

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

21 July 2014

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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I4/0399/P/FPLand at Swinbrook Road Carterton	
Date	13/03/201421/03/2014
Officer	Abby Fettes
Recommendation	Grant, subject to the applicant first entering into a legal agreement
Parish	CARTERTON
Grid Ref:	

APPLICATION DETAILS

Erection of 66 dwellings with associated access, open space and landscaping. Creation of extension to Kilkenny Lane Country Park and link road.

APPLICANT

David Wilson Homes (Southern) C/O Agent

ADDITIONAL REPRESENTATIONS

A letter was received on 16th July from the applicants' agent responding to the S106 requests from OCC:

We write on behalf of the applicant, David Wilson Homes (Southern), and following your request to comment on the requested S106 contributions for the above application, prior to the forthcoming Lowlands Area Sub-Committee on 21st July 2014. We will also outline the justification for the applicant's suggested contributions.

It should be noted that we had not had sight of the requested S106 contributions prior to the recent release of the Committee Report on 14th July 2014. We have also not received a copy of any consultation response from West Oxfordshire District Council (WODC) or Oxfordshire County Council (OCC) officer's outlining the how the contributions will be apportioned. On this basis we provide comments as follows.

The agreed contributions provided under the linked application for 250 dwellings (Ref – 13/1752/P/FP), which received a resolution to grant full permission at the Lowlands Planning Committee on 14th April 2014, are shown in the table below. It should be noted that the S106 Agreement is due to signed by WODC over the next couple of days. The table also outlines the requested contributions, alongside the applicant's proposed contributions for the 66 unit scheme.

Contribution	250 Units - Agreed (S106 – July 2014)	66 Units – Requested (Committee Report – 21 st July 14)	66 Units - Applicant's Proposed Contributions (July 2014)
WODC Leisure	£166,447.50	£125,784.00	£125,784.00
WODC LEAP Maintenance	£71,915.00	-	-
WODC Public Toilet Maintenance	£10,000.00	-	-
WODC Public Art	£50,000.00	£13,200.00	£13,200.00

Sub Total	£298,362.50	£138,984.00	£138,984.00
OCC Highways	£450,410.50	£214,810.86	£50,000.00
OCC Property Infrastructure	£159,777.00	£85,337.00	£20,000.00
OCC Primary School	£598,281.00	£316,460.00	£157,946.18
Thames Valley Police	£15,000.00	£6,300.00	£6,300.00
Sub Total	£1,223,468.50	£622,907.86	£234,246.18
Grand Total	£1,521,831.00	£761,891.86	£373,230.18

It should be noted that the applicant does not raise any objections to WODC's requested contributions for Leisure and Public Art, totalling £138,984.00 and Thames Valley Police's requested contributions towards a bike and ANPR camera, totalling £6,300.00. As such the applicant is willing to accept these contributions in full.

However the applicant does have concerns over the level of contributions sought by OCC in relation to Highways, Property Infrastructure and Primary Schools.

In terms of the requested OCC Highways contribution, the 21st July 2014 Committee Report notes that the sum requested would go towards public transport and the Carterton Area Transport Package. However, no further detail as to what schemes this contribution will be for in terms of public transport and the Carterton Area Transport Package is mentioned. In addition, no justification has been provided as to the level of contribution requested against the impact of the proposed 66 unit development.

As part of the 250 unit scheme, £450,410.50 has already been agreed and secured by S106 Agreement (July 2014). Therefore the request for a further significant sum of £214,810.86, without any justification would be disproportionate relative to the impact of the 66 unit development.

The 66 Unit scheme forms an integral, but much smaller part of the wider approved 250 unit scheme. The majority of the highways related impact would be from the larger element of the scheme and so the additional 66 units would have a minor impact on the surrounding area. Therefore the applicant is suggesting a further highways contribution of £50,000.00, which would take the contribution of the scheme as a whole to over £500,000.00, which is considered to meet the Community Infrastructure Levy Regulations 2010 Regulation 122 tests and those set out in NPPF Paragraph 204.

In terms of the requested OCC Property Infrastructure contribution, the 21st July Committee Report notes that the sum requested would go towards fire and rescue, libraries, waste management, day care and the museum resource centre. Again, no further detail or justification has been provided as to how the contribution will be apportioned in relation to each facility mentioned above.

As outlined above, the 66 unit scheme would have a minor additional impact on facilities over and above that already identified and agreed as part of the wider 250 unit scheme. As part of the 250 unit scheme, £159,777.00 has already been agreed and secured by S106 Agreement (July 2014). The request for a further significant sum of £85,337.00, without any justification would again be disproportionate to the more modest impact of the proposed development. After due consideration, the applicant is therefore proposing a further Property Infrastructure contribution of £20,000.00,

which would take the contribution of the scheme as a whole to almost £180,000.00, which is considered to meet the Community Infrastructure Levy Regulations 2010 Regulation 122 tests and those set out in NPPF Paragraph 204.

In terms of the requested OCC Primary School contribution, the 21st July Committee Report notes that the sum requested would go towards primary school provision and special educational needs. Again, no further detail or justification of the £316,460.00 figure has been provided.

It should be noted that the applicant has already agreed to pay £598,281.00 towards primary school facilities and this has been secured as part of the S106 Agreement for the 250 unit scheme (July 2014). The figure requested by OCC of £316,460.00 would be more than half that already secured as part of a much larger element of the overall development. Given that the 66 unit scheme is approximately a quarter of the scale of the permitted scheme, it would appear that this figure would be wholly disproportionate the scale and impact of the development.

Therefore in order to comply with the Community Infrastructure Levy Regulations 2010 Regulation 122 tests, the applicant has proposed to provide a pro-rata contribution, based upon that secured under the 250 unit scheme. This results in a proposed contribution of £157,946.18, which would be both fair and correspond to the scale of development and as such is considered to meet the Community Infrastructure Levy Regulations 2010 Regulation 122 tests and those set out in NPPF Paragraph 204.

Overall the suggested the total contributions for the 66 unit scheme (£373,230.18) are approximately a quarter of that secured as part of the S106 agreement for the 250 unit scheme (£1,521,831.00), which would be commensurate with the scale of development proposed.

Finally and in light of the discussion above, across the whole scheme (316 units) there is a total proposed contribution of £1,895,061.18, which amounts to approximately £6,000.00 per unit, which is considered, would be fair and reasonable for a development of this scale and nature.

We trust this sets out clearly our client's position on the matter though we note again that this is the first opportunity to comment on the proposed contributions and we anticipate further discussion on the proposed S106 in terms of the drafting of a S106 agreement relating to the 66 unit development in the coming weeks and we respectfully request that the application be considered favourably on this basis at the forthcoming Lowlands Area Sub-Committee on 21st July 2014.

Proposed conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of the Town and Country Planning Act 1990.

2 Other than as amended by the conditions below, the development shall be carried out in accordance with the plans and details submitted with the application.

REASON: For the avoidance of doubt as to what is permitted.

3 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2014 reference number CS/062518 undertaken by CAPITA and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year plus 30% for climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

4 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

REASON: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

5 Notwithstanding the details as shown on plan no. H4583P2/SL/01, prior to the commencement of development revised parking, visitor parking, cycle parking, footpath, traffic calming, bridleway enhancement and refuse vehicle access arrangements (all as outlined in OCC consultation response 1/5/14) shall be submitted to and approved in writing by the Local Planning Authority and development shall only proceed in accordance with the approved details.

REASON: In the interests of the safety and amenity of road users and pedestrians.

6 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

7 The garage/car port accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.

REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)

8 Notwithstanding the details submitted on plan no. BLC140110-1 B, the hedgerow along the shared boundary with the allotment gardens shall be retained and bolstered with native hedgerow plants, which shall be so tended as to grow to, and to remain at, a height of not less than 2 metres.

REASON: To safeguard the character, landscape and ecology of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

9 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

10 Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological

organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

11 All works of mitigation and enhancement set out in the ecological reports accompanying the application shall be implemented in accordance with a phased scheme of works submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

REASON: In the interests of ecological protection and biodiversity.

NOTE TO APPLICANT:

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

NOTE TO APPLICANT:

The applicant is reminded of the terms of the parallel legal agreement pertaining to this site.

Report of Additional Representations

I4/0529/P/OPLand to the North of 71-81 Park Road North Leigh	
Date	11/04/2014 11/04/2014
Officer	Mr Phil Shaw
Recommendation	Refuse
Parish	NORTH LEIGH
Grid Ref:	439203,212961

Application details

Residential development of 20 dwellings with vehicular access and open space.

Applicant

Cover Construction Co Ltd Filkins Mill
Filkins
Lechalde
Glos
GL7 3RF

Additional Agent Comments

I have pleasure in attaching the following documents for your consideration in advance of the Site Inspection Meeting by the members of the Committee on Thursday. I can inform you that I shall be sending the landscape report with its appendices to the members of the committee and summarising the content of the other documents in advance of the site visit.

- 1 **Landscape Appraisal** (additional planting would help to assimilate the new development)
- 2 **Ecological Appraisal** (concludes habitats are common and widespread)
- 3 **Agricultural Report** (concludes field is too small for arable and is not suited to livestock)
- 4 **Archaeological Report (Interim)** –County Archaeologist, who has read this and inspected the investigations when they were being undertaken, has emailed you to confirm that there is no archaeological objection to the principle of development on this site.
- 5 **Affordable Housing** - No report is attached in this regard but I can confirm that the applicant company has spoken to housing associations operating in this area, as per the list provided by your Council's enabler, and they will provide 50% contribution. They have also suggested that these could include four bungalows, should there be a local need for this type of accommodation.

County Archaeologist

Several of the trenches did contain finds dating from the Romano British period indicative of a domestic occupation site. The applicant should therefore be responsible for an archaeological investigation in advance of development through attachment of a negative condition

Officer Comment

It is likely that in light of the additional information that some of the suggested refusal reasons will be recommended for deletion

Report of Additional Representations

I4/0771/P/FPField to the rear of the Fox Inn Main Road Stanton Harcourt	
Date	28/05/201430/05/2014
Officer	Mrs Kim Smith
Recommendation	Provisional Approval
Parish	STANTON HARCOURT
Grid Ref:	441232,206093

Application details

Erection of play equipment to include a multi sports wall, a seating shelter, a nest/pendulum swing and zip wire, and associated hardstandings.

Applicant

Stanton Harcourt Parish Council 5 Woodlands
Standlake
Oxon
OX29 7RA

Representations

A letter has been received from Mr Styles of The Gables, New Road, Sutton. The comments have been summarised as;

- In 2010 SHPC obtained change of use approval for this agricultural field to become a children's play/recreation space. Over the past 4 years the site has been used for this purpose, whilst remaining the rural character and appearance of this part of the Conservation Area. The only jarring note has been the regrettable failure to meet the maintenance obligations of condition 4 of the planning approval
- the new application now seeks to undertake considerable development of the site which raises 3 major issues (2 of which are referred to in the application).

Child Road Safety

- this subject was widely addressed

Prior to the 2010 application and the new application acknowledges that road/pedestrian access to the site is dangerous and that this concern was raised by worried parents at the village consultation. However SHPC's only response to this is a comment that they are "in discussion with OCC Highways" and to include a costing and an unreferenced and undated OCC drawing for a notional road build out scheme at one of the danger points on Main Road. This is a wholly inadequate and misleading response for the following reasons;

- the informal exchange of email with OCC (which I have copies) was over a year ago, there is no plan or commitment either by SHPC or OCC to actually carry out any work and no suggested timescale abundantly clear, that even if the work were done, this would not in itself alleviate the dangerous lack of visibility for drivers/pedestrians on the sharp bend of the main road where the work would be done, and that OCC could take not responsibility for this continuing danger, the privately owned hedgerows along Main Road would have to be cleared in order to improve visibility and that this would be SHPC's responsibility, there would have to be an independent safety audit of the proposal, and a statutory public consultation, and all of this would be to SHPC's cost and additional to the £13,000 budgetary estimate made by OCC and included by SHPC in the application.
- There is no mention in the application of the dangers of the blind junction between Main Road and New Road. This is an unacceptable omission. The dangers have been highlighted twice by OCC Highways. This dangerous lack of a footpath across the front and side of The Fox, where pedestrians are obliged to walk in the roadway, is now exacerbated by the fact that the Fox forecourt, is no longer public space (after the change of use approval for The Fox to become a private residence 2 weeks ago).
- the safety of disabled children for whom the play equipment is said to be designed, is not considered.
- clearly no development or extended use of the proposed development site could or should responsibly be contemplated unless and until REAL solutions to ALL these road safety concerns are ALREADY IN PLACE

Buffer Zone for Foxburrow Close Residents

- the buffer zone was also much discussed before the 2010 application. Commitments were made by SHPC about its planting, maintenance and growth following residents' concerns that the planting would not grow quickly enough to provide them with any protection. SHPC has failed to meet the terms of condition 4, and there is nothing to be seen of the promised growth in the buffer zone. The new application makes yet more proposals about "an extensive tree planting scheme" without any details of the planting/expected growth or any explanation of how this will protect residents against extra noise coming from the intensified use of the site. There is no mention of any consultation with the residents of Foxburrow Close. This time, however, actions must speak louder than words and no extended development or use of the site should take place BEFORE buffer zone planting & growth acceptable to residents is ALREADY IN PLACE. (The application refers to the future buffer zone variously as being 10m, 18m & 25m, which is correct?)

Conservation Area

The proposed development includes 5 substantial and permanent structures of varying sizes and ranging in the height from 2.6m to 3.9m, together with areas of hard standing and pathway, and new hedges. The application makes no attempt to justify the suitability of these structures/works to this part of the Conservation Area. Just 2 weeks ago WODC approved a change of use application for The Fox Inn to become a private residence and correctly imposed conditions which forbid not only any change to the dwelling itself, but also construction of any outbuilding, erection of any fences, gates or walls within the site. In such circumstances it would be a flagrant act of double standards by WODC if they were now to allow development to take place a few feet away which is expressly forbidden on the neighbouring property

- a second SHPC controlled site within the village (The Leys) is a location where for many years until recently, very similar equipment to that proposed was successfully enjoyed by village children, until the equipment became broken and was cleared away, and which as confirmed by WODC does not require planning approval. Furthermore this site does not suffer from the road safety or buffer zone problems which bedevil the current application. There is ample space for the structures proposed in the application to be sited in the Leys as part of the village's replanning of recreation space.

Conclusions

Taking account of all the above, I believe that WODC should defer any consideration of further development/intensified usage of the site until SHPC can show that all aspects relating to road safety, the residents' buffer zone and the CA have been properly and seriously addressed, and any resulting and necessary work committee and put in hand

If despite these fundamental issues not being solved, WODC is minded to grant permission, WODC must impose stringent conditions relating to all the areas mentioned such that the development cannot go ahead until all the problems have actually been solved and not just talked about.

Report of Additional Representations

I4/0826/P/FP Westfield Lodge Shilton	
Date	04/06/2014 11/06/2014
Officer	Mrs Kim Smith
Recommendation	Provisional Approval
Parish	SHILTON
Grid Ref:	426194,208123

Application details

Erection of replacement dwelling.

Applicant

Mr & Mrs C Rawlings Westfield Lodge

Shilton

Oxfordshire

OX18 4AW

Additional comments from applicant

An email has been received from the applicants and has been summarised as;

We confirm that we are in principle agreeable to the revocation of the permission for the caravan itself, being I1/0632/P/FP. This we understand will need some form of legal agreement to be prepared, and signed, which again we agree to.

We understand that this is seen as a planning gain along with a substantial planting scheme to enhance the site. This we also agree to and the planting scheme will be with you shortly from our agent.

These two elements are required to enable you to recommend approval with conditions for the proposed replacement dwelling.

Report of Additional Representations

14/0827/P/FPSquirrel Cottage Shilton	
Date	04/06/2014 11/06/2014
Officer	Mrs Kim Smith
Recommendation	Refuse
Parish	SHILTON
Grid Ref:	426194,208123

Application details

Erection of stables.

Applicant

Mr & Mrs C Rawlings Westfield Lodge
Shilton
Oxfordshire
OX18 4AW

Additional comments from the applicant

We understand you may have concerns that this proposal is not justified. We hope the following explanations help to show there is justification:

- We propose to keep ponies or horses for our leisure use and for our children. The stables have been designed with British Horse Society recommendations.
- The land is almost sufficient in itself in area to allow grazing of two animals, though supplemental feed is often also given.
- We keep chickens at the moment, and hope to enlarge our range of animals as time goes on, these buildings can be flexible in their use.
- The land needs maintaining - we need to house a small tractor and cutting equipment for the land and hedges, hay and various feed and fertiliser etc products.
- Keeping animals of any kind, a tack or store room is an essential.
- In addition the site is on an existing concrete base and well concealed in the landscape by hedging and also a "horse mound" in the neighbouring riding school to the north. We currently have a single but dilapidated stable in this location as well as the "trough" water supply adjacent.
- I have carried out substantial planting along the northern hedgerow in the proposed location and would be willing to add a further tree planting scheme to further reduce the visual impact.
- we are willing to accept conditions that it be used for private purposes ancillary to Squirrel Cottage (or its replacement).

Report of Additional Representations

14/0842/P/S73131 Abingdon Road Standlake	
Date	05/06/2014 6/06/2014
Officer	Miss Miranda Clark
Recommendation	Grant
Parish	STANDLAKE
Grid Ref:	439198,202958

Application details

Non compliance of condition 5 of Planning Permission 11/1640/P/FP to allow removal of permitted development rights restriction.

Applicant

Mr Brian Cade 137 Abingdon Road
Standlake
Oxfordshire
OX29 7QN

Statutory Consultees

Parish Council - Because of the late cancellation of the July council meeting there was not the opportunity to make a formal objection. However, the following observation is made:

One assumes that WODC Planning knew what they were doing when the original planning permission was granted and this condition was imposed; it is not clear why this restriction should now be lifted. This is not a large site and any further development on it would be over-development: the argument that the two adjoining plots do not have this restriction does not hold water as the plots are not of comparable size.

Report of Additional Representations

14/0843/P/FP41 & 43A High Street Witney	
Date	09/06/201409/06/2014
Officer	Mrs Kim Smith
Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435637,209947 435651,209954

Application details

Conversion of existing outbuilding (to the rear of 43a) and erection of first floor extension (to the rear of 41) to create three 1 bed flats.

Applicant

Mr Peter Rawlins 41 High Street
Witney
Oxon

Additional Representations

Two letters have been received from Mr Scott (Architectural Consultant) writing in the capacity of owner of the offices known as 4 Meadow Court & David McCallum of Woodcote. The comments have been summarised as;

- The existing site for the proposed development at present has the benefit of a commercial status planning-wise.
- The site from which the proposed flats would access is also a commercial site occupied by small offices and which rely upon the privacy and limited access onto the High Street in Witney. West Oxfordshire District Council has already given planning permission for 2 No. properties which are to be accessed by the limited access-way onto the High Street.
- The proposed development at 41 and 43A High Street, Witney carries no facility for parking on the proposed site but, inevitably, if the development is granted permission for residential development, then use of the access way will, inevitably, increase as a result of visiting cars and individuals accessing the site of Meadow Court, off which the development will be constructed.
- The objection on this particular element of the proposal is that the planning consent already granted for Meadow Court should be protected as the development provides essential employment for up to 40 individuals in the various office buildings which exist.
- Permission granted for the proposed development of 41 and 43A High Street, Witney will therefore inevitably bear an effect upon the satisfactory implementation of the existing commercial planning permission for Meadow Court and result in increased traffic usage in and out of the development onto the High Street.
- Presumably, also, the development proposed will require a change of use from commercial to residential development.
- This is a privately owned access road leading to a development with commercial usage. Further residential development in addition to that already under construction will cause significant increase in traffic movements and congestion along the narrow service road providing access to Meadow Court
- there is barely any provision for the siting of refuse bins and recycling boxes which, could amount to 6 wheelie bins and 9 recycling boxes. It is not acceptable to expect these to be sited on the parking area adjacent to the offices that overlook this area
- Meadow Court is predominantly a commercial development and as such the integration of residential and commercial will cause further disruption on an already overcrowded development and could create safety issues for residents