

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 22nd June 2015

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

Application Number	I5/00739/FUL
Site Address	Sturt Farmhouse Oxford Road Burford Oxfordshire OX18 4ET
Date	19th June 2015
Officer	Hannah Wiseman
Officer Recommendations	Refuse
Parish	Shilton Parish Council
Grid Reference	427435 E 210598 N
Committee Date	22nd June 2015

Application Details:

Redevelopment to include twelve new dwellings, the demolition of two existing houses together with industrial, stable and equestrian buildings, the conversion of an existing barn to a dwelling house along with enhanced highway access and landscaping buffer zone.

Applicant Details:

Mr Jason Russell
14 Little Portland Street
London
W1W 8BN
United Kingdom

Additional Representations

Applicants Case

The applicant has submitted a letter in response to viewing the Officers Committee report to clarify some issues raised. The contents of that letter has been copied below;

Following review of the Planning Committee Report some key benefits of the proposed scheme and application consultation advice have not been documented or have been inaccurate. Therefore please see summarised below key facts and benefits of the scheme and why it should be approved.

HIGHWAY SAFETY IMPROVEMENTS

The current highway junction from the site onto the A40 is currently unsafe with several traffic accidents and near misses with commercial vehicles and horse boxes in recent years. The junction is at risk of an accident causing fatal injury or loss of life if not improved. The proposed application incorporates significant improvements including left and right turning splays and right turning lane which constitutes significant highway improvements as supported by Planning Policy E6 – Change of Use of Existing Employment Sites on Highway Safety Grounds. As previously documented planning officer, Phil Shaw provided recommendation for the proposal during Pre-Application Stage based on the above Policy E6 Highway Safety Grounds, resulting in the submitted detailed application.

NO LOSS OF EMPLOYMENT

Existing commercial businesses and equestrian use will be relocated to more suitable locations in the surrounding area therefore no loss of employment will occur to the local area.

SAFEGUARDING OF MINERALS

The current site residential and equestrian uses sterilise considerable areas of mineral resources, the proposed development supports Local Plan policy SD10 by relocating the equestrian use and installing a bund releases and safeguards a considerable area of minerals for future extraction which current policy does not cover.

EXISTING RESIDENTIAL SETTLEMENT

Sturt Farm is an existing housing settlement which includes a total of 6 houses, 1 of which is an affordable house owned by Sovereign Housing Association. The application proposes to demolish 2 houses, build 11 new homes and convert an existing barn which is a total increase of 10 residential dwellings to an existing settlement.

SUSTAINABILITY

The 12 new homes proposed are designed to achieve Code for Sustainable Homes Level 3 and provides sustainable access to surrounding towns and villages via the public right of way path 340/2 running to the south of the site. As illustrated on the enclosed plan the public path connects with a network of Public Footpaths and Bridleways providing safe and sustainable routes to various surrounding towns and villages by foot or potentially cycling from the Sturt Farm as follows:

Burford – 1.7 miles (10min Cycle or 32min walk) via Public Path 340/2, 149/19 and Witney Street

Asthall – 1.3 miles (8min Cycle or 28min Walk) via Public Path 340/2 and 113/2

Shilton – 1.6 miles (9min Cycle or 28min Walk) via Public Path 340/2, 143/10 and Bridge Street

Carterton – 2.1 miles (12min Cycle or 43min Walk) via Public Path 340/2, 143/10 and Shilton Road
(B4020)

The submitted scheme will significantly regenerate Sturt Farm settlement with spacious, quality Family homes, improve highway safety (Policy E6), safeguard minerals for the future (Policy SD10), relocating local businesses to more suitable locations and provide sustainable access to amenities within a 2 mile cycle ride. The proposals do demonstrate wider benefits of the application which outweigh the received objections therefore should be considered for approval.

Minerals and Waste

A further letter of representation has been received from Smith and Sons who operate the adjacent mineral extraction site. The letter can be viewed in full on the Council's website but summarises with the comment that after working closely with the applicant the company see that the proposal would result in the removal of the equestrian use together with the new landscaped landform which will reduce the environmental impacts of any future minerals development which would have a clear benefit for safeguarding limestone resource in this area.

Officers consider the matters raised in the applicants letter have been satisfactorily covered in the Officers Committee report and an on assessing that report suggest that the refusal reasons are separated over three separate reasons as follows;

1) The proposal, by reason of its obtrusion, prominence and the associated bund, would form an alien and incongruous feature in an otherwise open rural landscape and would not contribute to community cohesion due to its isolated and 'secluded' open countryside location. The proposal has failed to demonstrate that there is any wider planning benefit as a result of this proposal which would outweigh the harm and policy objection the addition of 12 new dwellings in this remote, open countryside location would have. For these reasons the proposal is considered contrary to policies BE2, BE3, H4 and NE3 of the adopted Local Plan 2011, policies OS2, EI, EHI and T1 of the Emerging Local Plan 2031 and paragraph 55 of the NPPF.

2) The proposal has failed to satisfactorily mitigate against the additional impacts arising from the development as proposed on local infrastructure. No affordable housing or off site contributions have been provided and therefore the proposal is contrary to policy BE1 of the adopted West Oxfordshire Local Plan 2011, policy OS1 of the emerging Local Plan 2031 and paragraph 50 of the NPPF.

3) The proposal will result in the loss of an existing employment site and is not considered to have satisfactorily demonstrated that the existing employment site is no longer capable of being used for the employment purposes nor that the site is not suitable on amenity or highway safety grounds. The applicant has failed to demonstrate that the development would offer any substantial planning benefits that would arise as a result of this proposal. As such the proposal is considered to be contrary to policy E6 of the adopted West Oxfordshire Local Plan 2011.

Application Number	I5/01184/FUL
Site Address	Land At Newland Street Eynsham Oxfordshire
Date	19th June 2015
Officer	Hannah Wiseman
Officer Recommendations	Approved subject to Legal Agreement
Parish	Eynsham Parish Council
Grid Reference	443664 E 209577 N
Committee Date	22nd June 2015

Application Details:

Erection of 13 dwellings with associated access, parking and open space

Applicant Details:

c/o agent
United Kingdom

Additional Representations

Highways

The County highways have formally responded on the amended site layout plan and as a result have removed their objection. The full comments are copied below;

It is considered that the proposal overall is not that traffic intensive in terms of the number of units and as such is not considered a highway safety issue given the small amount of vehicles the development would generate. Where developments involve the construction of residential estate roads/pavements (for more than 5 dwellings), it is a requirement of developers to enter into an agreement with the Highway Authority (HA) under Section 38 of the Highways Act 1980, under which they themselves will construct the streets to the satisfaction of the HA in accordance with Oxfordshire County Council's specification. However, in the case of this proposed development it is our understanding that the developer wants the proposed new roads/pavements to remain as a private un-adopted road. The County Council would still have to give technical approval and inspect the construction of the proposed road even if it was not put forward for adoption in respect of the Advance Payment Code (APC), although, an exemption is required in this case for the APC with a requirement for a 'Private Road Agreement' (an agreement with the County Council as Street Works Authority) as it will **remain private with the frontages being responsible for its maintenance and upkeep.**

To conclude there are no objections to the proposal from a traffic and highway safety point of view subject to the following conditions;

- i. That prior to the first occupation of the proposed development the access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and shall be undertaken within a section 278 agreement under the Highway Act 1980.

ii. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

iii. Prior to the first occupation of any dwellings hereby approved, all of the estate roads, footways/footpaths shall be laid out, constructed and lit and drained in accordance with Oxfordshire County Council's construction specifications.

iv. No development shall commence on site for the development until a 'Construction Traffic Management Plan' providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

v. Prior to the first occupation of the development the visibility splays shall be constructed in accordance with the approved details and the land, boundary treatment and vegetation within the visibility splays shall not be raised or allowed to grow above a maximum height of 0.6m above the adjacent carriageway level.

Informative

Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County council's Road Agreements Team for the proposed access works under Section 278 of the Highway Act 1980. For guidance and information please contact the County council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk

Heads of terms of legal agreement

The applicant has submitted a draft heads of terms for the potential legal agreement for the long term use of the proposed community orchard, along with the contributions as sought by Eynsham Parish Council. The draft terms are set out below;

The Community Orchard

1. Dr and Dr Ferrier and Oxford Homes and their successors covenant not to occupy or allow to be occupied dwellings on the land outlined in red on the attached plan referenced S1.01A until a lease of the land shown hatched in blue has been agreed for its use as a community orchard.
2. The tenancy of the lease will be in favour of the Orchard Group of Eynsham Green Tea ('The Orchard Group') and specifically for the growing of apples and the associated conservation and management of apple trees and varieties
3. Access to the site will be made available to members of the Orchard Group and use of the site will be restricted to the growing of apples and the management and conservation of apple trees and varieties, except for special events associated with the activities of Orchard Group and subject to the prior approval of Dr and Dr Ferrier.
4. The lease agreement will be between the owners (Dr and Dr Ferrier) and their successors and will be for a period of 20 (twenty) years with an option to extend the lease or purchase the land to make continued provision for the Orchard. On the cessation of the Orchard Group or the lease the land will revert back to the owners.
5. The lease will be subject to a peppercorn rent of £5 per annum.

Local infrastructure contributions

6. Oxford Homes agrees in principle to making proportionate financial contributions of up to £40,300 (index linked) to local infrastructure projects (such as local recycling, outdoor sport and play areas, cemetery provision and other local infrastructure) to be agreed with the Parish Council and provided that such contributions are held to comply with the relevant regulations.

Infrastructure provision

In addition to the above, in response to the Housing Managers comments the applicant is considering contributing to a commuted sum for offsite affordable housing provision. The figures will be verbally reported to Members by the applicant at the meeting.

Officers should clarify that the contributions required by the County Council as set out in 1.2 of the Committee Report, cannot be required via a section 106 agreement as the County Council has adopted a CIL charging schedule and under Regulation 123 of the Community Infrastructure Regulations 2010 OCC cannot require a Section 106 obligation in respect of the Education or property.

Application Number	15/01433/FUL
Site Address	43 Burford Road Witney Oxfordshire OX28 6DP
Date	19th June 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	434785 E 210283 N
Committee Date	22nd June 2015

Application Details:

Erection of 2no. 3-bed semi-detached dwellings (Resubmission of 15/00087/FUL)

Applicant Details:

Mr Stephen Holborough
C/O Agent

Additional Representations

Mr Carl Wilson, Mr and Mrs Ball, Ralph Norman and Dr Janet Boullin have commented. Their comments are summarised as follows:

The proposed new properties are in my opinion an over development of a beautiful garden that over looks my property. The front of the properties looks directly into my rear garden and with teenage daughter's bedroom and feel this takes away all our privacy.

The land the development is on has 15/20 well established trees that bats and goldfinches are known to habitat and would presume a complete environment survey would be required.

The entrance to the properties is on davenport road which is a small road with a regular bus service and as you can see there isn't sufficient parking so it is highly likely that vehicles would park on the path. This creates a pedestrian issue as there are a number of primary school children that walk to tower hill school and would have to dodge parked cars with the possibility of having to face oncoming traffic

As the owners of Kinsale, the property directly opposite the proposed development and having reviewed the amended plans for these dwelling, we wish to lodge our objections on the basis that the footprint is virtually unchanged which must therefore still constitute overdevelopment.

Moving the main body of the properties closed to Davenport road will further impact on any privacy we may have had through windows and into the main area of our garden.

The additional parking area will not alleviate on road parking as the access to the driveway appears to be unchanged so cars would have to be shunted to and fro which is surely going to result in more cars parking on the road creating a hazard to other motorists and endangering pedestrians.

This is an over-development of the site with the proposed dwellings sited forward of the building-line of adjacent properties.

It will have an adverse effect on a narrow road used by buses, particularly as the proposed development is close to the junction with Burford Road.

The minor changes made to the plans do nothing to counter my earlier objections to this application that it is an over-development of the site and out of keeping with the local area. My objection on the grounds of traffic hazard also still stands.

Please note that I was not alerted to this latest revised application despite my having registered for alerts.

Highway Safety Consultation Response

The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.

No objection repeat previous conditions (15/00087/FUL)