

APPLICATION NO.	P17/V2884/FUL
APPLICATION TYPE	Full application
REGISTERED	19.10.2017
PARISH	East Challow
WARD MEMBER(S)	Yvonne Constance
APPLICANT	Crest Nicolson
SITE	Land at Park Farm East Challow
PROPOSAL	Variation of Conditions 9, 10, 11 and 15 and removal of Condition 8 of P16/V0652/O.
OFFICER	Adrian Butler

RECOMMENDATION

It is recommended that authority to grant planning permission is delegated to the head of planning subject to:

- I. **A Deed of Variation being entered into to ensure the requirements of the S106 agreement entered into under application no. P16/V0652/O remain applicable with the exception that a roundabout is not constructed; and**
- II. **Conditions summarised as follows:** (Conditions 1,2, and 3 of the outline permission are not repeated below, as this application cannot change the timescales for implementing the permission of for submitting reserved matters. Therefore, the numbering below is deliberately started at number 4 to allow clearer comparison with the outline planning permission):
 4. **Arboricultural method statement to be approved.**
 5. **Public open spaces and local area of play to be provided.**
 6. **Sustainable drainage scheme to be approved.**
 7. **Foul water drainage scheme to be approved.**
 8. **The development hereby permitted shall be implemented in accordance with the Written Scheme of Investigation (WSI) prepared by CgMs Consulting (June 2017), Any variation shall be agreed in writing by the Local Planning Authority (LPA) before such change is made.**
 9. **In accordance with the WSI prepared by CgMs Consulting (June 2017), and prior to the commencement of the development (other than in accordance with the agreed WSI), a staged programme of archaeological evaluation and mitigation shall be carried out by**

the commissioned archaeological organisation in accordance with the approved WSI. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the LPA.

- 10. Prior to the first occupation of any dwelling the details of the proposed priority junction including its appearance and pedestrian crossing points as detailed in drawings VD17541-SK10-A and VD17541-SK16-A (unless agreed otherwise) shall be implemented in full.**
- 11. Prior to the use of the priority junction, vehicular and pedestrian visibility splays shall be provided in accordance with a detailed scheme that shall first be submitted to and approved in writing by the LPA. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision above 900mm.**
- 12. Footways beside the A417 to be provided.**
- 13. Construction method statement to be approved.**
- 14. Travel information pack.**
- 15. The development hereby permitted shall be implemented in accordance with the mitigation and enhancements included within Chapter 5 of the ecological assessment (Ecology Solutions, May 2016, 6872.EcoAss.vf3) and Update Ecological Survey Work Note (Aspect, 13 July 2017). Any variation shall be agreed in writing by the LPA before such change is made.**
- 16. Ground levels to be approved.**
- 17. Noise attenuation scheme to be approved.**
- 18. Contaminated land risk assessment to be approved.**

1.0 INTRODUCTION AND PROPOSAL

- 1.1** The application is referred to planning committee as there is an objection from the Parish Council.
- 1.2** Outline planning permission was granted under application no. P16/V0652/FUL for up to 88 dwellings on this site. A location plan is on the next page.



- 1.3 The planning permission is subject to conditions. Section 73 of the Town and Country Planning Act 1990 (as amended) (The Act) allows an application to be made seeking the development of land without complying with conditions. In this case the application seeks to vary the wording of some conditions and remove one condition attached to application no. P16/V0652/FUL.
- 1.4 This application seeks to:
- Remove condition 8; and
 - Vary the wording of conditions 9, 10, 11 and 15
- 1.5 Condition 8 requires a Written Scheme of Archaeological Investigation to be submitted to and approved by this authority. This authority has in consultation with the County Council archaeologist approved a Written Scheme of Investigation required by condition 8 (see the planning history section of this report below). Condition 9 also relates to archaeology and implementation of an approved Written Scheme of Investigation (WSI). The applicant seeks to remove condition 8 as it has been complied with, and amend condition 9 to require implementation of the approved WSI.
- 1.6 Conditions 10 and 11 require details of a proposed roundabout on the A417 at the site entrance plus visibility splays to be agreed. The application seeks permission to replace the roundabout with a priority junction instead. The applicant seeks approval to amend the wording of conditions 10 and 11 to require specific plans showing the priority

junction to be implemented (condition 10), and condition 11 amended to require visibility splays to be agreed.

- 1.7 The changes to the site access if approved would delete the roundabout and permit a right hand turn lane into the site and a right hand turn lane for traffic turning into Letcombe Hill. The proposed access arrangements plan is **attached** as Appendix 1.
- 1.8 Details required by condition 15 which relates to ecology mitigation and enhancements have been approved (see the planning history section of this report below). The applicant seeks an amendment to the wording of condition 15 to allow implementation of the approved ecology mitigation and enhancements.
- 1.9 The applicant’s proposed changes to the wording of the conditions is **attached** as Appendix 2.

2.0 SUMMARY OF CONSULTATIONS AND REPRESENTATIONS ON CURRENT SUBMISSION

- 2.1 A summary of the responses received to the current proposal is below. A full copy of all the comments made can be seen online at www.whitehorsedc.gov.uk

East Challow Parish Council	<p>Object. Their objections may be summarised as follows:</p> <ul style="list-style-type: none"> • The roundabout provides a benefit in allowing safer access, traffic calming, easier access to the A417 • The proposal has risks including having to cross lanes, merging into existing traffic, pedestrian movements into a complicated and busy traffic scheme • Consider the applicant’s traffic study is inaccurate and does not reflect the increased traffic using the A417. It underrates the traffic flows and limited or no projected queuing is projected • Queuing in Letcombe Hill is unavoidable due to its narrow nature and the junction with Hedge Hill Road, and traffic on the A417. The applicant’s case fails to recognise this • Increased traffic using Letcombe Hill • Loss of lay-by parking beside the A417
Local residents	<p>Six letters of objection have been received. The material planning objections may be summarised as follows:</p> <ul style="list-style-type: none"> • The proposal would be a danger to highway safety • Insufficient vision due to the slope of the hill and speeding traffic • The proposal will not reduce traffic speeds

	<ul style="list-style-type: none"> • The roundabout is needed to slow traffic speeds and allow maximum visibility • An alternative roundabout off-line or re-aligning the A417 into the site should be considered • The proposal will not prevent queuing in Letcombe Hill whereas the roundabout may assist this problem • May impact on the access to the development permitted on the former depot site • Bus stop should be in a lay-by not on the road
Oxfordshire County Council	<p><u>Highways</u> No objection</p> <p><u>Archaeology</u> Should condition 8 be removed it could cause an issue should the applicant need to amend the approved Written Scheme of investigation (WSI).</p>
Countryside officer	No objection
Landscape officer	No objection The roundabout is out of scale and this proposal is an improvement.
Forestry Officer	No objection Tree impacts are not significantly different to the approved scheme. Hedge loss for vision splays can be replaced on site.

3.0 RELEVANT PLANNING HISTORY

- 3.1 P17/V/2031/RM – under consideration
Reserved Matters application in respect of Land at Park Farm, East Challow. Seeking approval of the appearance, landscaping, scale and layout for the development. Pursuant to the permitted outline permission P16/V/0652/O: Development of up to 88 dwellings including 40% affordable housing, landscaping and other associated works with all matters reserved with exception of access.
- 3.2 P17/V/2084/DIS - Approved (29/09/2017)
Discharge of condition 15 - Wildlife Protection on application ref. P16/V/0652/O - Development of up to 88.
- 3.3 P17/V/2082/DIS - Approved (30/08/2017)
Discharge of condition 8 - Archaeology on application ref. P16/V/0652/O - Development of up to 88 dwellings
- 3.4 P16/V/0652/O - Approved (27/10/2016)

Development of up to 88 dwellings including 40% affordable housing, landscaping and other associated works with all matters reserved with the exception of access.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4.1 The site area does not exceed 5ha and the proposal is for fewer than 150 dwellings. The site is not within a sensitive area as defined by the EIA Regulations 2017. The proposal is not EIA development.

5.0 MAIN ISSUES

- 5.1 In considering an application under s73 of The Act a *“local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application”. (s73 (2) of the Town and Country Planning Act 1990).

- 5.2 The principle of up to 88 dwellings on this site is established through the outline permission granted under application no. P16/V0652/O. That permission remains extant. The main issues in this case are:

1. Highway safety
2. Archaeology
3. Biodiversity
4. Financial contributions

Highway Safety

- 5.3 In paragraph 6.44 of my report to the planning committee held on 8 June 2016 I advised the then *“applicant’s statement of community involvement suggests local residents were satisfied with the roundabout proposed. The roundabout is not essential and access could be provided by a right hand turn lane located to the north or east, although locating it to the north would result in the loss of some needed, existing parking adjacent to the A417”.*

- 5.4 The Parish Council and some local residents prefer the roundabout arrangement considering it a safe proposal and with potential to reduce traffic speeds whereas the priority junction would not meet these aims and would worsen congestion. This authority consults with Oxfordshire County Council as highway authority as it has the expertise to examine highway proposals and provide independent advice. I have also discussed the Parish Council and local resident concerns with the

relevant highway officer. In this case the highway authority has no objections. There is no technical evidence to demonstrate the proposed access arrangements would result in severe impacts and the right hand turn arrangements are considered reasonably safe. Furthermore, I agree with the council's landscape officer that the priority junction will be a visual improvement compared to the 32m diameter roundabout and associated works permitted.

- 5.5 As part of the s106 agreement secured with the outline permission the developer is required to pay £2,500 to the County Council towards extending the 30mph speed limit along the A417 in the direction of Wantage. This is to assist with reducing traffic speeds. This financial contribution would still apply.
- 5.6 The outline permission also secured new footways and footway widening beside the A417 towards King Alfred's School, and a zebra crossing. These are shown on the plans accompanying this application and would need to be implemented. The s106 agreement secures a £5,750 payment to the County Council towards providing the zebra crossing.
- 5.8 Road side parking has been provided on the eastern side of the A417 north of the site. The Parish Council is concerned that some of this parking could be lost. The plans do not show any loss of this parking. The plans do show a change to kerbing at the southern end of the parking with part of the parking moved slightly eastwards.
- 5.9 The proposal complies with saved policy DC5 of the Local Plan 2011 and the amendments to conditions 10 and 11 are considered acceptable.

Archaeology

- 5.10 A Written scheme of investigation required by condition 8 has been approved. The County Council archaeologist recommends that condition 8 is not removed, as should the applicant need to amend the WSI at any stage there would not be scope to do this. I recommend that condition 8 is retained but the wording changed to require implementation of the approved WSI unless otherwise agreed in writing by this authority. This would address the County Council archaeologist comments.
- 5.11 The proposal complies with core policy 39 of the Local Plan 2031 Part 1 and the NPPF.

Biodiversity

- 5.12 The requirements of condition 15 have been met in so far as this authority approving biodiversity mitigation and enhancements. Amending the condition to require implementation of that approved scheme is acceptable and I note the council's countryside officer is

satisfied. This part of the proposal complies with core policy 46 of the Local Plan 2031 Part 1.

Financial Contributions

- 5.13 The proposal is not subject to the Community Infrastructure Levy as no increased floor space is proposed and as, financial contributions for local infrastructure improvements, highway works and affordable housing provision are the subject of a s106 agreement secured as part of the outline permission granted under application no. P16/V0652/O. A deed of variation to that s106 agreement is needed to ensure it also relates to this application except for implementing the roundabout previously approved.

6.0 CONCLUSION

- 6.1 This application has been considered in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 There is an extant planning permission for housing on this site. Section 73 of the Town and Country Planning Act 1990 (as amended) allows an applicant to seek non-compliance with planning conditions. In this case the applicant is seeking to vary the wording of conditions in part (conditions 8, 9 and 15), because matters required by these conditions have already been approved. These changes are acceptable although it is recommended condition 8 is modified rather than removed.
- 6.3 In the case of conditions 10 and 11 the applicant is proposing an alternative access arrangement in the form of a priority junction instead of a roundabout.
- 6.4 The priority junction which includes a right hand turn lane into the site and into Letcombe Hill is considered an acceptable proposal. There are no objections from the highway authority and no technical evidence to suggest that the proposed access arrangements would be unsafe or result in any severe impact.
- 6.5 The changes proposed are considered compliant with development plan policies and there are no material considerations that would indicate a decision should be made other than in accordance with development plan.
- 6.6 It is recommended that planning permission is granted.

The following planning policies have been taken into account:

VALE OF WHITE HORSE LOCAL PLAN 2031: PART 1:
CORE POLICIES 1, 2, 3, 4, 7, 20, 22, 23, 24, 33, 35, 36, 37, 39, 40, 42, 43, 44, 45, 46, 47.

VALE OF WHITE HORSE LOCAL PLAN 2011:
SAVED POLICIES DC3, DC4, DC5, DC6, DC7, DC9, DC12, H23, HE9,
HE10, HE11, NE9.

DRAFT VALE OF WHITE HORSE LOCAL PLAN 2031 PART 2:
A publication draft of this Local Plan has been produced and is presently
subject to consultation (the consultation period expires on 22 November
2017). Following consultation it is intended to submit the Local Plan Part 2 for
Examination. Relevant policies in the Local Plan Part 2 include: CP4a, DP16,
DP20, DP23, DP28, DP33, DP36, DP37, DP38.

UPDATED INFRASTRUCTURE DELIVERY PLAN (DECEMBER 2016), CIL
CHARGING SCHEDULE, CIL REGULATION 123 LIST, and DEVELOPER
CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (JUNE
2017)

VALE OF WHITE HORSE DESIGN GUIDE 2015

NATIONAL PLANNING POLICY FRAMEWORK

PLANNING PRACTICE GUIDANCE

Case Officer: Adrian Butler
Email: adrian.butler@southandvale.gov.uk
Tel: 01235 422600