

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 6 May 2014

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

I3/I547/P/FP Former Highways Depot Banbury Road Chipping Norton	
Date	01/11/2013 01/11/2013
Officer	Officer to report
Recommendation	Provisional Approval
Parish	CHIPPING NORTON
Grid Ref:	

Application details

Erection of class A1 foodstore with associated access, parking & landscaping.

Applicant

Aldi Stores Limited and Merbuild Developments Ltd, c/o Agent.

Background Information

It has been brought to the Officers attention that the report as contained within the schedule details that the application has been prepared as a 'provisional approval'. For clarity, no recommendation has been made at this stage and the application is purely for the 'officer to report' on the current information and consultee responses received and to enable Members to comment on the scheme to date.

I Additional Representations

I.1 Nine further cards have been received in support of the proposal – from Simon Jackson, 9 Hill Close; A Quartermain, 3 Paradise Terrace; Mrs L Turner, Rose Mullion, Great Rollright; E E Clarke, 9 Hailey Road; Mr and Mrs David Hicks, 11 Tilsley Road; Rebecca Harraway, 42 Fox Close; Ian and Pam Desyllas, 53 The Leys; Mr and Mrs Thomson, 32 Walterbush Road and Mrs Harris, 25 Worcester Road- whose comments are summarised as follows:

- Desperately need more employment in Chipping Norton, especially for young people;
- Quite a few people got to Banbury to shop at Aldi, so building one here would help the "carbon footprint", as well as tidy up a rough piece of ground at the approach to the town;
- Would provide more competition, which in turn would benefit the lower paid senior citizens;
- Better choice for shoppers;
- Bring in trade from local villages more often;
- Chipping Norton is in desperate need of some regeneration and an Aldi is just what we need;
- Should remain as a foodstore only;
- Needs frequent public transport between the new store and the town centre;
- Encouraging people to shop locally is good for the environment;
- Choice is a major factor in shopping locally

I.2 In addition the following has been submitted by H Beaumont on behalf of the Campaign to Protect Rural England, West Oxon:

WODC has already rejected an earlier application by Sainsbury on London Road, Chipping Norton and we consider that this current Application should be rejected on the same grounds including the following of specific interest to CPRE:-

1. In accordance with the NPPF, CPRE is opposed to out-of-town developments which would adversely impact the integrity of our historic towns and villages. We believe that this application, being outside the radius within which people are nowadays prepared to walk, would affect seriously the economic viability of many shops in the centre of Chipping Norton. Visitors will park at the store and not in the town centre.

2. *The application is contrary to Local Plan Policies E1 and E6.*
3. *We have read the objection by the Co-op and are in entire agreement with their arguments. Chipping Norton already has more than the average square footage of convenience stores and the Co-op extension would add to this. There is absolutely no need for an Aldi as well.*
4. *There will be extra traffic, both delivery vehicles and cars, through the already congested town centre roads.*
5. *Air pollution is already an issue in the town centre and this would compound the problem.*
6. *This development would not create new employment – it would take it from town centre shops. The existing designated use would create employment as well as being more appropriate in what is now a residential area.*

This application should be rejected.

I4/0217/P/FP Land south of B4022 between Charlbury and Fawler	
Date	14/02/2014 14/02/2014
Officer	Miss Dawn Brodie
Recommendation	Refuse
Parish	CHARLBURY
Grid Ref:	436132,218402

Application details

Construction of a solar energy farm comprising solar photovoltaic panels, inverter housings, access tracks, fencing and security cameras.

Applicant

Sustainable Charlbury, Lower Watts House, Park Street, Charlbury, Oxon OX7 3PS

Additional Representations

I Representations

I.1 Since the preparation of the officers report a further four letters of support have been received. The comments are summarised as follows:

- This is a brilliant idea.
- The development fully accords with policy NE12 of the local plan and 20 of the Draft Local Plan.
- It offers substantial public benefits, locally and nationally by reducing greenhouse gases.
- The only potentially significant adverse impact would be on the AONB, I would ask you take account of the fact that:
 - It has limited visibility from any points accessible to the public;
 - The impact is entirely reversible;
 - It will incorporate plans to improve the diversity of the site and mitigate visual impact.
- Local ownership of such development should be encouraged.
- The advantages of the scheme outweigh any harm.
- Visual amenity issues have been accommodated in a sensitive way.

I.2 In addition four further letters of objection have been received:

- For this to be built in a walking area of the AONB would be a tragedy.
- The agricultural land should be used for the production of food.
- The site is highly visible for residents, walkers and drivers.
- The solar farm would spoil this part of the AONB
- The plans do not account for the difference in foliage cover between winter and summer.
- On 4th April the Minister for Energy and Climate Changes announced: '*I intend to focus the growth in solar farms on brownfield sites and domestic and industrial roofs, not on Greenfield sites*'. This goes against what he said.
- The Evenlode Valley between Finstock and Fawler is one of the most beautiful in Oxfordshire and it should be kept that way.
- The Cotswolds is a place of immense diversity. The proposal to create a 30 acre area of solar panels in such a sensitive site is contrary to the principles of the protected status of the AONB.
- The development should be rejected without question.
- The development will destroy valuable natural habitat.
- The development would result in extra traffic on the road network.
- Solar farms are an eye-sore and are of visible detriment to the area.
- This is supposed to benefit the community yet 75% of the local residents cannot afford to invest. The main beneficiaries would be Cornbury Park and Southill.

2 Applicant's Case

2.1 In response to the officer report the applicant has provided the following information:

2.2

The reason for refusal is that 'the harm to the landscape is considered to outweigh the benefits of the scheme'.

Error! Reference source not found. draws to the attention of the committee the following points based on Paragraph 116 of the NPPF:

*"Planning permission should be refused for major developments in [these designated areas] **except in exceptional circumstances and where it can be demonstrated they are in the public interest.***

Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any **national considerations**, and **the impact of permitting it, or refusing it, upon the local economy;***
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."*

We argue each of these points in turn:

National considerations

*National policy states that local planning authorities should recognise the responsibility on **all** communities to contribute to energy generation from renewable or low carbon sources. At the heart of the NPPF is a presumption in favour of sustainable development. This community-run project would save over 2,300t CO₂ annually and contribute to national government targets for climate emissions.*

Impact upon the local economy

*The surpluses of this scheme would generate **£80,000 each year** during the lifecycle of the project, injecting **£1.5m** into the local economy, creating a revolving fund to be used by community groups and residents in Charlbury, Finstock and Fawler. This is a significant sum of money, it is a principal driver of the project, and it will have a huge positive impact on the community, including creating local employment wherever possible.*

Site location

If Charlbury, Finstock and Fawler are to have community energy, we cannot avoid being inside the AONB. We have explored brownfield sites, of which there is only one; and that is an SSSI. There is insufficient industrial, commercial and retail roof space within these communities to deliver the same contribution to the government CO₂ targets and the community benefit. A solar farm seemed to be a significantly less intrusive development than alternatives such as wind turbines or fracking.

Our site was selected on the basis of clearly defined criteria, minimising visual impact through clear and sympathetic mitigation measures as our top priority. The site design is unique for a solar farm and is focused on community need rather than developer profit. Only 60% of the available site area would be given over to solar panels; this would be under-planted with a wild flower meadow and grazed by sheep. The remaining 40% will be used to create a variety of wildlife habitats.

Environmental and Landscape impact

- Any effect on the landscape is short term. After 20yrs the site will be cleared from all operational features and restored in an enhanced, rested condition back to agriculture.
- As agreed by Natural England and the Council ecologist (see planning report) there would be a net benefit to biodiversity resulting from the land management proposed for this site. Great care has been taken to ensure the habitat enhancements planned for Southill would not only reflect the nature of the surrounding landscape, but would also contribute to local and national biodiversity targets. A variety of habitats has been planned in order to encourage a broad range of native wildlife.
- CPRE Core Objective CO13 is to 'conserve and enhance the high environmental quality of West Oxfordshire with protection and promotion of its diverse landscape, biodiversity and geological conservation interests, and its local cultural, heritage and environmental assets.'
Our proposal would meet this core objective of CPRE by taking arable land of low biodiversity value and creating habitats of high biodiversity value which are fitting with the wider landscape and national biodiversity targets.
- The visual impact has been significantly moderated and that is clearly evident in our site design. Only 60% of the available site area is used with the remaining 40% left as open meadow. This is a direct result of the visual impact assessment process and consultation with WODC. In your officers opinion "every effort has been made to reduce the impact of the development"
- The limited number of necessary operational features has been tailored to the environment such as using deer fencing rather than palisade and mounting CCTV cameras on wooden poles rather than steel posts.
- This is a landscape of high value and views from local footpaths have been at the heart of the process. The careful site selection and design are such that the views onto the site are filtered or glimpsed and are limited to specific local viewpoints. Although planting is used in areas to screen specific elements, add character and to enhance the biodiversity of the site, the key mitigation measure is to limit the areas of panels to that which is absolutely necessary and not to maximise profits.

Historic environment impact

Heritage issues and concerns raised in the Planning Discussion revolve around the issues of the impact of the proposed Solar Farm to the settings of the registered park and garden at Cornbury Park and to the conservation areas of Charlbury, Fawler and Finstock. It is first key to remember that it the **significance of heritage assets** which it is necessary to assess and protect from harm. The setting of heritage assets is not the same as their significance and elements of setting may make varying degrees of contribution to any heritage asset's significance: positive, negative or neutral.

- The proposed scheme has been assessed as not causing harm to the significance of nearby heritage assets (in particular the RPG and conservation areas). The degree to which any of the surrounding heritage assets can be experienced from the site is very limited and thus it was assessed that the site forms only a minor element of the settings of those assets. Consequently the site makes only a minor or neutral contribution to the significance of those assets. Although it would be visible within the wider landscape close to these heritage assets, it will not cause harm to the unique historic characteristics, special interest of listed buildings, or character and appearance of the conservation areas. The significance of those heritage assets will be maintained.
- English Heritage agrees with this opinion. They provided a detailed letter of advice to us and followed with a similar summary response to the council in their role as statutory consultees where they concluded that: "Given that the proposals are not considered to have a major adverse impact on the significance or setting of highly graded landscapes and listed buildings, Scheduled Monuments or conservation areas we raise no objection to them".

- *The well-established definition of setting is provided in the NPPF Appendix 2 as the surroundings in which a heritage asset is experienced. Elements of setting can contribute positively, negatively or neutrally to the significance of heritage assets. Development within the setting of an heritage asset could potentially cause harm to the significance of that asset.*
- *Harm is defined by English Heritage as ‘change which erodes the significance of a heritage asset’ (Conservation Principles 2008). It is important to remember that when harm is being assessed it is harm to the significance of heritage assets that is to be considered not harm to setting in isolation.*

Balancing interests

On balance, therefore, we argue that we fulfil the criteria that define our proposal as ‘exceptional circumstances...and in the public interest’ and the development should be given permission.

14/0229/P/FP Quart Pot 3 High Street Milton Under Wychwood	
Date	18/02/2014 18/02/2014
Officer	Miss Dawn Brodie
Recommendation	Refuse
Parish	MILTON UNDER WYCHWOOD
Grid Ref:	426464,218290

Application details

Erection of eight flats with associated parking and new car park to serve public house.

Applicant

Acres Developments Ltd & Icsl, Bristol & West House, Post Office Road, Hook, Hampshire RG27 9TP

Additional Representations

I Applicants Agent:

I.1 The applicant's agent has submitted the following request for Members to consider:

I write with regard to the above planning applications and further to your recent discussions with Jon Westerman. As discussed, we had hoped to have exchanged contracts in respect of the sale of the Quart Pot. It had been agreed that contracts would be exchanged by lunchtime today, however, unfortunately at the 11th hour the purchaser of the Quart Pot significantly reduced their offer. It had been our intention to provide you with a copy of the contract, which restricted the use of the Quart Pot to a public house, and a letter of intent from the potential purchasers.

I can confirm we have a second purchaser interested in securing the Quart Pot and operating the public house. In order to enable this purchase to progress to a point that the Council has some certainty regarding the future of the Quart Pot, I would request that the application is deferred from the Uplands Area Planning Sub-Committee on Tuesday of next week. It would be our intention to get the second purchaser under contract prior to the applications being reported to the next Uplands Area Planning Sub-Committee. I hope that you will agree that it would be disappointing for the potential of the Quart Pot re-opening to fail at this late stage.

I trust you will look upon the above request favourably

14/0299/P/FP The Chequers Church Road Churchill	
Date	03/03/2014 2/03/2014
Officer	Miss Dawn Brodie
Recommendation	Provisional Approval
Parish	CHURCHILL
Grid Ref:	428238,224129

Application details

Erection of cotswold stone walling with timber entrance gates to enclose & create external dining areas. Construction of timber pergola and enclose existing escape stairs and kitchen entrance. Associated landscaping works to include low level external lighting and replacement of existing externally illuminated post sign in revised location.

Applicant

The Lucky Onion, The Chequers, Church Road, Churchill, Oxfordshire OX7 6NJ

Additional Representations

I Statutory Consultees

I.1 OCC Highways:

There are three issues from a 'highway' point of view - the encroachment on to the highway along the frontage, the encroachment on to the public footpath to the rear and car parking.

The proposed wall and extended flagstone area along the public house frontage encroaches on to the public highway. Should a planning permission be granted work should not be started on this area until the highway has been 'stopped up'. I understand OCC will resist any such 'stopping up'.

The proposed seating area/wall to the rear encroaches on to the public footpath. Should planning permission be granted work in this area should not commence until WODC have made a Footpath Diversion Order and the footpath diverted. The minimum width of the diverted footpath should be 1.5m and be located adjacent to the proposed wall (shown as item 03 on drawing 1732-02) and not through the car park as shown on the application drawing. The diversion will require the relocation of the proposed parking spaces 06, 07 and 08.

The proposal increases the seating area but reduces the number of parking spaces from 20 to 16 as shown on the drawings. I do not consider the proposed reduction will cause such harm in terms of highway safety and convenience as to warrant the refusal of a pp.

No objection subject to –

- *Prior to any work of the construction of the wall and extension to the flagstone area along the public house frontage the area of highway be 'stopped up'*
- *Prior to any work on the seating area to the rear the public footpath be diverted in accordance with the associated Footpath Diversion Order, and a scheme to be submitted and approved.*
- *The parking layout to be amended in accordance with a scheme to be submitted and approved (spaces 06, 07 08).*

Officers have discussed these matters with Highways officers who have confirmed that neither the Stopping up Order or Footpath Diversion Order are reasons not to determine the planning application. These are separate processes which may impact upon the implementation of the planning permission. The applicant has been informed of this matter and that, if they are not granted the necessary orders than it may prevent the implementation of their permission. They have advised that they wish for the application to be determined.

14/0364/P/FP Quart Pot 3 High Street Milton Under Wychwood	
Date	13/03/2014 14/03/2014
Officer	Miss Dawn Brodie
Recommendation	Refuse
Parish	MILTON UNDER WYCHWOOD
Grid Ref:	426464,218290

Application details

Erection of four dwellings with associated parking and construction of car parking for public house.

Applicant

Acres Developments Ltd & ICSL, Bristol and West House, Post Office Road, Bournemouth, Dorset
BHI IBL

Additional Representations

1 Representations

1.1 Three additional letters of objection have been received since the preparation of the officer's report. The comments can be summarised as follows:

- The development would cause problems in terms of traffic and cars.
- Previous applications were both refused and this proposal is not an improvement on either of these proposals
- The proposal for eight flats or four dwellings would cause more problems than an application for one house.
- The parking proposal is in no way a practical solution.
- The so called 'passing areas' are unusable.
- The three metre access is not wide enough for cars and pedestrians to pass.
- OCC Highways should re-look at this application.
- The majority of the village want a solution to the Quart Pot issue but this is not a sensible one.
- The inference is that the developer needs to make a profit and therefore planning has to be allowed. It is not the position of WODC to sort out the developers problems.
- The parking survey submitted is ludicrous.
- The area is not big enough to house four dwelling and allow the pub to open as well.
- Is it really an intention to open the pub?
- Delivery lorries could not use the access and could cause chaos.
- Children wait in this area for school buses – what about their safety.
- If the application for one house got turned down how could an application for four dwellings be supported?
- The 'proposed purchaser' of the pub may not re-open it – there are no guarantees.
- The developer has brought the property to make money.
- Common sense is needed when considering this application.

2 Applicants Agent:

2.1 The applicant's agent has submitted the following request:

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