

Planning Committee
Wednesday 27 January 2016

Addendum Report

Item 9

Planning Application P15/V2016/FUL – Land off Hanney Road, Steventon

Additional response from Parish Council

The parish council has circulated a further representation to planning committee members raising issues on a variety of matters. The officer response to each is as follows:

Cumulative impact

The issue of cumulative impact is addressed in the original report at paragraph 6.8. The NPPF expects housing to be boosted significantly and it does not suggest that populations of settlements should be restricted or limited by any particular figure. Officers remain of the opinion that there would be no justifiable grounds to refuse the application on this matter.

Education provision

The county council has acknowledged that the development will increase pressure upon existing community infrastructure and has requested a contribution towards the expansion of the primary school. Subject to this being received, officers do not consider there would be a justifiable reason to refuse permission on primary school capacity.

Transport impact

The Highway Authority are satisfied that the submitted traffic survey by the applicant is representative and therefore comments previously made by the highway authority still stand.

Foul water capacity and flood risk.

The issue of surface water / foul drainage and flood risk is addressed in the original report at paragraphs 6.32 to 6.39. The drainage engineer raises no objection to the proposal, subject to conditions. The proposal is thus considered to be acceptable in respect of flood risk and drainage.

Sustainability of the village

The village is considered to be a sustainable location in the context of the NPPF.

Additional response from local resident

Planning Committee members' attention is drawn to the further submission from Dr Ludden, local resident, on flood risk that has been circulated directly to them prior to the meeting.

In response, the drainage engineer comments as follows:

I would make the following comments on Dr Ludden's objection:

- 1. Oxfordshire County Council, as Lead Local Flood Authority for Oxfordshire, raised no objections in their response to this application.*
- 2. The build development is all located in Flood Zone 1 and does not encroach within Flood Zone 2.*
- 3. The proposed Swale is purely a conveyance channel. Sufficient attenuation storage is being provided within the permeable paving areas on both the phase 2 and the proposed phase 3 sites with control discharges into the swale at 5 l/s. Using the industry standard Micro Drainage modelling software, no flooding of the site is shown to occur for the 1 in 100 year storm year + 30% climate change allowance.*
- 4. Additional capacity exists within the proposed swale and in extreme events may overspill onto the open space above the 62.80m level. The raised bund level on the north side of the swale provides protection to existing properties over and above the Flood Zone 2 flood level of 63.00m.*
- 5. Further assessment of the receiving watercourse will need to be undertaken at detailed design stage to assess seasonal variations in water levels however available capacity has been identified to accept the proposed Greenfield discharge rate from the development.*
- 6. The existing watercourse is the responsibility of the respective landowners to maintain and ensure that the normal flow of water can flow without obstructions. Should any obstructions be identified and the landowner fails to clear the obstructions, when requested to do so, then enforcement under the Land Drainage Act 1991 may be taken by Oxfordshire County Council, as Lead Local Flood Authority.*

Thus, the submitted Flood Risk Assessment complies with the NPPF, addresses flood risk and provides a proposed surface water drainage system subject to further detailed design.

Officer response

Officers remain of the opinion that a sustainable drainage scheme can be agreed and secured by planning condition, thereby minimising the risks of flooding from this development.

Item 10

Planning Application P15/V2175/FUL – Land west of nursery, Steventon Road, Easy Hanney

The following consultation responses have been received after the publication of committee papers:

Landscape Architect – *“No Landscape Objection. Reference should be made to my comments dated 6/11/2015 with regard to the requirement of hard, soft and boundary conditions. However I note that it is proposed that public facing boundaries are to be walled.”*

Officer response – Noted – See conditions 11-13 of recommendation

Urban Design Officer – *“Thank you for consulting me on the amended plans. I have no further comments to make other than to suggest that a condition is imposed for further details of the hard and soft landscaping treatment at the footpath connection point to the west. I would like to see how the above ground kiosk is screened so that it doesn't appear unduly visually prominent detract from the appearance and natural surveillance afforded to this connection point.”*

Officer response – Noted – See conditions 11-14 of recommendation

Forestry Officer – *“The applicant's arboricultural consultant (Jim Unwin) has provided a short statement seeking to address the outstanding concerns I raised in my memorandum of 18 December 2015. In response to his numbered points I would comment as follows:*

1&2: These images are an extract from page 37 of the report updated in August 2015, although the text has now been amended with the comment that the crown spreads are surprisingly modest. I disagree with this assessment, largely because the images were used to illustrate a document prepared more than two years ago, but also because I have measured the crown spread of the trees on site and found them to be under represented on the tree survey...In substantiating the size of the trees by adding the words the crown spreads are surprisingly modest does not change the impact...as the extent of the dense hedge and tree belts around this field belie the significant size of the individual trees . The author also confirms, in describing the eastern boundary at 4.3.1, that it is a single row of hornbeam, beech and Corsican pine. Some are very big . Although the layout has subsequently been improved by moving the plots further to the west to increase the proximity by approximately 2m, the...author concluded...that the same trees would need extensive lateral pruning and crown lifting to reduce shading, overbearing and dominance.

3. These are also taken from the report, presumably with the tree data as recorded in 2013...

4. I acknowledge that the garden size of plot 26 is proportionately large in comparison to the other plots on the site but the area affected by shading, overbearing and dominance is correspondingly large. The impact of the trees will only be ameliorated by pruning and the extent to which future occupiers seek to control the shading, overbearing and dominance will depend on their expectation of how they want to use the amenity space. It is not plausible to conclude that there is ample potential for modest pruning on the basis that it will allow more space and light over the rear garden...

5. *The assessment of the comments for plot 37 is similar to that given for plot 26 above, with the increased pressure that the plot size is comparatively smaller.*

6. *Noted*

7. *An analysis of the tree data collected two years ago and that recorded contemporarily on site shows that the trees are increasing in size. It is... disingenuous to state that future occupiers will be aware that the trees are fully sized. My conclusion, on the basis that the trees are increasing in size, is that there will be increased shading and dominance.*

8. *I do agree with the arboricultural consultant that the amendments have improved the site layout from that which was originally submitted...Of all the original arboricultural constraints, the outstanding issue is restricted to the siting of two plots. The arboriculturalist concludes that the layout is an improvement and that modest pruning is all that is necessary to overcome the conflicts. I differ in my view of the impact of the trees and maintain that the resolution would be for extensive pruning such that would be to the detriment of the trees health. My preference would be for the plots to be amended so that the conflict between the trees and the future occupiers could be managed without affecting the long term health of the trees. If the layout, as most recently submitted, is approved the LPA could make serve a TPO to control the pruning and future management of the trees but the process would be open to appeal by the applicants.”*

Officer Response: The Tree Preservation Order (TPO) mentioned above has now been served. The applicant has indicated verbal agreement to this TPO and the officer recommendation stands as per the report. The TPO will give the council control over all future pruning works.

Neighbour Objection – Rosi Rollings, 7 Dandridge Close, East Hanney - *“I want to challenge the strategy for surface water drainage. This site has a layer of very heavy clay directly below the surface and I see no evidence presented to back-up the claim of it being 95% permeable. Until recently every period of heavy rain resulted in standing water in the lower lying areas of the field until the water either ran off to the east or evaporated. In 2014 Lagan cut a channel to force this surface drainage into the ditch to the north yet I see no mention of this in the plan...The ditch to the north is very small and not easily accessible for maintenance to ensure it continues to function. 500m downstream it passes through a blocked 30cm culvert... Unless there are plans to maintain this ditch and take responsibility for the downstream impact as part of the ongoing site maintenance this will continue to pose downstream flooding risks.”*

Officer Response – Noted. This issue can be covered as part of the detailed drainage strategy required by condition 6 of the recommendation.

Item 11

Planning Application P15/V2077/O – Halls Close, Drayton

The following consultation responses have been received after the publication of committee papers:

Conservation Officer – A consultation response from the Conservation Officer was received shortly after publication of papers. Officers have challenged that response to achieve greater clarity and the following represents the updated position.

“The site constraints include:

- *proximity to listed buildings and their settings*
- *located in the setting and to the south of the Drayton conservation area,*
- *to the west and north of the site are areas of archaeological potential*
- *impact on the settings of the above designated and non designated heritage assets*

The key significance of the conservation area is evidential, historical and aesthetic interest as a small size rural conservation area, within a historic core containing vernacular buildings. Historic buildings are ranged principally along the High Street and Steventon Road. Notable features creating the distinctive character of the village include greens... wide grass verges to the High Street, good tree belts , hedged boundaries, and stone boundary walls.... There are good views up and down the High Street and between historic buildings to the fields to the south. There are views inwards towards the village and the tower of the Church of St Peter from the Drayton Eastway bridleway.

The significance of the setting of the conservation area to the south of the village core is evidential, historic and aesthetic- visual- interest comprising the open fields surrounding the settlement, bounded by hedges and trees. The Drayton Eastway bridleway is a distinctive linear east/west feature of historic and aesthetic interest as an historic route linking Drayton with Sutton Courtenay to the east and East Hanney to the west.

The key significance of the listed buildings is evidential, historic and aesthetic as good examples of vernacular buildings dating from the medieval period onwards, constructed in local materials and styles, predominantly local warm red brick and clay tile roofs. Listed buildings in proximity or in views relating to the proposal site include the Church of St Peter, Manor Farmhouse, 44, 56-58 High Street, Magpie Cottage, High Street, together with other non-designated houses and cottages.

Views into the proposal site at the vehicular access are restricted from the High Street by the built form of Hall Close, tree and hedge planted boundaries and limited due to tree/hedge boundaries from the south from the Drayton East bridleway. However there are glimpsed views of the Church tower across fields and of listed buildings.

The proposed scheme and impacts:

Visual impacts on the core of the conservation area and listed buildings would be limited due to the location of the new housing accessed from Hall Close, bounded by housing and a mixture of stone walls, tree and hedge boundaries.

However, the proposal site with outline and indicative layout appears as a 'bolt on' with a more formal urban layout contrary to the area in which it is proposed to blend. Drayton village is a rural settlement which has evolved with looser, more randomly spaced and located houses and cottages. It does not relate particularly well to the established grain and evolved village morphology- however these aspects can be addressed at reserved matters stage.

The height, scale, form and materials of any new housing need to be carefully detailed in order to ensure that the development as a whole fits sympathetically into the grain of the village, particularly where adjoining listed buildings. Access points need special care and detail, keeping the low key rural feel, rather than presenting hard urban edged solutions in this rural setting

Further assessment and mitigation:

Since the application is outline and plans indicative only it would be expected that the following details would be provided at full planning stage, to ensure that the significance of the heritage assets and their settings is preserved or enhanced in accordance with the NPPF:

- Justification for the density and location of buildings to fit in with established grain of the settlement*
- Plans to show heights, spans and scale of buildings as well as materials need to fit into the established form of the village- existing buildings are single storey, one and a half storeys or two storeys in height.*
- Plans to show existing stone walls and mature planting retained wherever possible to preserve the character and appearance of the conservation area and its setting and the setting of listed buildings*
- Views into and out of the proposal site need to be identified in a views analysis giving a hierarchy of high, medium and low using the Historic England publication Seeing History in the View and the Settings of Heritage Assets. The view towards the Church tower of St Peter should be preserved from view points within the site and from the Drayton Eastway bridleway*

Conclusion

Given the proposal is for outline planning permission the key points to be addressed are the principle of development in this location and means of access. Direct impacts on the historic environment including on designated and non-designated heritage assets and views to and from them are limited and considered to lead to less than substantial harm to the significances of these assets. (including harm to the settings of the conservation area, listed buildings and area of archaeological potential). Therefore under paragraph 134 of the NPPF the harm should be weighed against the public benefits of the proposal.

Recommendation:

No objections- subject to details in consideration of the above points being submitted at reserved matters stage”

Officer Response:

As outlined in Paragraphs 6.90-6.92 of the report, the NPPF requires the decision maker to first identify the significance of a designated asset so *“the more important*

the asset, the greater the weight [to its conservation] should be” Thereafter, the decision maker is required to identify whether the harm caused is “*substantial*” or “*less than substantial*”. Officers agree that the harm this development would cause to the Drayton conservation area is less than substantial and so that harm must be weighed against the public benefits. The benefits of the provision of housing in sustainable locations when the Vale can’t demonstrate a five year supply of housing is well established.

Officers remain of the view outlined in Para 6.92 of the report that inter-visibility between the site itself and the conservation area is limited. Wider views of the conservation area from the bridleway across this site may be possible, but such views will be much more affected by the development of 140 houses on the immediately adjacent allocated site. Officers consider it would be very difficult to demonstrate additional material harm from this development to this views given the level of change already accepted by the Drayton Neighbourhood Plan.

Officers do agree that the reserved matters application should respond to the points raised by the Conservation Officer to ensure the detailed layout respects the significance of the conservation area and associated listed buildings.

Neighbour Response: Mr Michael Neil – *“I am in receipt of your letter in which you state that you are going to recommend the approval of building 28 additional houses on agricultural land to the South of 10 Halls Close, Drayton.*

As encouraged by the Government and lead by the Parish Council the villagers of Drayton spent 3 years developing a building plan under the heading of Drayton 2020. The plan was submitted to an Independent Examiner who gave it approval. The plan was presented as a Referendum to the villagers of Drayton and 90% voted in favour. The final stage was the submission to Vale of the Whitehorse District Council (VWHDC) where it was accepted with enthusiasm.

It seems you have chosen to ignore the Drayton 2020 plan and the wishes of the vast majority of the Drayton villagers who actually live in the village and are determined to have their say in how the village should be expanded.

I find your decision to recommend the approval of planning reference P15/V2077/0 extremely disappointing and incomprehensible and request you reconsider your decision.”

Officer Response: Noted – the report discusses these issues in detail.

Ed Vaizey MP - *“I have recently been made aware of the Halls Close planning application in Drayton, which comes before the Planning Committee this week. I understand that this application is contrary to the development sites allocated in the adopted Drayton Neighbourhood Plan.*

I am extremely concerned that, should this application be approved at committee, it sets a precedent – breaching and invalidating Drayton’s Neighbourhood Plan. We should be encouraging communities to take ownership of potential development via the Neighbourhood Planning process rather than riding roughshod over it.”

Officer Response: Noted – the report discusses these issues in detail. However, it is important to be clear that every application is judged on its own merits and the potential for “setting a precedent” does not represent a justifiable reason for refusal.

Item 12

P15/V1752/FUL – Land at Penstones Farm, Horsecroft, Stanford in the Vale

There are no updates on this application.

Item 13

Planning Application P15/V0524/FUL – 45 Cumnor Hill, Cumnor

This application has been withdrawn from the agenda to enable further public consultation on amended plans.

Item 14

Planning Application P15/V2628/FUL – Geggs Corner, Newbury Road, East Hendred

Additional concerns have been raised regarding refuse storage and collection.

Officer Response

It is considered by officers and Highways there is enough space on site to store refuse on the individual plots. With respect to bin collection on Newbury road, the highways access has been conditioned to be improved, which will provide a sufficient amount of space for waste collection on the allocated day.

Two conditions have been placed on the application but did not pull through in section 8.0 of the report. They are as follows:

No Drainage to Highway (Full)

No surface water from the development shall be discharged onto the adjacent highway.

PD Restriction on Dwels. Exten/Outbld.

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), there shall be no extension to any of the dwellings hereby permitted and no ancillary buildings or structures shall be erected within the curtilage of any dwelling without the prior grant of planning permission.

Officer response

The decision notice will accurately reflect the conditions as intended.

Item 15

Planning Application P15/V2019/FUL – Brandy Island, Buscot

Additional responses received

Cllrs Simon Howell and Elaine Ware (Local members) – Have submitted a statement supporting the other objections received and stating that there have been no material changes since the original permission to justify the proposal. Principal concerns relate to noise and visual impact. Note the conditions to be added but consider that these can be improved on and made clearer. The full statement will be read out at the meeting.

National Trust – Re-iterating previous concerns over the visual impact of the boat storage on the sensitive landscape and the justification for the original condition. Surprised that the original justification for the condition has been overridden due to the needs of the business. No business case has been submitted to justify this change in stance. The Trust are disappointed with this new stance and assertion that the impact can be overcome with additional landscaping. The stored boats will have an industrial appearance compared to boats on the river.

If approved the Trust would like to see additional conditions restricted the number of boats stored to 28, that the winter use referred to is specified, that a maximum height of boats stored is specified, and that a temporary personal permission is applied to allow the applicant to explore other options.

Neighbouring Property – Should the application be approved additional conditions should be added as follows which would allow the boat yard and residents to co-exist with mutual respect and understanding:

- A temporary permission of 12 months should be granted to allow outside storage only until the pump house has been re-furbished and can accommodate boats – this would allow the financial concerns of the business to be addressed.
- The number of boats to be stored should not exceed 28.
- The definition of winter period should be defined after which no boats should be stored on site.
- The condition restricting mechanical repair works outside the building should be more robust and specify the equipment which cannot be used outside – otherwise neighbouring properties and visitors to the area will be exposed to unacceptable noise levels seven days a week.

Officer Response

Comments made in relation to the concerns of the scheme are covered in the report. The reference to providing a more robust justification for the proposal in business terms must be balanced against the harm of the proposal. Officers do not consider that the storage of boats in a permitted boat yard would result in substantial and demonstrable harm such that could justify refusal and any impacts in terms of noise and visual amenity can be managed sufficiently by the conditions suggested in the report.

In response to the request for additional conditions Officers have the following comments:

Temporary permission – this is not what has been applied for as the applicants wish to use the car park area for permanent out of season storage. If such a condition was necessary to make the scheme acceptable in planning terms then the scheme would be recommended for refusal. As stated in the report, outside storage as proposed is considered acceptable.

Number of boats restricted to 28 – this is impossible to enforce effectively and therefore is not reasonable to apply to any permission. A condition restricting storage to the area defined on the plan for car parking would ensure that boats are not stored all over the site and that the area can be landscaped effectively. The visual impact of boats stored within the car park area would not be materially different whether 28 or more providing the area of storage is contained. It is therefore considered that the proposed condition relating to the car parking area is reasonable and necessary and therefore meets the relevant tests.

Winter period defined to specific dates – it is not considered that this condition is reasonable given that boating is largely weather dependant therefore it maybe that the season could start/end earlier or later depending on the conditions. It is also not considered necessary given that the visual impact is considered acceptable and boats are likely to be on the river as soon as the weather allows.

Mechanical equipment should be specified – this is difficult to enforce and cannot include all possible types of tools used on the site therefore it is considered that the current proposed condition is sufficient.

Item 16

Planning Application P15/V2494/HH – Paddock Brow, Jarn Way, Boars Hill

Additional response from local resident

Concerns over the councils handling of the application and the issue with adopted local plan policy GS3.

Response to local resident

As set out in the officer's report it is considered the application has a genuine fallback position if planning permission were to be refused. The council acknowledge the fact it is over their allocated allowance but as long as permitted development rights exist within the Green Belt officers have to consider what fallback positions are in place.