

Planning Committee
Wednesday 28 October 2015

Addendum Report

Item 8

Planning Reference: P15/V0663/O – land off Townsend Road, Shrivenham

Report Correction

At paragraph 7.74 the figure of £532,309.44 is calculated by multiplying £2,873 x 185.28m² not £2,873 x 32.

Report Update

A Thames Water Potable Water Capacity Flow & Pressure Investigation report has been submitted which identifies mains reinforcement can be provided to secure adequate water supply and pressure

Application Update

Three additional letters of objection have been received. The objections expressed may be summarised as follows:

- Dismayed that despite objections from the Parish Council, County Council and many local people that officers support the application
- Further speculative development
- Outside the village
- Needs to be considered against the impacts of other housing developments in Shrivenham
- Extends the village westwards towards Bourton and the east of Swindon expansion and would virtually merge these settlements with a loss of character for the villages involved
- Greater impact on local services and difficulties in parking in the village centre
- Unsustainable development
- Villagers have expressed a preference for development to the north of the village

Bourton Parish Council has expressed its disappointment with the recommendation for approval. It has questioned the weight to be given to the draft local plan Part 1 2031 and infrastructure improvements offered by the applicant. It also expresses concern that with this development and planned expansion of Swindon would lead to Shrivenham becoming a suburb of Swindon.

Officer Response

- Objections have been summarised in the officers report and taken into account
- It is agreed that this is a speculative development and the site is outside the built up area of Shrivenham. It adjoins the western edge of Shrivenham. The officer's report explains the weight to be given to local planning policies and those in the NPPF and why this expansion is considered reasonable.
- A gap of approximately 1.15km would remain between Shrivenham and Bourton and a gap of some 1.65km between Shrivenham and the planned eastern edge of the eastern expansion of Swindon. Settlements would remain physically and visually separate

- The officers report identifies facilities which this proposal would have an impact on and which could be improved through financial contributions from this development or by the requirement of planning conditions
- Local facilities are reasonably accessible by foot, cycling and using public transport (paragraph 6.15 of the report)
- The proposal is considered to meet the three dimension of economic development having economic, social and environmental roles (section 7 of the report)

Application Update

Councillor Howell has written to the case officer expressing his disappointment with the recommendation for approval. His comments and concerns also reflect those of Councillor Ware and Shrivenham Parish Council. The concerns expressed may be summarised as follows:

- What is the position with the 5-year land supply?
- This is an unsustainable development
- Housing development permitted in the village will double its size
- The village could face construction and construction traffic on all sides of the village and at all entrances
- Thames Water has concerns about the ability of infrastructure to cope
- Other applications require significant works to roads and the school with could take 5 – 10 years to build.
- This application cannot piggy back on others
- The County Council has objected as the school does not have capacity and should itself be grounds for refusal
- Water supply and foul/sewage issues are noted as concerns that will take time and investment to resolve adding to the sustainability concerns. (it is interesting to note the anecdotal evidence of power cuts and water supply loss this year in the village that the infrastructure is under strain)
- The site does not provide good access to village facilities and will increase traffic from the site to the facilities in the high street
- Noise and air pollution will only get worse with increased traffic on the A420. Not right to put houses next to the A420 when better sites exist It is not clear whether the application studies take account of the 8,000 dwelling expansion east of Swindon
- Overdevelopment
- The impact on local residents in Rhymes House and Swanhill are considerable and unacceptable in terms of the impact of building work and privacy
- No local consultation by the applicant
- No benefit to the local community
- Does not help with the supply of homes in the short term
- Unprofessional for officers to make reference to the threat of appeal and plays into the hands of the applicant

Officer Response

- The report addresses most of these points in greater detail. In summary:
- The authority does not have a 5-year land supply (paragraphs 6.3 and 6.4 of the report)

- The proposal is considered to meet the three dimensions of sustainable development having economic, social and environmental roles (section 7 of the report)
- The highway authority has not raised any objections on highway grounds (paragraphs 6.43 to 6.46 of the report)
- Thames Water does not object and has identified solutions for providing adequate foul water disposal and clean water supply. These can be secured by conditions.
- Local facilities are reasonably accessible by foot, cycling and using public transport (paragraph 6.15 of the report)
- The environmental health team has reviewed the air quality and noise reports submitted and have no objection. Conditions can require further surveys before reserved matters stage in order to take account of noise and air quality at that time with appropriate mitigation provided (paragraphs 6.24 and- 6.26 of the report)
- The density of development is 22 dwellings per hectare Officers have expressed an opinion that the site may not accommodate 116 dwellings and that wider areas of planting and open spaces will be expected. Granting planning permission would not endorse 116 dwellings on this site but a figure of between 1 and 116 might be achievable. The reserved matter stage is the most appropriate stage for assessing overdevelopment of the site (paragraphs 6.19 and 6.21 of the report)
- The layout of development and house types are reserved matters and it is not possible at this stage to fully consider the implications for neighbouring resident's amenity. This can be considered in detail at reserved matters stage. Residential amenity is addressed in paragraphs 6.22 – 6.26 with paragraph 6.23 specific to immediate neighbours including Rhymes House and Swanhill Farmhouse. Space will be expected next to these dwellings to prevent any unreasonable overlooking.
- There is no obligation for an applicant to consult on a housing development prior to submitting an application
- The benefits of the scheme need to be considered on a wider basis as well as for the local community. Benefits and dis-benefits of the proposal are summarised in section 7 of the report
- The proposal can make a contribution to the council's 5-year land supply
- Officers have asked OCC whether they will defend their objection at appeal as it helps in understanding the severity of their objection (paragraph 6.66 of the report. This is normal practise.

Application Update

The Infrastructure Funding manager at Oxfordshire County Council has written to state:

"I have just read the report to today's Planning Committee.

I would ask that the following points regarding the education content are made available and considered by your committee, because of inaccuracies and in part deficiencies in the report as to the situation vis a vis future primary school accommodation at Shrivenham.

The summary of the report (final paragraph) states:

“Completion of the s.106 (at land off Highworth Road – P13/V1810/O) is within the control of the County Council.”

This is an inaccurate summary – The County Council does not control the completion agreement. The completion of a S106 at that site, including hopefully provision for additional primary school accommodation would need to be agreed between (amongst others) both the applicant and the County Council. Although considerable progress has been made as yet no agreement has been reached over the costs of the proposed facility, nor over the costs of land required to facilitate the subsequent expansion of the facility.

This inaccuracy is repeated again in paragraph 6.68.

Paragraph 6.66 state:

“It is wholly reasonable to be of the view that there is a solution already negotiated by OCC [the County Council] which this development [P15/V0663/O] could justifiably contribute towards ..”

Again, while I remain optimistic that a S106 will be completed, the negotiations are still underway on key elements such as the contributions from the development to the proposed primary facility.

Paragraph 6.68 – final sentence;

Provision of new primary school facilities at the P13/V1810/O site is not solely in the control of the County Council; it would also be dependent upon other factors such as the commencement of development there – an aspect totally beyond the control of the County Council.

Also while not an inaccuracy:

Paragraph 6.75 – It would I suggest be helpful for your members to understand that the 60% carbon reduction/BREAAM element of the cost amounts to just over 7.3% of that cost (i.e. about £338,000 or c£1,878 per pupil place)

There are other areas/content of the report where the District and County officers take different views which is not without precedent, and upon which I do not comment here, but I would ask that your members are made aware that if contributions are secured at what appears to be a rate of £16,634.67 per pupil (based on 32 pupils) there will in the view of the County Council’s officers be a significant shortfall in meeting the costs of the proposed facility. You may not be surprised by the County Council’s officer’s view given the Secretary of State’s endorsement earlier this year (at a Faringdon development site) that primary school costs per pupil of £24,424 for a new primary school provision complied with the CIL tests (those cited in paragraph 6.59 of your report).

I trust you find this helpful in the planning committee’s consideration of the planning application.

Officer Response

It is accepted that the s.106 for application number P13/V1810/O is between OCC and the applicant. OCC has a considerable extent of control over this process, as noted in paragraph 6.66 of the report and which OCC is not disputing.

With regard to the scale of contribution itself officers have noted the appeal decision associated with the Highworth Road, Faringdon appeal (application no. P13/V1366/O, appeal reference APP/V3120/A/13/2210891). Whilst this appeal by Gladman Developments Limited against the refusal of planning permission for a 96 dwelling proposal was dismissed the Inspector had advised:

“155. There was no dispute between the parties that the contributions towards secondary education, sixth form places, special educational needs and bus services would be CIL compliant, with which I concur. It was also agreed that a contribution to primary education would also be CIL compliant, although there was significant disagreement about the level of the contribution. The primary education contribution is based on the assumption that the development would generate a demand for 24 primary school places. As a consequence of this and other significant residential developments in Faringdon, there is an identified need for a new school for 210 pupils aged from 4 to 10 years. OCC provided evidence that the new school would cost £5,129,000, including external works, school set up costs, fees and measures to reduce carbon emissions to deliver a ‘low carbon’ building, but excluding any potential land costs. The contribution sought is £586,176.00 based on £24,424.00 per pupil.

156. The appellants argued that this cost per pupil reflected OCC’s aspirations for a zero carbon school and was unfair and unreasonable as it was almost double the figure suggested by the Department for Education. Nevertheless, the Framework confirms that the purpose of the planning system is to contribute to achieving sustainable development and that planning has a key role to play in meeting the challenges of climate change. Paragraph 95 of the Framework specifically urges local authorities when setting any local requirements for a building’s sustainability, to do so in a way consistent with the Government’s zero carbon buildings policy. Given these national priorities, I consider that the contribution sought by OCC towards a new primary school, based on £24,424.00 per pupil, would be necessary to make the development acceptable in planning terms, would relate directly to the development, and would fairly and reasonably relate to the scale of the proposal”.

Since that decision the Government has cancelled (April 2015) its code for sustainable buildings and consequently it is no longer necessary to construct the school to a higher level BREEAM level than required by building regulations. It is understood that OCC’s expectation is that the contribution requested is towards a 2FE school which is to future proof the school. However, to mitigate for the impact of this development a 1FE school would be necessary. It would be unreasonable to request mitigation that is greater than the impact of this development. Officers have also taken into account new evidence on the costs of school building which include Education Funding Agency calculations but more specifically BCIS guidance. Officers remain of the opinion that the BCIS calculation given in the report is evidenced, justified and proportionate to this proposal.

Timing of Development and Primary School Delivery

OCC advise that delivery of the school may depend on commencement of development associated with application no. P13/V1810/O. Officers have considered

other s.106 agreements to understand how timing issues are dealt with by OCC in seeking school contributions and either providing new schools or school expansion.

In the case of the Grove airfield development a resolution exists to grant planning permission for housing and other development that includes new primary and secondary schools. The Grove airfield draft s.106 requires the primary school to be transferred to OCC at an agreed date which in turn is linked to occupation of a specific number of dwellings. To date the s.106 has not been completed and therefore, planning permission does not exist for the new schools. This situation is not unlike the scenario in Shrivenham.

In the case of planning application no. P12/V1545/O (permission granted for 133 dwellings at Old Station Road, Grove), OCC asked for a financial contribution towards new primary schools at Grove airfield or elsewhere in agreement between OCC and the developer. The s.106 drafted by and completed by OCC requires the contribution to be paid to OCC at the commencement of development associated with application no. P12/V1545/O. Consequently there is a possibility of the housing permitted by application no. P12/V1545/O being built prior to the Grove airfield development being permitted and before schools are built or any other school expanded. This is a similar scenario to that now faced with this current application at Townsend Road, Shrivenham.

This is not unusual practise and at appeal the same scenario has been accepted. For example in the case of application no P13/V2266/O (35 dwellings in East Hanney) OCC requested a contribution towards expanding East Hanney primary school. The s.106 accepted by all parties and the Inspector at appeal requires the primary school contribution to be paid in phases with part at commencement of development, another paid on first occupation and the remainder before occupation of the 14th dwelling. Again development was not prevented prior to completion of the school expansion.

In a more recent s.106 drafted by OCC relating to 55 dwellings in East Hanney (P15/V0343/O) and requiring a contribution to the expansion of East Hanney primary school, OCC's request is the contribution is paid before commencement of development.

This is a pattern with other s.106 agreements with OCC and it would seem unreasonable to deviate from the mechanism that OCC uses in securing school contributions.

Item 9

Planning Reference P14/V2462/O – McCloskey Equipment Ltd, Upper Farm Road, Chilton

Application Update

The application has been withdrawn from the agenda.

Item 10

Planning Reference: P15/V2888/FUL – Faringdon Golf Course, Great Coxwell

Application Updates

1. Following further discussions regarding the most appropriate method of controlling the occupancy of the holiday lodges, officers propose a change to the recommendation as follows:-

Recommendation:-

It is recommended that authority to grant planning permission is delegated to the head of planning, in consultation with the chairman and vice-chairman of the committee, subject to –

- i) The completion of a section 106 obligation to control the type and length of occupancy of the lodges, and
- ii) Conditions as specified on the agenda

2. Great Coxwell Parish Council have submitted suggested conditions that should be attached should this application be approved. These are appended to this document at **Appendix 1**.

Officer response

Officers note the requests for conditions by Great Coxwell Parish Council. However they are satisfied that the conditions suggested at the end of the report and the suggested legal agreement is satisfactory in controlling the proposed development on this site.

Item 11

Planning Reference P15/V1693/FUL – 2 Cumnor Rise Road, Cumnor Hill

No updates

Item 12

Planning Reference P15/V1039/FUL – Seacourt Tower Retail Park, West Way, Botley

Report Update

The Unilateral Undertaking has now been sealed/completed 20th October 2015 for the following:-

£3000 Towards the cost of providing and installing a new traffic sign on Botley Road on the westbound approach to the signal junction and
£2040 Towards the cost of monitoring a Travel Plan for the period of five years.

Following discussions with Economic Development VOWH, and an objection received from Savilles (representing Mace on behalf of Doric properties) it has become apparent that a condition or conditions restricting the A1 units to non-food and drink retail only, and clearly identifying the three A3 type units would be appropriate.

This would help to more clearly define the permission, and restrict the potential for draw of trade in food and drink way from Botley Local Centre. Whilst the three A3 uses are considered acceptable (Units 5, 6 and 12), the potential impact of food and drink sales from the A1 units (7, 8, 9, 10 and 11) proposed at Seacourt Retail Park upon Botley Local Centre has not been assessed in this application and as such the A1 uses at units 7, 8, 9, 10 and 11 should be restricted to non food and drink retail.

In addition the applicant has sought some flexibility in the application proposing A1/A3 uses for units 5, 6 and 12 and has requested in the application that the uses of these not merely be limited to A3 use (for example a bakery has traditionally been identified as an A1). This would give some flexibility to the developer which is considered to be acceptable. The following condition is therefore also recommended:-

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 1987 (as amended), or any other statutory instrument revoking or re-enacting that Order with or without modification, the sale of food and drink is permitted within Units 5, 6 and 12 only, within Use Classes A1 and/or A3 uses only, and may not be sold within units 7, 8, 9, 10 or 11 hereby approved.

Reason: To ensure that the development does not harm the retail vitality and viability of Botley Shopping Centre (Policy S1 of the Local Plan).

Report Correction

The report at para 6.21 indicates that 3 trees would be required to be removed (as indicated on the plans submitted). Following a further site visit by the case officer, 2 of these trees have already been removed, so 7 now remain. Only one additional tree would have to be removed as indicated in the plan. This is still considered acceptable for the reasons given in the report.

Item 13

Planning Reference P15/V1580/FUL – Shotover Corner Cottage, Shotover Corner, Uffington

Report Update

Further to the submission of the conservation officers' objection, amended drawings have been submitted and updated comments are as follows:

“I have considered the revised details and in my view these are an improvement, in reducing impacts for a dwelling and carport. I note a summer house and garage was approved last year. However, I still have reservations about the principle of a dwelling in this location as set out in my earlier comments.”

Officer response

The conservation officer does not support the principle of a new dwelling in the proposed location, but acknowledges the impact on the conservation area and heritage assets has been reduced through re-design.

Report Update

It has been raised by member at the committee site visit that a condition will be required with respect to slab levels due to the dwelling being set into the ground

In addition, for clarification, members should note that section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, while section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses.

Paragraph 129 of the NPPF required local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraph 131 states that when determining applications local planning authorities should take account of –

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality
- The desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 132 confirms that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 134 explains that less than substantial harm to the significance of the heritage asset should be weighed against the public benefits of the proposal.

Item 14

Planning Reference: P15/V0096/FUL – The Laurels, Broad Street, Uffington

No updates

Item 15

6 Mill Road, Marcham

Report Update

The front half of the site lies within the Marcham Air Quality Management Area. The designation of the AQMA does not prevent new housing development but requires consideration of the impact of air pollution on future residents of any new properties in close proximity to the main village road. In this case the proposed development is approximately 20 metres back from Frilford Road and no principal windows will

directly face the road. Therefore it is not considered that controls over means of ventilation of rooms is required.

Item 16

Planning Reference P15/V1940/FUL – Orchard Way, Harwell

The Forestry Officer has now confirmed (further to para. 6.13 of the report) that a group Tree Preservation Order has now been served on the line of trees to the rear of the site. As recommended in the report the condition to retain these trees is no longer necessary given that the applicant would now have to apply to undertake any works to the trees. A letter (Appendix 2) has been submitted by the agent for application Mr Paul Butt. The placement of the Tree Preservation Order has been carried out as a separate process by the Forestry Officer. With regards to the application before Members now it is Officers advice that condition 14, which sought the retention of the trees be removed. The concerns of Mr Butt are attached at Appendix 2.

Item 17

The House, All Saints Lane, Sutton Courtenay

No updates

Item 18

Planning Reference P15/V1938/FUL - 219 Saxton Road, Abingdon

No updates

Item 19

Planning Reference P15/V2138/A – Wildwood Kitchen, 1 – 3 Bury Street, Abingdon

No updates

Item 20

Planning Reference P15/V1860/FUL – White Horse Leisure & Tennis Centre, Audlett Drive, Abingdon

No updates

Appendix 1

Great Coxwell Parish Council

Letter to Case Officer re Conditions to be Applied if Planning Proposal P14/V2888/FUL is Approved by the District Council Planning Committee
Faringdon Golf Course, Great Coxwell, SN7 7LU

This letter supports and supplements the conditions raised by other stakeholders, in particular Oxfordshire County Council, in response to this application for change of use at Faringdon Golf Course. We have tested these conditions against the requirements of the NPPF, paragraph 206 and believe they are compliant and do not place an onerous burden on the developer. For ease of reference, these conditions include and replace the list of conditions submitted recently.

Our previous responses of 24 March 2015, of 30 June 2015 and of 5 August 2015 still apply to the proposal and continue to represent the views of the parish.

The impact of the development on an important landscape setting is a significant change of use to provide 36 units that would afford living accommodation wholly within an area recently designated by the Neighbourhood Planning Examiner as a 'Green Buffer', specifically to retain the distinctive rural character of the this particular part of the Corallian Ridge.

Therefore, our conditions in the event of planning approval are as follows:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other statutory instrument amending or replacing it, no new buildings, extensions, structures, hard standings, decking, means of enclosure, or material alterations to the approved buildings shall be erected, constructed or inserted in the application site other than those permitted by this Decision Notice.

Reason: The site and buildings have a distinct and attractive character and appearance which should be maintained. In order to protect these qualities, it is essential for the Local Planning Authority to maintain control over the types of development listed above, in accordance with the Great Coxwell Neighbourhood Plan Policies NDS1, 3, 4 and 13, Vale of White Horse Local Plan Core Policies 37 and 40 and the National Planning Policy Framework.

2. There shall be one parking space for each chalet, any additional cars to be parked on the communal parking area near the entrance to the site.

Reason: A restriction to a maximum of 36 cars spread across the site is proportionate to holiday lettings and to preservation of the important landscape quality, in accordance with Vale of White Horse Local Plan Core Policy 35 and Great Coxwell Neighbourhood Plan Policy NDS7.

3. The separate services needed to support each of the 36 chalets shall be taken underground. Provision for waste collection recycling shall be made at the communal area of the site and not collected from the individual chalets.

Reason: This is to minimize 'infrastructure' around each chalet, and vehicular journeys to each chalet and within the 'green' part of the site generally, in accordance with Vale of White Horse Local Plan Core Policy 35 and 43 and Great Coxwell Neighbourhood Plan Policy NDS13.

4. The vehicular route through the site shall be of the same dimensions as the existing track, to prevent regular use by HGVs.

Reason: There are concerns about the practicality of implementing the proposed site road due to the trees and level changes, with a potential conflict accommodating anything larger than a standard car on its current proposed route, as set out in Vale of White Horse Local Plan Core Policy 44 and Great Coxwell Neighbourhood Plan Policies EDQ1 and NDS3.

5. The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

Reason: In the interests of highway safety, and in order to ensure that the development complies with the Vale of White Horse Local Plan Core Policies 37 and 40 and County Council directives.

6. No site works shall commence until such time as a temporary car parking area and wheel washing facilities for site operatives and construction traffic has been laid out and constructed within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and that area shall be retained available and utilised for that purpose for the duration of the building operations.

Reason: To ensure that the access roads in the vicinity of the site are kept free from construction traffic in the interests of highway safety in accordance with the Vale of White Horse Local Plan, Core Policies 37 and 40 and the National Planning Policy Framework.

7. Drainage. Development shall await completion of the upgrade of the facilities at the Faringdon Sewage Works in April 2017, to permit connection to the main sewer, applied in accordance with the expert guidance received, in liaison with Thames Water. As a minimum, in accordance with the Environment Agency response to this application, 'the development shall not be commenced until such a time as a scheme to dispose of foul drainage, including any on/off site improvement works, has been submitted to, and approved in writing by the local planning authority.

Any scheme not connecting to the main sewer shall be supported by a written report which includes:

- demonstration that the possibility of a mains connection has been fully investigated and justification for why such a connection is not reasonable
- an assessment of the impacts of the foul drainage scheme on the water environment'.

The Drainage Engineer separately advised that, 'as a condition of sanction, prior to the commencement of development, existing flooding issues shall be further assessed and design information (for example, ditch condition survey and micro-drainage results) and a foul water system design shall be submitted to and approved

by the planning authority in consultation with the highway authority. This is to ensure the effective and sustainable drainage of the site and to avoid flooding', assessed at maximum usage levels.

Reason: To ensure that foul drainage is disposed of in accordance with health and environmental standards, and in accordance with Great Coxwell Neighbourhood Plan Policies EDQ4 and NDS14, Vale of White Horse Local Plan Core Policy 42 and National Planning Policy Framework.

8. Pedestrian connectivity: The Footpath No 231/8 connecting from the site to the A420 'Little Coxwell Turn' bus stops and to the village of Great Coxwell shall be improved to the satisfaction of the County District and Parish Councils.

Reason: To provide satisfactory walking route for residents to local bus stops in accordance with Vale of White Horse Local Plan Core Policy 35.

9. The development shall not start before a comprehensive scheme of landscaping has been approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must also show details of all planting areas, species and proposed means of enclosure and screening, including mounding, with details of the materials of which they will be built and details of any paving and other hard surface materials to be used throughout the proposed development.

Reason: The proposed development and its location is such that in accordance with Great Coxwell Neighbourhood Plan Policies EDQ1 and NDS1, 3, 4 and 13, Vale of White Horse Local Plan Core Policies 37, 40 and 44 and the National Planning Policy Framework, landscaping is necessary to enable it to fit in with its surroundings, enhance the locality and to enhance the quality of the development itself for those using it. The Council places a high priority on good quality landscaping.

10. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Vale of White Horse Local Plan Core Policy 44 and the National Planning Policy Framework.

11. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Vale of White Horse Local Plan Core Policy 44 and the National Planning Policy Framework.

12. Before any site preparation work or development starts each tree to be retained or that is protected by a Tree Preservation Order, shall be securely fenced to protect the area within the crown spread at a minimum radius equal to half of the height of the tree or equal to the canopy spread, whichever is the greater. Within the area or areas fenced off no fires shall be lit and the existing ground level shall remain the same and no building materials, temporary buildings or surplus soil shall be placed, tipped or stored on it. If any trenches for services are required in the fenced off area, they shall be excavated and back-filled by hand and any tree roots encountered which have a diameter of 2cms or more, shall not be severed. This requirement extends to trees on the boundary of the site, such as those in Turfpit Copse, a designated Ancient Semi-Planted Woodland.

Reason: To ensure that the trees are protected during construction work, in accordance with Vale of White Horse Local Plan Core Policies 45 and 46 and the National Planning Policy Framework.

13. Retail outlet: The developer shall agree to a covenant restricting the scale and scope of the farm shop, to prevent unrestricted development of the retail facility, surges of traffic demand on the A420 and potential for overspill parking on the highway.

Reason: To comply with Oxfordshire County Council's traffic condition and Great Coxwell Neighbourhood Plan Policy CA2.

14. There shall be no outdoor public address system within the application site other than for emergency use.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Vale of White Horse Local Plan Core Policies 37 and 40 and National Planning Policy Framework.

15. No floodlighting or external lighting of any kind shall be installed at the site unless details have been submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: To safeguard the appearance of the area and/or the amenities of neighbouring dwellings. This condition is imposed because of Great Coxwell Neighbourhood Plan Policy EDQ3 and National Planning Policy Framework.

16. The development shall not start until samples of the proposed walling and roofing materials have been approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Great Coxwell Neighbourhood Plan Policy EDQ1, Vale of White Horse Local Plan Core Policies 37 and 40 and National Planning Policy Framework the development will be constructed of materials of a

type, colour, texture and quality that will be appropriate to the site and its surroundings.

17. The development shall not start before the finish for the external woodwork has been approved in writing by the Local Planning Authority. The external woodwork shall be finished and thereafter maintained in the approved colour.

Reason: To ensure that, in accordance with Great Coxwell's Neighbourhood Plan Policy EDQ1, Vale of White Horse Local Plan Core Policies 37, 40 and 44 and the National Planning Policy Framework, the development will safeguard the character of the site. It is important to protect and maintain the character and appearance of the area in which this development is located. The colour of the finish of the external woodwork will have a significant effect on the appearance of the proposed development.

18. Before work starts, plans showing the existing and proposed ground levels, the slab level of the proposed building(s) and slab level of adjacent buildings shall be approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels and in accordance with Great Coxwell Neighbourhood Plan Policy EDQ1 and Vale of White Horse Local Plan Core Policy 44 and is not harmful to the appearance of the area.

19. Before work starts, the design and details of the external doors and windows, dormer windows, etc., shall be approved in writing by the Local Planning Authority. The design and details shall be accompanied by drawings to a minimum scale of 1:20 with full size moulding cross section profiles, elevations and sections. The works shall only be carried out in accordance with the approved details.

Reason: In accordance with Great Coxwell Neighbourhood Plan Policy EDQ1, Vale of White Horse Local Plan Core Policies 37 and 44 and the National Planning Policy Framework, it is important to protect and maintain the character and appearance of the area in which this development is located. These are important details which need to be constructed in the traditional local way to ensure that the development fits into its surroundings.

20. Notwithstanding Classes C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, the accommodation shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence.

Reason: The site is not suitable for permanent, unrestricted accommodation or as a primary place of residence because of its open countryside location. This condition is imposed in the light of the National Planning Policy Framework and Vale of White Horse Local Plan Core Policies 37, 40 and 44, as well as to respect the Great Coxwell Neighbourhood Plan 'Green Buffer' (Policy EDQ1).

21. If at any time hereafter any holiday unit is let out by the developer, or sub-let by a leaseholder, the lease or sub-lease shall contain a covenant on the part of the

leaseholder to comply with conditions 22 and 23, the wording of such a covenant to have been previously submitted to and approved in writing by the Council's solicitor, such approval not to be unreasonably withheld.

Reason: To ensure the restriction on the occupancy of the unit is strictly controlled in an area where unrestricted accommodation would not normally be permitted. This condition is imposed in the light of the National Planning Policy Framework, Vale of White Horse Local Plan Core Policy 31 and Great Coxwell Neighbourhood Plan Policy EDQ1.

22. Before work starts or any part of the development is occupied, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, both during and after the implementation of the approved development, shall be approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management of the landscape at the site which is important to the appearance and character of the site and surrounding area in accordance with Vale of White Horse Local Plan Core Policy 44 and National Planning Policy Framework.

23. No work shall commence on site until a Biodiversity Action Plan including reference to long term design objectives, management responsibilities and maintenance schedules has been agreed in writing for the site by the Local Planning Authority and the agreed details shall be implemented in accordance with the strategy obtained therein. The Biodiversity Action Plan will set out how the development will contribute to the delivery of UK and local Biodiversity Action Plan targets.

Reason: To ensure biodiversity at the site in accordance with Great Coxwell Neighbourhood Plan, Vale of White Horse Local Plan Core Policies 45 and 46 and National Planning Policy Framework.

24. Permission is subject to, and must be read in conjunction with, a legal agreement under Section 106 of the Town and Country Planning Act (1990) as amended.

Reason: This is a change in land use and guarantees the site for recreational and not residential purposes in accordance with the Great Coxwell Neighbourhood Plan Policies CA1 and EDQ1.

Appendix 2

Please reply to: Mr P Butt BA(Hons) DipUP DipUD MRTPI
Direct Line: 07760 210952
Email: paulbuttplanning@btinternet.com
My ref: 2014-063
Your ref: P15/V1960/FUL

Paul Butt Planning
8 Hyde Copse
Marcham
Oxfordshire
OX13 6PT

Mr Shaun Wells,
Vale of White Horse District Council
Abbey House
Abbey Close
Abingdon
OX14 3JE

26 October 2015

Dear Shaun,

RE: Removal of conditions 5 (travel information), 6 (OCC Manual for Streets), 8 (refuse), 12 (non-motorised users audit), 13 (biodiversity offsetting scheme), 14 (retention of trees), 15 (windows to Plots 1 & 6) and 17 (footway), and variation of condition 3 (drawing numbers) of planning permission P14/V2286/O.

1.0 Introduction

1.1 This letter provides further information in relation to Condition 14 in response to your report to the Planning Committee on the 28 October 2015. I would appreciate if you would bring this letter to the attention of the Planning Committee in an addendum report to the Committee meeting as it would appear that the Council's Forestry Officer, having not responded to a reasonable request made in my email of the 13 September 2015, now appears to be trying to extend the provisions of condition 14, and also remove the benefit of the permission for up to 9 dwellings, by making a group Tree Preservation Order on 95 alder trees on the site (paragraph 1.5 of your report refers).

1.2 For convenience, in my email of the 13 September I advised:

"Dear Tim,

Further to your response to consultation on the application to remove condition 14 requiring "Unless otherwise agreed in writing by the Local Planning Authority" the retention of "the row of trees forming the internal line adjacent to the western boundary in any layout presented at the reserved matters stage", if I could in the first instance refer you to my Supplementary Statement submitted with the application (reproduced below):

"2.23 The condition is imprecise in that it does not identify "the row of trees forming the internal line adjacent to the western boundary" that are to be retained in a layout presented at the reserved matters stage. The reason for the condition relates to the depth of boundary treatment that is not characteristic of the local area in which there are single lines of trees forming the boundary treatments, the boundary treatment can not reasonably be described as a "woodland", there is no Public Right of Way ("footpath"), and the landscape character of the site under Policy NE9 'Lowland Vale' is described in the general notes 7.66 – 7.68 to Policy NE9 as "celebrated for the contribution it makes to distant views from the higher land" and "long views over the patchwork quilt of fields and villages". The landscape character of the site within the Lowland Vale will not be significantly affected as any long distance views (for which I

am struggling to see where such a view would be obtained of the site) would see the development against the existing development in Orchard Way, and with the school to the north and newly built residential development in Grove Road beyond.

2.24 Paragraph 6.22 of the Planning Committee report at Appendix 2 advises that:

"there is concern that if these trees are removed the tree cover will appear thin, have views through to the site and alter the character of this edge of village area contrary to local plan policy NE9."

It is not considered that the development would have an adverse effect on the landscape, particularly on long open views within or across the area. It is therefore considered that Condition 14 is unnecessary."

In your response you say condition 14 was worded:

"specifically to see that the retention of the trees was accommodated within a subsequent detailed application. I remain of the view that the condition will enable the council to control this and that removing it will enable the applicant to increase the number of plots at a detailed stage to the detriment of the visual amenity afforded by the existing trees. I do not share the applicant's view that the landscape character of the site will not be significantly affected by the loss of the boundary trees and the fact that the applicant is struggling to see where a view commensurate of that landscape character can be obtained is readily resolved by a tour around the environs of the site."

For clarification, and in the event that Shaun agrees with your comments in his consideration of the removal of condition 14, could you:

*(i) identify the trees in question, as conditions are required to be precise; and
(ii) you say that from where a view can be obtained of the trees in question is readily resolved by a tour around the environs of the site. Having been to the environs of the site a number of times I am afraid that I am still struggling. Can I therefore ask you to mark [marry] up the location(s) on the attached definitive public rights of way map in case I need to take an Inspector on appeal to those location(s)?*

I am concerned that the reason given for condition 14 now appears to include matters that are not on the decision notice: "Reason: These trees add depth to the boundary treatment, contribute to a linear woodland strip that lines the footpath, and are important in maintaining the landscape character of the site. They should therefore be retained in accordance with Policy NE9 of the adopted Vale of White Horse Local Plan and the NPPF." Rather the reason is, as in your response indicates, "removing it will enable the applicant to increase the number of plots at a detailed stage to the detriment of the visual amenity afforded by the existing trees." In considering these matters I would draw attention to the definitive map which shows there are no Public Rights of Way on or near the site, and remind that planning permission has been given for up to 9 dwellings only, no more.

I look forward to hearing from you in relation to (i) and (ii)."

1.3 By way of introduction I would also draw your attention to the guidance on Tree Preservation Orders in the Planning Practice Guidance (the Guidance), and in particular Paragraph 007 Reference ID: 36-007-20140306, Paragraph 008 Reference ID: 36-008-20140306, and Paragraph 010 Reference ID: 36-008-20140306.

2.0 Condition 14

2.1 In paragraph 1.2 of your report you advise the Planning Committee that:

"The site has not been developed previously and is covered in grass, shrubs and trees."

The aerial photograph in Photograph 1 below details the grass, shrubs and trees on the site.

Photograph 1 Aerial photograph.



2.2 Paragraph: 007 Reference ID: 36-007-20140306 advises (my highlighting in bold):

"What does 'amenity' mean in practice?

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

*Orders should be used to protect selected trees and woodlands **if their removal would have a significant negative impact on the local environment and its enjoyment by the public.** Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future".*

It is accepted that authorities do need to exercise judgement when deciding whether it is expedient to make an Order because of a significant impact on the local environment (Paragraph: 010 Reference ID: 36-010-20140306 of the Guidance refers). However, it is not accepted that the removal of those trees the subject of condition 14 (the internal row...see photograph 2 below) would have a significant negative impact on the local environment and its enjoyment by the public. In addition, the Forestry Officer has been unable to advise from where the trees can be seen by the public.

Photograph 2 Internal row (to the left of the photograph).



2.3 Paragraph: 008 Reference ID: 36-008-20140306 of the Guidance advises:

“What might a local authority take into account when assessing amenity value? When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order."

As advised, the Forestry Officer has been unable to advise from where the trees can be seen by the public, although public visibility alone is not sufficient to warrant an Order, and the particular importance of the group of 95 trees has not been assessed by reference to the five bullet points in the Guidance.

2.4 Paragraph: 010 Reference ID: 36-010-20140306 advises:

"What does 'expedient' mean in practice?

*Although some trees or woodlands may merit protection on amenity grounds **it may not be expedient to make them the subject of an Order.** For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.*

*It may be expedient to make an Order **if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.** But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order.*

Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution."

The applicant has acted entirely in good faith in making the Outline planning application and this Section 73 application, and has not cut down any trees on the site prior to making either application. The applicant has no intention of cutting down any of the trees forming the external line adjacent to the western boundary in any event.

2.4 Please could you also advise the Planning Committee when the Forestry Officer visited the site, as in other cases it would appear that the Forestry Officer does not always visit a site before making comments on an application and those comments subsequently prove to be unwarranted.

2.5 In paragraph 6.13 of your report you advise that Planning Committee that the TPO is:

"likely to be confirmed at the time of the Committee Meeting 28th October 2015".

I am concerned that confirmation of the TPO at the time of the Committee meeting, or at the Committee meeting, would be contrary to Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into force on 6 April 2012.

3.0 Conclusions

3.1 I hope that this further information helps and would request that you advise the Planning Committee in an addendum report of the contents of this letter. In doing so if you could request that the Planning Committee consider whether the Forestry Officer should continue with making the TPO, assuming it has not been made, or that they would not confirm the Order if it has been made at the time of the Committee meeting, or at the meeting.

3.2 In closing, in our recent telephone conversation I had understood that, whilst the application has not applied for it, you also did not consider condition 18 satisfied the six tests for conditions and were to recommend to the Planning Committee that condition 18 be removed. I note that does not appear in your report.

Yours sincerely,

Paul Butt BA(Hons) DipUP DipUD MRTPI
Paul Butt Planning Ltd



RTPI

mediation of space · making of place

Chartered Town Planner

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