

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 5th December 2016

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

Application Number	16/02306/FUL
Site Address	Land rear 15&16 Woodstock Road Charlbury
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436149 E 218823 N
Committee Date	5 th December 2016

Application details

Demolition of 2 semi detached properties to facilitate a new vehicular site access, development of 9, no. two bedroom houses and 4 no. two bedroom bungalows with associated car parking and landscaping.

Applicant

Cottsway Housing Association

ADDITIONAL REPRESENTATIONS

I Representations

A further 3 letters have been received objecting to the scheme on the following grounds:

- Until the Charlbury Neighbourhood Plan is approved and adopted, there should be a complete moratorium on any and all development proposals.
- We have just viewed the revised plan for the proposed development. Our earlier comments regarding the development still stand. There is no justification for losing the only play area within this part of Charlbury.
- The proposed 100sqm now set aside for play, is totally inadequate. At present, despite being ill maintained, the amount of space that children have to play in is several times larger than the proposed area. Should this development be approved there will be a greater number of children living in this area. Where will they be able to play in safety?
- The proposed new play area on the revised plan is much too small to accommodate all of the children already within this area and then new families that would be moving to the proposed site.
- If the play area was put in the position on the plan the children would have access to Woodstock Road, which is one of the main roads into Charlbury, it is busy at all times of the day. How is this therefore safe for the children and families using the area?
- Response to the letter written by Kerri Crutchfield of Pro Vision Planning & Design.
Paragraph 4 - "between 2005/2012 site lay fallow - knee high grass and weeds."
My children were actually using this field to go back and forth to catch the school bus, which left from the Londis Shop up until 2012.
Paragraph 8 - "the site has never been used as a playing field." Can you clarify what a 'playing field is?' (Kerri Crutchfield is in fact contradicting herself saying at some points it is a playing field and at other points it is not). This field did in fact have swings, goal posts and climbing equipment in it.

- Ms Crutchfield argues 'the land is private therefore the Applicant could preclude access to the site should they wish.'
- When the Sturt Close estate was built in the early 1950s this area of land was deliberately left undeveloped, and with a pathway leading to it, so it could become a playing area for local children. A planning application for this piece of land dated July 1955 (Ref. C185/55), approved 'setting apart the site as a permanent playing ground' [our underlining]. WODC Planning History map for 1948-65 shows it as a playground, and it is still marked as such on the large-scale Ordnance Survey map of 1975. The clear intention was for this to be a lasting, enduring playing area, not one from which children can now be threatened with being precluded from accessing, or be built over when it suits the owner.
- Ms Crutchfield also writes 'The site is not designated as play/open space within the existing or emerging Local Plan' and 'not included in West Oxfordshire District Council's schedule of 'Play Areas in West Oxfordshire' published in 2013'.
- We would point out that the 1955 planning application cited above also granted approval for 'the playing ground being scheduled as an open space'. If this has since been rescinded, please advise when, and why. If no such documentation exists, then we would like to know why it is no longer listed as such. In saying that 'The Town Council's minutes from early 2005 confirm that they surrendered the lease and removed the equipment by 31st March 2005'
- Ms Crutchfield implies that the Town Council did this willingly. She omits that the report also adds that the equipment was removed at the request of Cottsway, and that Charlbury Town Council regretted this move.
- That the play equipment has been removed should not be interpreted as meaning the site is now obsolete as a playing space. Although there has not been formal play equipment in recent years children have continued to benefit from, need, and enjoy, having space where they can play football and other ball games, or just run around in. The need for such space is clear from government guidelines, which state that children between 5 and 18, not just the toddlers that the proposed new 100m2 play area would cater for, are increasingly at risk of an over sedentary lifestyle and need to engage in regular outdoor recreation. Evidence that residents still value the site as a play area is clear from the petition which was presented.
- The observation that the planning committee site visit on 30 September 2016 found 'the area is not well used as there is no well-trodden grass' ignores that this was a Friday in school term time, and a time of year when grass grows quickly. This does not in our eyes therefore constitute evidence that the area is no longer used.
- Ms Crutchfield's statement that 'Between 2005 and 2012 the land within the site lay fallow and returned to nature - knee high grass and weeds' is totally unsubstantiated. It consequently carries little weight other than to imply that Cottsway let slide their obligation to maintain the area. And yet, as said, long grass and lack of play equipment do not, and did not, stop children using the site that was earmarked for their permanent use in 1955.
- The reference in Ms Crutchfield's letter to provision of a Home Zone in Sturt Close in 2004 seems irrelevant, being introduced as a road safety measure, not a replacement play area. And yet, when residents were consulted prior to its implication, 'A number of people expressed concern about the poor state of the children's play area accessed off Sturt Close' (Transport Implementation Committee report, Oct. 2004).
- The replacement of the existing 4600m2 playing area with a mere 100m2 can never be considered acceptable as a 'new high quality play area for existing and future residents', as described by Ms Crutchfield. Nor will such a small area fulfil the requirements of TLC5. It would also breach policies outlined in Paragraph 74 of the National Planning Policy Framework (NPPF) since
 - The space is not surplus to requirements
 - The loss resulting from the proposed development is not to be replaced by equivalent provision, let alone better, in terms of quantity
 - the development is not for alternative sports and recreational provision but for housing.

- The various policies and commitments outlined above show that when Sturt Close was built the land was set aside for a playing space. Local demand to retain this use has been demonstrated to be no less now than when officially approved as such in 1955. We have shown how in 2004 residents wanted the play area improved, in 2005 the Town Council regretted Cottsway's demand for removal of the play equipment, and the petition this year from 130 people wanting reinstatement shows residents of this part of Charlbury want a proper play space. It seems that the key change has been lack of maintenance since the land was taken over by Cottsway, suggesting to us that perhaps Cottsway have been keen to encourage its demise with a view to ultimately building on it.
- We fully appreciate the need for more social housing in West Oxfordshire (though still wonder if this is the best way of meeting that need, given the criteria laid out in the July 2016 WODC Housing Market Assessment). We also realise the council is under pressure from the government to provide such housing. However, in view of all the above, plus the over-intensity of this development, road safety hazards in the site and at its exit onto Woodstock Road, loss of trees, flood risk and numerous other concerns, we do not see how this site can, or should be built on.
- We therefore beg the planning officers and committee to heed our argument. There are doubtless other, more appropriate sites for building these homes on.

1.2 Additional comments from the OPFA were sent to members of the sub-committee prior to the last committee meeting and are copied here:

Reference is made in the Sub-Committee report to the National Planning Policy Framework in encouraging sustainable development. We would draw your attention to paragraph 74 of the Framework:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

We would suggest that the recommended decision to agree this application does not conform to this policy in any respect.

We would urge the Planning Sub-Committee to recognise that this application is significant in that it has involved the Council in setting its pressing need for more affordable and appropriately designed housing against an equally pressing need to ensure that there is adequate provision of good quality and well-located outdoor recreational playing space available in every community. Both these needs are reflected in past and forthcoming Local Plan policies, as is stated in the report.

We acknowledge that the report to the Sub-Committee recognises that approval of the application will result in the loss of a play area which is contrary to adopted and emerging Council policy. It goes on to say that the scheme has been revised to include a Local Area of Play which is considered on balance to be acceptable.

Given the very small size of the area for play in relation to the size of the open play space on which the development is to be built, we cannot agree that the proposed amendment to the design can be described as acceptable as a replacement for the existing area. It will not

provide an area suitable as a kick-about space or for play equipment for children older than toddlers or be of a size and location to cater for residents in the wider Hughes Close and Sturt Close area. We do, however, very much welcome the fact that our request for a play space of some kind to be included in the development has been met.

In reality approval of the application will involve a decision to sacrifice an open play space serving a local neighbourhood in order to achieve additional social housing provision. This may be a decision that the Council feels it has to make but we hope that, if so, the conflicting policy issues involved in that decision are clearly recognised for future reference and further consideration, if ever a similar situation arises.

Thank you once again for working with the applicant to at least get a Local Area for Play included in the plan for the proposed development.

Report of Additional Representations

Application Number	16/02793/FUL
Site Address	18 Maple Way Ascott Under Wychwood
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Ascott u Wychwood Parish Council
Grid Reference	429883 E 218485 N
Committee Date	5 th December 2016

Application details

Erection of six dwellings and associated works

Applicant

Cottsway Housing Association

ADDITIONAL REPRESENTATIONS

I Representations

I.1 One additional representation from Mr Braithwaite on behalf of the Parish Council:

I am writing on behalf of the Parish Council in response to the letter you have received from Kerri Crutchfield of PRO VISION in support of their application.

The letter refers to Policy H2 and emerging policy OS4. Both provide for protection for existing and new residents. OS4 specifically refers to “enjoyment of land and buildings nearby”. The NPPF also refers to “ existing and future occupants of land and building”.

The letter highlights the relationship between the windows of the new and existing buildings, but fails to address the impact the new block will have on the gardens of 18 and 16. The gardens form a significant and attractive amenity for these houses and the new block will completely overlook and eliminate any sense of privacy in the gardens. It should be noted that a recent retrospective application in the village has been rejected by the Planning Officer on the basis that the structure overlooks the next door garden. The assertion that “there would be no unacceptable impact through loss of light” is untrue and at this time of year the garden of number 18 would be in shadow almost all day.

The community, as has been frequently stated, fully supports the provision of six affordable houses on the site, but this scheme represents a poor layout which fails to respect the local character, or protect neighbour amenity. The issue of lack of pre-application consultation with the community and the neighbours has already been well documented in previous correspondence. In all the circumstances we consider the application in its present form is unacceptable and we trust that it will not receive consent.

Report of Additional Representations

Application Number	16/03659/S73
Site Address	Farndon House Frog Lane Milton under Wychwood
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426762 E 217896 N
Committee Date	5 th December 2016

Application details

Variation of condition 2 of planning Permission 14/1143/P/FP

Applicant

Mr and Mrs Horner
Farndon House,
Frog Lane
Milton under Wychwood
OX76JZ

ADDITIONAL REPRESENTATIONS

One addition letter of objection has been received by Mr Martin Walker of Stone Cottage, Frog Lane, Milton under Wychwood.

“We wish to comment on the above application.

The reason for changing condition 2 of the approved permission is as stated:- "Originally approved drawing 087-PL-02 has been revised (now 087-PL-02B), to show the proposed new means of access moved. This has been necessary to avoid a clash with a BT pole and to make access easier in the slightly wider part of the lane."

The access is not 'proposed' .It already exists.

The BT pole was in position throughout the original planning application, therefore one would assume the 'clash' would have been overcome by moving the pole. The width of the carriageway is constant along the frontages. It is the width of the verge that narrows. By providing suitable radii to the verge crossing, and in the parking area, comparable ease of access would be achieved.

The position of the access encroaches on the end of the existing public parking area alongside the boundary of Fardon House and is opposite the pedestrian access to Robinswood. This will cause more access, safety issues and damage to the grass verge to the frontage of Stone Cottage and Robinswood, than the position of the original proposed access did .

The construction of the present access has led to the destruction of a length of mature beech hedge which screened the ground floor of Fardon House from the properties opposite. The original position of the access left a full screen of mature beech hedge to the front of Fardon House. We were content with the original configuration but are not satisfied with the existing arrangement.

The Design and Access Statement in the original planning application states:-

If the application for 'permission to form an access to the public highway has been submitted with reference to drawing 087-PI-02 and approved, then the existing access must be in contravention of that permission. As the existing access was constructed before the submission of drawing 087-PI-02B for planning, it follows that highway permission has not been granted.

We would understand that changing planning conditions after granting the permission is a serious matter. Possible reasons would be un-foreseen insurmountable practical or legal situations, for example. In this case the reasons are not un-foreseen and insurmountable, in fact we consider them rather weak, and with little foresight in the design, could have been overcome.

We feel that in this case, the attitude was 'construct the access at the most convenient position and overcome the change in location by a fait accompli!' A clue to what was going to happen was illustrated in the application I5/00096/FUL which was withdrawn."