

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 8th May 2017

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

Application Number	I6/03416/OUT
Site Address	Land South Of Banbury Road Chipping Norton Oxfordshire
Date	5th May 2017
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chipping Norton Parish Council
Grid Reference	432201 E 227776 N
Committee Date	8th May 2017

Application Details:

Outline planning application for demolition of existing buildings and erection of up to 100 residential dwellings including 40% affordable housing, creation of new vehicular access off of Banbury Road and provision of public open space with associated infrastructure and earthworks. All matters reserved except accessibility to the site, for vehicles in terms of the positioning and treatment of the access to the site.

Applicant Details:

Gallagher Estates Ltd
c/o Agent

ADDITIONAL REPRESENTATIONS

OCC has provided additional comments and raises no objection to the further highways information submitted by the applicant.

The vehicular and pedestrian access arrangements are acceptable and include a signalised junction with the Banbury Road at the east end of the site and pedestrian crossing of the Banbury Road at the western end of the site.

The link road which would provide access from Banbury Road through to the allocated land to the south is in principle of an acceptable layout and standard as illustrated. This road would have a secondary access off it to serve the development and would terminate at the southern edge of the site, pending additional development coming forward in the future in relation to proposed local plan allocation CNI.

The following will be required by legal agreement:

S106 agreement –

- £100,000 towards the Chipping Norton bus strategy (enhancing the S3, X8, 488 and 489 bus services)
- £15,000 is sought from the development towards implementing a town wide 20mph limit.
- TRO consultation fees of a) £2,500 towards implementing the speed limit extension along Banbury Road b) £800 towards the puffin crossing along Banbury Road.
- A travel plan monitoring fee of £1,250 over a period of five years.

- Legal agreement to secure works to deliver the East of Chipping Norton link road to the southern boundary of the site
- Agreement to implementing parking controls along the link road.
- a pair of poles/ flags/ information units in the vicinity of the site in connection with new bus stops
- A S278 agreement -
- Site access onto Banbury Road including footways and a signalised pedestrian crossing
- Extension of the 40mph speed limit further east of the access
- Additional footway improvements
- Bus stop infrastructure to include hardstanding

Conditions as follows:

- A) Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in general accordance with drawing WI16184_A_010 Rev D, with the link road providing a minimum highway width of 17.75m (including carriageway, street landscaping and footway/cycleway). Thereafter and prior to the first occupation of any part of the development, the means of access shall have been constructed and shall be retained thereafter in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- B) Prior to first occupation of the development, the process to introduce a Traffic Regulation Order to extend the 40mph speed limit not less than 120m east of the stop line at the access to the site on Banbury Road shall have commenced.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- C) Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways, car parking, turning areas to serve the dwellings, and cycle parking, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways, parking, turning areas and cycle parking to serve those dwellings shall be constructed in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- D) Prior to commencement of the development hereby approved, full details of the street lighting (including any phasing and timing of works) shall be submitted to and approved in writing by the Local planning Authority. Thereafter and prior to the first occupation of the development, the lighting plan shall be carried out and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- E) Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details for the duration of the construction phase.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- F) Prior to first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The first occupier of each dwelling shall be provided with a copy of the approved Travel Information Pack. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of promoting sustainable transport choices and to comply with Government guidance contained within the National Planning Policy Framework.

- G) 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 include:
- (i) Discharge Rates
 - (ii) Discharge Volumes
 - (iii) Maintenance and management of SUDS features (including contact details of any management company)
 - (iv) Sizing of features - attenuation volume
 - (v) Infiltration in accordance with BRE365
 - (vi) Detailed drainage layout with pipe numbers
 - (vii) SUDS
 - (viii) Network drainage calculations
 - (ix) Phasing
 - (x) The plans must show that there will be no private drainage into the public highway drainage system

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

- H) Prior to the commencement of the development hereby approved, full details of the location, surfacing and lighting of the pedestrian/cycle accesses within the site and linking the development to the highway at Banbury Road shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, construction of the pedestrian/cycle accesses shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of travel by sustainable modes of transport in accordance with the National Planning Policy Framework.

Application Number	I6/03856/FUL
Site Address	18 Sandford Park Charlbury Chipping Norton Oxfordshire OX7 3TH
Date	5th May 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436131 E 219346 N
Committee Date	8th May 2017

Application Details:

Erection of new dwelling with new vehicle access and minor alterations to the existing house.

Applicant Details:

Mrs B Gorton
18 Sandford Park
Charlbury
OX7 3TH

ADDITIONAL REPRESENTATIONS

A total of four additional comments have been received since the preparation of the Officers Report:

Mr Harrison raised questions regarding how the gradient of the proposed access could be achieved and how the driveway will be shored up. Questions were raised regarding the visual impact and the proposed removal of trees.

Ms Penny objects to the proposed formation of the vehicular access and resulting impact on safety of pedestrians and road users.

Mrs Flint commented that speeds were in excess of those quoted within the Highways Officers report. The formation of the access was deemed to be detrimental to highway safety. The development would overlook the private curtilage area of 5 Hill Close restricting privacy and resulting in a loss of light.

Mr Moffatt made the following comments regarding the response from OCC Highways:

I have read the further comments made by Highways and quite frankly I am left baffled. It is quite clear that the 85th%ile speeds of 30.5mph from the south and 29.5mph from the north as indicated by the officer at this point along The Slade, are somehow incorrect. This can be observed by the naked eye alone; in reality speeds are much higher than this even allowing for +2.5mph dry weather conditions. I do think there needs to be further investigation and a more detailed explanation as to how these readings were reached including time period(s) and date(s).

Most importantly, I have found some further significant evidence that gives weight to the argument. **OCC conducted a survey in April 2015 over an 8 day period along The Slade**, close to the proposed point of entry/exit. Averaged 85th%ile speeds were recorded of **36.3 mph** to the south and **35mph** to the north. Even more worrying, the survey highlighted that over a period of 24

hours, there were **774 vehicles that pass along The Slade travelling at speeds between 36mph and 61mph.**

At these speeds stopping distances are far greater and there simply isn't the visibility required at the point of entry / exit to make the situation safe. It only takes one car, travelling too fast and one person to be in the wrong place at the wrong time. I'm not prepared to sit back and not raise genuine concern because if an accident happens in the future that could or should have been prevented I would feel absolutely terrible. Moreover I was genuinely surprised by certain members of the Council at the last committee meeting, for their reasoning that they almost 'have to' pass the application because safety concerns weren't fully documented on the initial application and therefore there is a risk that OCC may lose an appeal which has could have negative financial implications.

Application Number	I6/04230/FUL
Site Address	Land At London Road And Trinity Road Chipping Norton Oxfordshire
Date	5th May 2017
Officer	Michael Kemp
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chipping Norton Parish Council
Grid Reference	431962 E 227279 N
Committee Date	8th May 2017

Application Details:

Erection of Assisted Living (Extra Care) and Retirement Living Accommodation, landscaping and car parking.

Applicant Details:

Yourlife Management Services Ltd And McCarthy _ Stone Retire
4th Floor
100 Holdenhurst Road
Bournemouth
BH8 8AQ

ADDITIONAL REPRESENTATIONS

The county council **no longer objects to this planning application.**

The applicant has submitted a revised site access plan showing how for the more southerly of the two accesses, the gate is now 8m back from the highway rather than the 5m previously shown. This means that refuse wagons or other large vehicles e.g. deliveries will not obstruct flow of traffic on Trinity Road whilst access through the gates is authorised.

The applicant has also submitted a revised drawing showing how the 10.4m long refuse wagon used by West Oxfordshire refuse collection service can enter and leave the site in a forward gear. West Oxfordshire do not use an 11.4m long wagon.

The county council is now satisfied that the surface water drainage on the site can be adequately dealt with by means of the imposition of a suitably worded planning condition (see below). Having said that, there are still some issues regarding the maintenance of the storage units. The units will need to be cleaned to prevent debris from blocking the soakaway and the storage system only shows an access chamber. The crates need to be Stormcell or similar to allow the system to be jetted and cleaned. This should be taken into account as any application to discharge the planning condition is made.

17/00236/FUL 29 - 30 High Street Chipping Norton Oxfordshire OX7 5AD	
Date	4.5.17
Officer	Abby Fettes
Recommendation	Approve
Parish	Chipping Norton
Grid Ref:	431427 227246

Application details

Reconfiguration of retail space and shop front. Change of use of first and second floors from retail to two flats and erection of nine dwellings to rear with associated works.

Applicant

Harpers Home & Garden Ltd

I Additional Representations

- I.1 The viability assessment has now been received from the applicants agent. Officers are of the opinion that whilst the assessment methodology is not wholly supported, there is evidence to suggest that in this specific case, the proposed scheme would not be able to provide on-site housing or off-site contributions, due to the abnormalities, which are the residual value of the site, the demolition and build costs on a tightly constrained site, the higher build costs for natural stone to enhance the setting of the listed building etc. In that regard it is considered that the application is acceptable and recommended for approval subject to conditions set out in the main report.

Application Number	I7/00569/FUL
Site Address	Barley Hill Farm Chipping Norton Road Chadlington Chipping Norton Oxfordshire OX7 3NT
Date	5th May 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Chadlington Parish Council
Grid Reference	432318 E 222849 N
Committee Date	8th May 2017

Application Details:

Demolition of agricultural building to allow for the conversion and subterranean extension of agricultural buildings to form one dwelling.

Applicant Details:

C/O Agent
Barley Hill Farm
Chipping Norton Road
CHADLINGTON
OX7 3NT

ADDITIONAL REPRESENTATIONS

The following letter has been received from the applicant's agent Mr Jon Westerman:

I note that you consider that the proposed extension will fundamentally alter the vernacular form and character of the barn and that you are unable to support the application. This is of course disappointing. The proposed extension was designed to ensure that the vernacular form and character of the barn was maintained, through its subterranean form and use of the existing topography. Furthermore, the removal of the large modern agricultural building and the evergreen conifers provide the opportunity to positively enhance the setting of the vernacular building. I note you consider that the proposed development is contrary to policy BE10 and H10 of the adopted West Oxfordshire Local Plan 2011.

As you are aware, Policy BE10 identifies the criteria whereby the conversion of unlisted vernacular buildings will be considered and states:

The conversion of unlisted vernacular buildings should not:

- a) Extensively alter the existing structure or remove features of interest;*
- b) Include extensions, or an accumulation of extensions, which would obscure the form of the original building.*

Policy BE10 does not preclude the provision of extensions to vernacular buildings, but simply seeks to resist them where they would obscure the form of the original building. The proposed subterranean extension which utilises the significant change in levels across the site, will not obscure the form of the original building. Furthermore, the removal of the large modern agricultural building and the evergreen conifers provide the opportunity to positively enhance the setting of the vernacular building.

I would suggest that the demolition of the large modern agricultural building and evergreen hedge would provide the opportunity to positively transform the character and appearance of the existing barn. It is also important to note that the removal of the modern agricultural building and the evergreen hedge were not secured under planning permission 14/1431/P/FP.

As such, I consider that the proposed development accords with Policy BE10 of the adopted West Oxfordshire Local Plan 2011. However, if you reach a different conclusion, I would like to understand on what basis you consider the proposed extensions *obscure the form of the original building*.

Policy H10 of the adopted West Oxfordshire Local Plan 2011 identifies the criteria whereby the conversion of existing buildings to residential use in the countryside and small villages will be considered. Criterion C requires:

c) The building is capable of substantial construction and capable of accommodating residential use without major reconstruction or significant enlargement.

On the basis that you consider that the proposed development is contrary to Policy H10, I assume that this on the basis that the proposal represents a significant enlargement. The proposed development involves the removal of the existing pole barn and modern agricultural building. I can confirm the following:

- 1) The floor area of the existing barn and pole barn is 145 sqm; and
- 2) The floor area of the existing barn and extension is 128 sqm.

On the basis of the above, the proposed development represents a reduction in the built form of the existing building. This calculation does not take into consideration the loss of the large enclosed riding arena, which is clearly a benefit which weighs in favour of the scheme. The enclosed riding arena has a floor area of 542 sqm. The building is very prominent in the wider landscape. As such, on the basis that the proposed extension does not represent a significant extension to the existing building, I would suggest that the proposed development accords with Policy H10 of the adopted West Oxfordshire Local Plan 2011.

The above view was shared by the Council in respect of its consideration of the consented scheme at Walcot Barn, Forest Road, Charlbury. Planning permission was granted under application reference 14/0225/P/FP on the 12th June 2014 for the conversion of the existing barn to dwelling, workshop, office and parking. Walcot Barn is located on the Cotswolds AONB, immediately adjacent to the Oxfordshire Way.

In considering this application, the case officer stated that:

The subterranean element, by its very nature, is not prominent in the wider landscape would not be of harm to the character of the immediate setting, the character and setting of the footpath or the agricultural form of the building.

I note that you consider that the original barn in this case was much larger than the barn the subject of this particular application and the extensions were considered to be less transformative. In this instance, the Council concluded that the proposed semi-subterranean extension at Walcot Barn, in arguably a more prominent and constrained location than the barn at Barley Hill Farm:

- a) Include extensions, or an accumulation of extensions, which would obscure the form of the original building; and
- b) The building is capable of substantial construction and capable of accommodating residential use without major reconstruction or significant enlargement.

On the basis of the above, I am unclear as to how reasonably the Council could come to a different view that the proposed development at Barley Hill Farm is not in accordance with Policy H10 and BE10 of the adopted West Oxfordshire Local Plan 2011.

As you are aware the Parish Council has not raised any objections to this application. The Parish Council has consistently raised objections to previous applications at Barley Hill Farm. However, the following a site visit by the Parish Council they were able to appreciate the merits of the current application.

Application Number	I7/00780/FUL
Site Address	Heythrop Park Hotel Heythrop Park Heythrop Chipping Norton Oxfordshire OX7 5UE
Date	5th May 2017
Officer	Kim Smith
Officer Recommendations	Approve subject to Legal Agreement
Parish	Heythrop Parish Council
Grid Reference	436395 E 226447 N
Committee Date	8th May 2017

Application Details:

Erection of a temporary marquee structure for a period of 5 years.

Applicant Details:

The Firoka Group
C/O Agent

ADDITIONAL REPRESENTATIONS

Adjoining Parish Council - Enstone Parish Council has no objection to this planning application. However, it wishes to point out to the Planning Dept the concern regarding the potential increased volume of traffic that this will create as well as noise and light pollution.

Application Number	I7/00832/FUL
Site Address	Land East Of 26 The Slade Charlbury Oxfordshire
Date	5th May 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436264 E 219537 N
Committee Date	8th May 2017

Application Details:

Erection of four dwellings with associated access and landscaping.

Applicant Details:

Mr J Gomm
C/O Agent

ADDITIONAL REPRESENTATIONS

A total of 18 letters of objection have been received. The main objections are summarised below:

- The access leading to the site is unsuitable due to the narrowness of the access and restricted visibility.
- Increase in the use of the access would be dangerous for pedestrian safety.
- The development would have an adverse impact on the residential amenities of the neighbouring properties in The Slade, in particular No's 24 and 26 by reason of overlooking, overbearingness and loss of light.
- The plans indicate that the buildings would be taller than those previously proposed on the site.
- The plans would result in the partial loss of an area of the grass verge which would impact on pedestrian safety.
- The applicant's ecology report is flawed and contains errors.
- The development contains no affordable housing provision.
- The development would result in the loss of 10 mature trees, which would have a resulting detrimental impact on wildlife.
- Increased development on the land will increase water discharge.
- The removal of existing hedgerows will be harmful to site ecology.
- The development would compromise the open aspect of the area.
- The development would have a detrimental impact on the character of the Cotswolds AONB.
- The site was considered as unsuitable for development in the SHELAA.
- The provision of 4 dwellings will be limited in meeting local housing supply targets.
-

Charlbury Town Council made the following comments regarding the application.

- Restriction should be placed to prevent further development, particularly where this seeks to avoid Section 106 affordable housing contributions.
- Object to the application on the grounds of access. There would be benefit in promoting discussion with the developer and Town and District Councils.

Charlbury Conservation Area Advisory Committee made the following comments:

While the slight reduction in dwellings was an improvement, the committee reiterated the need for detailed landscape proposals to mitigate the development in views across the Conservation Area from the Public footpaths, the absence of affordable housing and the possible precedent for further development of the field in the future. No details of fencing or surfaces were provided with the current application and it was noted that the submitted drawings showed no south side elevation of Plot 2 which differed from Plot 3 because of the garage location. This was a critical elevation in external views of the development.

The following comments were received from the Councils Ecologist:

I have read through the Updated Phase I Habitat Survey Report dated 19th February 2017 prepared by Windrush Ecology, and I am satisfied with the methodology, findings and recommendations. The recommendations for nesting birds in section 5.2.1 and amphibians in section 5.2.3 should be implemented during site clearance and construction as a planning condition.

I also recommend that a Landscape and Ecology Management Plan (LEMP) should be submitted for approval as a planning condition to ensure that the biodiversity enhancements recommended in the Updated Phase I Habitat Survey Report are translated into the proposed development and that they are appropriately maintained and managed in the long-term, including the provision of new hedgerows, trees and native or recognised wildlife-friendly plants as part of the landscaping scheme; and integrated bird and bat boxes within the dwellings.

17/00918/FUL 18 Maple Way Ascott Under Wychwood Chipping Norton Oxfordshire	
Date	4.5.17
Officer	Abby Fettes
Recommendation	Seek delegated authority
Parish	Ascott u Wychwood
Grid Ref:	429883 218485

Application details

Demolition of existing garaging, erection of 4 two bedroom houses and 2 three bedroom houses with associated car parking and landscaping.

Applicant

Cottsway Housing Association

I Additional Representations

I.1 Drainage

No objection subject to conditions