

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 16th March 2020

Report of Additional Representations



WEST OXFORDSHIRE
DISTRICT COUNCIL

Agenda Index

Please note that if you are viewing this document electronically, the agenda items below have been set up as links to the relevant application for your convenience.

19/02516/FUL	Twelve Acre Farm, Chilbridge Road, Eynsham	3
19/02809/FUL	Land South Of Milestone Road, Carterton	5
19/03403/FUL	Land South Of Elmside, Aston	8

Report of Additional Representations

Application Number	19/02516/FUL
Site Address	Twelve Acre Farm Chilbridge Road Eynsham Oxfordshire OX29 4BH
Date	4th March 2020
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	441242 E 209314 N
Committee Date	16th March 2020

Application Details:

The construction and operation of a solar photovoltaic farm, and other associated infrastructure.

Applicant Details:

Mr Mike Rutgers
13 Berkley Street
London
W1J 8DU

Additional Representations:

Eynsham Parish Council - continue to have concerns, as follows:-

1. Construction Traffic Management Plan (specifically the A40 junction) – Whilst a ‘left in, left out’ plan is undoubtedly an improved solution, the Council has no confidence in its enforcement.
2. Site layout – The Council is pleased to learn that panels will not be installed on the highest area of the site. However, the potential for them to be installed up to 3m high off the ground will create a negative impact on the public right of ways and surrounding areas. It should be noted that the surrounding hedges etc will need to be the same height if they are to be effective and CCTV cameras will be 1m higher than the hedges.
3. Biodiversity – It is felt that the biodiversity reports should be received and considered before the planning application is determined as opposed to consent with conditions.
4. Decommissioning – It should be made clear to West Oxfordshire District Council and residents that the site will be decommissioned after 40 years. Decommissioning means returning the site to its’ original state and will therefore include removing the hedges/ trees that will be planted in the event of planning permission being granted. As a minimum, all new planted hedges/trees should be retained as part of the net gain in biodiversity and not a detrimental step of removal.

South Leigh Parish Council - I am glad to say that all our main concerns have now been answered satisfactorily. I would only just ask that the tree planting for screening purposes is done with 4 year old trees as a minimum.

Agent – Update following a meeting with stakeholders. A Full copy of letter is attached. The main points are summarised below:

PV Panel height - The reason for applying a 3 m worst-case is to allow a degree of flexibility, on the basis that in some instances panels can be to up 3 m high to provide for optimal energy generation. However, the Applicant has since carried out further design work and has determined that a

maximum of 2.7 m would be necessary. The Applicant is therefore willing to accept a planning condition limiting the maximum panel height of 2.7 m.

Public right of way (footpath): The parish councils were keen that the footpath, through the centre of the site, is further opened up by moving the southern hedgerow further south to border the solar panels in the southern section of the site. This would open up views to the south, over an extensive wildflower meadow which extends out to approximately 100m at its widest part from the centre line of the footpath. This was seen as a significant positive by the parish councils. The Applicant has agreed to this.

Bridleway to south - The removal of the barbed-wire fence on the north side of the existing bridleway to the south of the site. In addition, the enhancement of the area north of the bridleway with wildflower planting plus the potential for provision of hardstanding which could be used by cyclists along/adjacent to the bridleway: The Applicant agreed that a rolled stone (or similar) track could be provided within land under the control of the Applicant. This was also seen as a significant positive by attendees and the detail could be secured as part of Condition 7.

Officer comments – An additional condition is recommended to limit the height of the PV Panels to 2.7m.

Application Number	I9/02809/FUL
Site Address	Land South Of Milestone Road Carterton Oxfordshire
Date	4th March 2020
Officer	Abby Fettes
Officer Recommendations	Defer
Parish	Carterton Parish Council
Grid Reference	427742 E 205940 N
Committee Date	16th March 2020

Application Details:

Erection of 214 dwellings with associated landscaping, surface water attenuation and parking (Amended description and plans).

Applicant Details:

Partner Construction Ltd
C/O Agent

Additional Representations:**1.1 OCC**

It is understood that the highways and drainage engineers have removed their technical objections but a formal consultation response has yet to be received from the County Council.

1.2 MOD Safeguarding

Comments have yet to be received on the amended plans

2 Additional Representations**2.1** A further letter from Harry Watts commenting:

Having now had the chance to fully read the updated Response from Oxfordshire County Council dated 3rd February 2020 in regard to Application No. I9/02809/FUL-2, I would make the following observations, as they relate not only to that Planning Application, but also to property which I own, and other properties which I have control over:

I specifically refer to the Report from Tim Peart - Interim Principle Transport Planner, dated 30th January 2020, and which forms part of the County Council's Representation dated 3rd February 2020.

Under the section of Tim Peart's Report, headed Key Points, the Interim Principle Transport Planner clearly states that there is a requirement for 'A raised table junction at the eastern site access and a traffic calming build out on Milestone Road are required' (3rd point).

In addition, under the section of Tim Peart's Report, headed Access, he clearly states that 'The visibility splays shown in the plan at Appendix 4 of the Supplementary information document at the site access junctions are insufficient for the speed of Milestone Road' (Paragraph 1).

Paragraph 1 goes on to state that since traffic speeds along Milestone Road have been recorded at 29.6mph, Visibility Splays of 2.4m x 43m are required for the junctions, and not 2.4m x 25m as have been designed by the Applicant's Highway Consultants, as Milestone Road is a 30mph road, and not a 20mph road.

'Therefore visibility splays of 2.4m x 43m are required' (end of Paragraph 1).

With regard to the eastern access junction, through Paragraph 3 of the Access section of Tim Peart's Report, he outlines that 'I note that the applicant proposes a raised table junction in this location to provide traffic calming. This would be acceptable - provided appropriate visibility splays can be achieved.....'

Tim Peart goes on to outline in Paragraph 4 of the Access section that 'The application documents have not demonstrated that sufficient visibility splays can be achieved at the site access junctions and therefore I must object to the application'

Bearing all of the above in mind, I turn back to the Objection and comments made by Tim Peart with regard to the inadequate visibility splays being proposed for the eastern junction of the proposed development.

I draw your attention to Plan 1 attached to this Statement, where I have drawn on the 2.4m x 43m County Highways visibility splay requirements, to scale.

As can be clearly seen from Plan 1 attached to this Statement, the Visibility splays will need to cross Third Party land in the form of the front garden/areas of Nos. 75, 77, 79 and 81 Milestone Road, in order to be deliverable/achieved.

I am the Freehold owner of 79-81 Milestone Road, and have control over Nos. 75 and 77 Milestone Road, which I can purchase once a suitable and implementable planning application is achieved, in some form.

I have previously stated, and which is on public record, my Support for Application No.

19/02809/FUL, even though that Planning Application for 219 dwellings did not include 79-81 Milestone Road within the Red Line boundary, albeit part of the Milestone Road Housing Allocation for around 200 units outlined via Policy CA2 of the Adopted West Oxfordshire Local Plan (September 2018).

I have tried to contact the Applicant (Partner Construction Ltd) on several occasions in order to help with their Planning Application in any way that I could.

Now that Tim Peart has clearly stated the County Council's requirement for not only a raised table, but also the 2.4m x 43m visibility splays, I can help the Applicants (Partner Construction Ltd) to achieve this County Highways requirement, and am prepared to reach a fair and amicable financial settlement with the Applicant (Partner Construction Ltd) (for not only 79-81 Milestone Road, which I own, but also for 75, and 77 Milestone Road, which I have control over.

I would reiterate again that if the Applicants (Partner Construction Lts & IBIS) had included Nos. 77, 79 and 81 Milestone Road within their red line planning application boundary, as per the Policy CA2 Housing Allocation, then this matter of inadequate visibility splays would not have arisen.

Naturally things have now moved forwards into OCC accepting a visibility splay of 33m on Tims letter of the 10 March 2020, provided that the other Traffic Calming measures are put in place: Raised Table Calming Build outs.

The Transport Plan No . ITP-810-001 DATED 10TH March 2020 does not clearly show the Raised Table and Traffic Calming Build Outs on the main eastern access into the site which are required by OCC Highways , as far as I can tell.

3 Applicants case

3.1 The applicants agent has submitted the following statement:

Members will be aware that 91% of the homes to be provided through this scheme will be affordable. The funding for these affordable homes has been secured in principle via a Homes England grant, however this needs to be drawn down before 31 March 2020 in order to avoid losing the grant funding, and the applicant cannot draw down the funding unless planning consent has been secured in principle. Members should also be aware that the Council itself is also directing funding towards this site. At the time of writing this report, the recommendation by officers is that the application be deferred, but officers and the applicant have agreed to continue seeking to address the outstanding matters over the next week so that additional information, and if appropriate an amended recommendation, can be presented to members via a late items agenda update note before the day of the committee.

4 Planning update

4.1 At the time of the preparation of this report officers are being put under considerable pressure to bring this application forward for approval. However, there are a number of critical issues that at present are not been resolved or where the advice of a key consultee has yet to be received or where the necessary negotiation/arbitration has not occurred. Critically despite being advised as to the necessity to provide sufficient financial information

(eg. Existing land values) for an independent viability assessment the applicants have only provided part of the information and much of it very late in the day. This viability assessment is required so a balance between the provision of affordable housing and contributions towards the necessary infrastructure can be found, in order for the proposal to comply with the infrastructure requirements set out in policy CA2. Whilst the provision of 91% affordable housing is welcomed, it needs to be demonstrated that this will not adversely impact existing infrastructure issues/shortages in the area. Officers also retain a number of design and amenity reservations that were raised at pre app stage last year and during the course of this application.

- 4.2 In these circumstances the recommendation would normally have been that the application was not in a position to be determined and as such should be deferred so that members could receive a full report where all the issues are properly balance and an informed decision could be made. The applicants are pushing for a determination at this meeting for the reasons set out in their case above.
- 4.3 In your officers consideration this leaves the following options:
- a) the application be refused on the grounds it does not comply with the relevant policies (and following the presentation any other reasons that members consider necessary)
 - b) the application be deferred to await submission of all the relevant information and consideration in due course in the normal fashion
 - c) that members resolve to approve the application – albeit its not exactly clear what is being approved or what the S106 package would include
 - d) that members delegate authority to officers to approve the application- subject to no further technical objections, any changes members may require of the design, and the necessary infrastructure contributions being secured (and/or reducing the amount of affordable housing in order to increase the contributions to an appropriate level)
- 4.3 Officers will present the most up to date position at the meeting and seek guidance from members as to how they wish to proceed.

Application Number	I9/03403/FUL
Site Address	Land South Of Elmside Greenacres Lane Aston Bampton Oxfordshire
Date	4th March 2020
Officer	Stuart McIver
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	433756 E 203163 N
Committee Date	16th March 2020

Application Details:

Erection of dwelling with associated works.

Applicant Details:

Mrs Cole
C/O Walker Graham Architects

Additional Representations:

One letter of support received from Mrs Sarah Edwards of Elmside, Aston. Their comments are summarised as follows:

- We approve of the proposal and are pleased that an Aston family and their children will continue to live in the village.
- We are the sole property using Greenacres Lane and have no objection to the extra traffic.
- We understand that most of the family applying for the permission work in Aston and will therefore walk to work.
- We feel the property will be filling in an area between other residential buildings and will not have a detrimental effect on local ecology.
- We feel the proposed housing design will blend in well.
- We understand that the applicants have tried to minimise any privacy infringements.
- We feel that this application is a sympathetic way of adding good quality extra housing to the village.