Council's suggested condition 12, in regard to vision splays, be reworded to require access details to be in accordance with plan '10691C - 204(E) - S278 Works - Extent of Works & Visibility'. However, although the access and its design has been agreed by the County's Highway Engineer, further details were requested in regard to the northward vision splay along Featherbed Lane. I have no further detail to suggest this matter has been further resolved. As such, I shall impose the Council's version of the condition as being necessary in the interests of highway safety.
36. Suggested condition 16, with respect to vehicle charging points, has been questioned by the appellant. However, this condition is necessary to satisfy policies CP33 and CP35 of the LP. The Council's suggested conditions 17, 18 and 19 are advisory notes that would not therefore be necessary to make the proposal acceptable in planning terms.
37. Condition 2 requires the submission of an arboricultural method statement prior to the commencement of development. A tree protection plan was submitted within the suite of plans. However, there is insufficient detail or method statement to ensure that these trees would be suitably protected during construction. I consider this pre-commencement condition to be so fundamental to the development that it would have been otherwise necessary to refuse permission. The appellant has agreed to the imposition of this, following formal notification under Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
38. I have applied a condition that lists the approved plans to accord with the Guidance. The further conditions are necessary in the interests of the character and appearance of the area [2, 4, 5, 8 and 9], in the interests of highway safety [3 and 7] and to promote sustainable travel and connectivity [6 and 10].

Conclusion

39. For the above reasons the appeal is allowed, and planning permission is granted subject to the attached conditions.

Ben Plenty

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

RREH-MCB-ZZ-ZZ-DR-A-0200-D5-P1 Site location plan
200D S278 works
204E S278 works – Extent of works and visibility plan
8473-T-01. Tree survey drawing
8473-T-02. Tree retention plan
RREH-MCB-ZZ-ZZ-DR-A-0105-D5-P4 Type A, Plans and Elevations
RREH-MCB-ZZ-ZZ-DR-A-0107-D5-P1 Type E.
RREH-MCB-ZZ-ZZ-DR-A-0108-D5-P2 Type E, Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0111-D5-P2 Type F, Plan.
RREH-MCB-ZZ-ZZ-DR-A-0112-D5-P3 Type F Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0113-D5-P2 Type H. Plan.
RREH-MCB-ZZ-ZZ-DR-A-0114-D5-P3 Type H Elevations
RREH-MCB-ZZ-ZZ-DR-A-0115-D5-P2 Type J Plans.
RREH-MCB-ZZ-ZZ-DR-A-0116-D5-P2 Type J Elevations
RREH-MCB-ZZ-ZZ-DR-A-0117-D5-P4 Type C2 (rear) Plans and Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0118-D5-P4 Type C2 (side) Plans and Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0137-D5-P2 Type A+AF1 MAIS+A Plans.
RREH-MCB-ZZ-ZZ-DR-A-0138-D5-P3 Type A+AF1 MAIS+A Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0141-D5-P2 Type A terraced. Plan.
RREH-MCB-ZZ-ZZ-DR-A-0142-D5-P2 Type A terraced. Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0143-D5-P1 Type AF3+A. Plan.
RREH-MCB-ZZ-ZZ-DR-A-0144-D5-P1 Type AF3+A. Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0160-D5-P1 Garages. Plan and Elevation
100 K Preliminary drainage Strategy
101(1F) refuse vehicle tracking plan
REH-MCB-ZZ-ZZ-DR-A-0106-D5-P5 Type C, Plans and Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0109-D5-P3 Type E+ Plan.
RREH-MCB-ZZ-ZZ-DR-A-0110-D5-P4 Type E+ Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0130-D5-P5 Type A Plans and Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0131-D5-P6 Type A (front gable) Plans and Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0132-D5-P5 Type B Plans.
RREH-MCB-ZZ-ZZ-DR-A-0133-D5-P3 Type B Elevations.
RREH-MCB-ZZ-ZZ-DR-A-0134-D5-P5 Type B (gable end) Elevations.
RREH MCB ZZ ZZ DR A 0230-D5-P10 site layout plan.
RREH MCB ZZ ZZ DR A 0231-D5-P9 materials and boundaries plan.
RREH MCB ZZ ZZ DR A 0232-D5-P11 surface finishes plan.
RREH MCB ZZ ZZ DR A 0233-D5-P8 affordable tenure plan.
RREH MCB ZZ ZZ DR A 0234-D5-P7 refuse management plan.
RREH-MCB-ZZ-ZZ-DR-A-0260-D5-P7 illustrative street-scenes.
Landscape & Sculpture Design Partnership 1207.01 Rev H Landscape Proposal 1 of 2.
Landscape & Sculpture Design Partnership 1207.02 Rev H Landscape Proposal 2 of 2.

- 2) No development shall commence until an arboricultural method statement has been submitted to and approved by the Local Planning Authority. The arboricultural method statement shall ensure the protection of trees on the site during construction. All works shall be carried out in accordance with the approved tree report. No works shall be carried out on site before the arboricultural protection and safeguarding methodology has been implemented. At all times during

- construction, the tree protected areas shall not be used to park or manoeuvre vehicles, site temporary offices or other structures, store building materials or soil, mix cement/concrete or light bonfires.
- 3) Prior to first occupation the existing vehicular site accesses on A417 Reading Road shall be permanently closed up. The specifications for the closure of the existing access roads shall be submitted to and approved by the Local Planning Authority prior to occupation.
 - 4) Prior to commencement of any above ground development details of the play area equipment, surfacing and boundary fencing, and other open space features such as bins and benches, and root barriers to highway boundaries shall be submitted to and approved by the local planning authority. Thereafter, prior to the occupation of the first dwelling the play area shall be laid out and constructed in accordance with the approved plans.
 - 5) Prior to commencement of any above ground development hard and soft landscape details shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted, noting species, plant sizes and numbers/densities, the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), details of hard surfacing, tree pit details and an implementation programme. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of completion of the soft landscape works shall be replaced by trees and shrubs of similar size and species to those originally planted.
 - 6) No dwelling shall be occupied until a route for pedestrians and cyclists within the site extending fully to the western boundary of the site has been completed and the physical site boundary removed to enable a connection through to the adjacent residential development to the west.
 - 7) No residential unit shall be occupied until details of the vehicular access to the site and visibility splays to show access on Featherbed Lane have been submitted to and approved by the Local Planning Authority. Thereafter the site shall be formed, laid out and constructed in accordance with the approved plans and, the visibility splays shall be permanently maintained free from obstruction to vision.
 - 8) Prior to occupation of the final residential unit a plan showing land transferred to Oxford County Council, the registered provider, the management company or any other interested parties shall be submitted to and approved by the Local Planning Authority.
 - 9) External lighting will only be permitted in accordance with a lighting scheme to be submitted to and approved in writing by the local planning authority. Any such lighting shall be directed downwards to prevent nuisance to adjoining residential occupiers from light spillage.
 - 10) All garages serving open market housing shall include a dedicated charging point for the recharging of electric vehicles.

End of schedule