

Planning Committee
Wednesday 30 November 2016

Addendum Report

Item 8 – P15/V2541/O – Land North of Shrivenham, Highworth Road, Shrivenham

Updates

S106 review mechanism

Following advice from the District Valuer, Officers are recommending that an upwards and downwards review mechanism is incorporated into the S106 legal agreement attached to this application.

This will facilitate a review of the development's viability before the reserved matters stage to review the infrastructure costs and precise housing mix at that time to see if the level of affordable housing able to be delivered will be affected or not. Based on current information, it is the view of the District Valuer that the current level of affordable housing that the development can support is 28%, compared to the policy requirement of 35%.

This percentage could go up or down depending on the outcome of the viability review. For example, if the projected infrastructure costs incurred go up, there may be the potential that a lower percentage of affordable housing on the site may be delivered or the tenure mix may change. If the projected costs do not end up being so high or if house prices increase, there may be the potential that a higher percentage of affordable housing on the site is able to be achieved (up to the policy compliant maximum of 35%).

The viability review would update the existing review that has already been carried out to ensure correct and up-to-date information is being utilised to ensure the development is deliverable.

Members are advised that this review would also consider the costs of levelling the primary school site on the Phase 1 application (P13/V1810/O), to which this application is providing a financial contribution. The primary school site on the Phase 1 application is a key piece of infrastructure for the village. The site is on a gradient which will need to be levelled in order to meet County Council requirements in line with a specification to be agreed between the parties. The levelling costs associated with the primary school site in the Phase 1 application were unforeseen and are not currently known, but are being quantified. They could have an impact on overall viability, and therefore deliverability for Phase 2.

Officers have sought legal advice on this point. Given that the two sites form one strategic site allocation and are closely linked, Officers consider this to be a pragmatic and reasonable approach and reviewing the viability in this way can help to ensure that the strategic site as a whole can be delivered.

Phase 1 application (P13/V1810/O)

Following further discussions on the review mechanism mentioned above, the S106 drafting for the Phase 1 agreement is now almost complete and the final draft is being prepared to be circulated.

Parish council contribution

A contribution of £111,564 is included to go towards the Shrivenham memorial hall. For clarity, this contribution will be towards the Shrivenham memorial hall and recreation ground and any associated works required to facilitate the project.

Additional section of footpath

Following on from paragraph 5.19 of the report, Officers are continuing to explore the possibility of the development providing an additional section of footpath towards the southern end of Highworth Road to provide a continuous footpath from the site to the recreation ground. Survey work, reviewing utility records and design work need to be undertaken to ensure it is possible but confirmation from all parties, has been received to positively work towards being able to secure this as part of either the S106 legal agreement or s278 highway agreement.

Item 9 – P16/V1457/FUL – 51 High Street, Sutton Courtenay

Asset of Community Value

The residents of Sutton Courtenay submitted four applications to nominate The Plough as an Asset of Community Value to the District Council. Following the publication of the agenda the decision on fourth application for ACV nomination has been made, and it has been decided that The Plough will not be nominated as an Asset of Community Value. It has been proven that the pub is no longer economically viable and does not meet the criteria for future use set out in s88(2) of the Localism Act 2011.

Notification of designation decision

Following the publication of the agenda, it has been confirmed that the Secretary of State has decided not to add the Plough public house, 51 High Street, Sutton Courtenay to the List.

Further representation

A further representation has been received, querying whether the additional residential dwelling is supported by the Core Policy 3 (emerging Local Plan), given that the new dwelling would be located in the rear garden of the converted pub, and in close proximity to the listed buildings.

Response

Sutton Courtenay is classified as a larger village in the district, and Core Policy 3 states that “unallocated development will be limited to providing for local needs and to support employment, services and facilities within local communities”.

The site is located within the built-up area of the village, with the proposed dwellings being well placed for access and to make use of public transport. The new dwelling will be constructed in the existing car parking area, which was not used as a garden area for the Plough. The converted residential dwelling will benefit from its own rear garden. Further to that both properties, the newly constructed and the one which is converted would provide sufficient private amenity space, which meets the requirements in the adopted Council’s Design Guide.

Furthermore, the relationship between the existing building and the proposed new property to the rear is considered acceptable. Due to its scale and location it is considered the proposal will not be harmful to the neighbouring properties in terms of overshadowing, dominance and overlooking.

It will resemble a traditional outbuilding and will utilise the existing access from High Street. Proposed materials will include clay tiled roof with brick elevations and painted timber windows. It will sit comfortably within the exiting plot.

With respect to the location of the additional residential property in close proximity to the listed buildings, this aspect of the proposal has been assessed in detail by the Council's Design and Conservation Officer who has raised no objections to the principle of the proposed development or to the scale, design or the proposed materials. Therefore the proposal complies with the policies HE1 and HE4.

Given the location and the proposed scale, the new dwelling is considered to be an infill, which has no harmful impact upon the surrounding area, listed buildings, highways, drainage and neighbouring properties. It is located in one of the larger villages in the district, and therefore is supported by the Core Policy 3 of the emerging local plan, as well as by the policies listed in the Committee Report.

Item 10 – P16/V2166/FUL – 34 North Hinksey Lane, Oxford

Additional Highway Information

1. Shows visibility splays

Right – 2.4m back vision is available to the right to 43m

Left – 2.4m back to the left nearside kerb vision is 19m.

The scheme provides pedestrian refuge points on both sides of the road

2. Gradient of access – 1:12 over a distance of 12 m. A rise of 0.75 m – less steep than present.

Highway response:

Vision splays are acceptable and are to remain clear. The gradient to the highway boundary is acceptable. Conditions required to ensure s278 works on the highway (pedestrian waiting area) are implemented and the development is SUDs compliant and no surface water discharges to the highway.

Comments on Policy from Agent:

The agent considers the site is within Botley and policies G1 and H10 apply. The agent notes that there is no defined marcation to either Botley or North Hinksey village but considers all land outside the Green Belt is Botley development area.

Officer response:

There is no defined limit to North Hinksey village or Botley on the proposals map (existing and emerging Local Plan). The agents approach to the Botley area would mean that about five properties that also fall within the Conservation Area form North Hinksey village.

There are signs on North Hinksey Lane advising that this area is North Hinksey Village. This part of North Hinksey is considered to be within the village. However for the purposes of this application the argument is academic, the proposals complies with both policy H10 and H12 and it represents limited infill.

Comments from Neighbour at 18 Yarnells Road

The neighbour has queried why in Paragraph 1.2 the specific heights denoted on the plans are not referred to.

For information therefore the relative heights are:

Proposed 7.88m above a g level of 105.48 (ridge height 113.36m AOD)
No18 YR 7.36m above a g level of 105.6 (ridge height 112.96 AOD – 40 cm lower than proposed)
No 36 NHL 8.00m above a g level of 105.24 (ridge height 113.24 – 12 cm lower than proposed)

Item 11 – P16/V1766/RM – Land to the west of Didcot Power Station, Sutton Courtenay Lane, Sutton Courtenay

No updates.

Item 12 – P16/V1721/FUL – Grove Business Park, Downsview Road, Wantage

Clarification on Highways Improvements Section 106 contribution position

Paragraph 5.34 of the committee report reads: *“In terms of financial contributions, as outlined in Section 3, the County Council are unable to require contributions to strategic road improvements as the 1986 legal agreement remains in force in relation to the proposed provision of B use class accommodation.”*

To offer members clarity on this, the 1986 permission granted consent for up to 520,000 square feet (48,310 square metres) of buildings on the site, with an associated legal agreement securing £440,000 towards strategic road improvements. This contribution was paid.

Thereafter, a second section 106 agreement was made in 2001 with the County Council that outlined that further contributions to highway improvements would not be requested until the highways impact was greater than that associated with the 520,000 square feet (48,308 square metres) of B1 and B2 uses permitted in 1986. This second agreement remains in force.

This 1986 permission has not been implemented in full and this current application falls below the 520,000 square feet/48,308 square metre threshold set in the 2001 agreement. Furthermore, the likely traffic impacts of this 2016 proposal have been demonstrated to be below those anticipated to trigger the need for further contributions in this 2001 agreement.

Therefore, the County Council has already received the financial contribution to highway improvements necessary to mitigate the Business Park expansion and there is no need for them to secure further contributions from this 2016 application.

Officers have sought input from the council's solicitor who has confirmed the above position is accurate.

Item 13 – P15/V2828/FUL – Close End House, 19 East Way, Drayton

Use of a Section 278 Agreement

Questions have been raised regarding whether a Section 278 agreement is the correct mechanism for securing upgrade works to East Way, as it is not on the list of streets. The County Council has confirmed that East Way is a public bridleway which appears on the Definitive Map and Statement, and it is therefore adopted by virtue of being maintainable at the public expense. They have confirmed that a Section 278 is the correct mechanism to use in this case.

Concern has been raised that the width of East Way may not be officially defined, as is often the case with public rights of way. In respect of this, Officers can confirm that the 'red line' location plan includes East Way and defines its width, and the correct ownership notices have been served. Given this sufficient information has been provided to determine the planning application. In addition, Condition 7 requires the upgrade works to be completed prior to first occupation.

Private driveway

Concern has also been raised regarding the upgrade and maintenance of the private driveway section of the proposed access to the site, which turns north of East Way. The County Council has confirmed that given the development is for greater than five houses, this driveway will need to be upgraded to adoptable standards, but that it will not be adopted. Given it will not be adopted a private road agreement will be required with the County Council. This private road agreement with the County Council will include provision for ongoing maintenance. Officers propose an amendment to condition 7 to include the private driveway as well, to ensure that the whole of the access to the site (bridleway and private drive) is upgraded prior to first occupation.