

<b>APPLICATION NO.</b>	<a href="#">P17/V2884/FUL</a>
<b>APPLICATION TYPE</b>	Full application
<b>REGISTERED</b>	19.10.2017
<b>PARISH</b>	East Challow
<b>WARD MEMBER</b>	Yvonne Constance
<b>APPLICANT</b>	Crest Nicolson
<b>SITE</b>	Land at Park Farm, East Challow
<b>PROPOSAL</b>	Variation of Conditions 9, 10, 11 and 15 and removal of Condition 8 of P16/V0652/O.
<b>CONSULTATION EXPIRY OFFICER</b>	1 February 2018 Adrian Butler

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## **RECOMMENDATION**

To delegate authority to grant planning permission to the head of planning subject to the following conditions:

- I. The Deed of Variation submitted with the application is completed to ensure the requirements of the S106 agreement entered into under application no. P16/V0652/O remain applicable with the exception that a priority junction is 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 or 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 written scheme of investigation), 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 full details of the proposed staggered priority junction and other associated works, including appearance and pedestrian crossing points shall be submitted to and approved in writing by the local planning authority. The details shall be substantially in accordance with drawings VD17541 SK21 Rev A, VD17541 SK22 Rev B, VD17541 SK24 and VD17541 SK25 (unless agreed otherwise). The approved works shall be implemented prior to the occupation of the first dwelling on site.
11. Prior to the use of the staggered 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. Prior to the first occupation of any dwelling the details of footways, as follows shall be submitted to and approved in writing by the local planning authority:
  - A footway beside the A417 from the site access northwards to connect with the existing footway
  - On the north side of the A417 from the application site eastwards to join with footpath 196/5 (East Challow), a new zebra crossing and bus stops
  - On the south side of the A417 the existing footway from Letcombe Hill eastwards to King Alfred's Academy school shall be widened to provide a minimum width of 1.5m and where possible a maximum width of 1.8m.The footways shall be provided in accordance with the approved details prior to the occupation of any dwelling.
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 local planning authority 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 This application was previously considered by planning committee on 6 December 2017 when it was resolved to defer consideration for the following reasons:

- For a more up-to-date traffic survey to be undertaken, to include:
    - queuing and speeding analysis;
    - junction modelling; and
    - an audit of pedestrian crossing.
- 1.3 The applicant has now provided a technical note including additional transport information that addresses the bullet points in paragraph 1.2 above. This can be viewed on the council's web site at:  
<http://www.whitehorsedc.gov.uk/java/support/Main.jsp?MODULE=ApplicationDetails&REF=P17/V2884/FUL#exactline>
- 1.4 The plans for the priority junction are also amended in response to comments and discussions had with highway officers. The changes include removing an annotation for red coloured high friction surfacing on the A417, and the minimum radius and super-elevation have been revised such that these are now 190m and 5% respectively.
- 1.5 The site location is shown on the next page:



- 1.6 Outline planning permission was granted under application no. P16/V0652/FUL for up to 88 dwellings on this site. The current application subject to this report is made under section 73 of the Town and Country Planning Act 1990 (as amended) (The Act) and seeks to amend conditions 9, 10, 11 and 15, and remove condition 8 attached to application no. P16/V0652/FUL.
- 1.7 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.

- 1.8 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 priority junction comprises road widening to form ghost right hand turn lanes into the development site and to Letcombe Hill. A plan of the junction is **attached** as Appendix 1.
- 1.9 The applicant seeks approval to amend the wording of conditions 10 and 11 to require plans showing the priority junction to be implemented (condition 10), and condition 11 amended to include the words priority junction instead of roundabout, and require visibility splays to be agreed. Appendix 2 **attached** includes the current wording and proposed words for condition 10 and 11.
- 1.10 The changes to the site access if approved would allow a developer to implement the priority junction if it chooses to do so, instead of the roundabout.
- 1.11 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.

## 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](http://www.whitehorsedc.gov.uk)

<p>East Challow Parish Council</p>	<p>Amended Plans Object. Their objections may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Proposed junction alterations are driven by financial considerations</li> <li>• The approved roundabout provides satisfactory access</li> <li>• A417 is under stress from increasing volumes of traffic</li> <li>• No issues were outlined with the approved roundabout when outline permission was granted</li> </ul>
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	<ul style="list-style-type: none"> <li>• Concerns of villagers have been ignored in discussions between the applicant and council officers</li> <li>• Proposed staggered junction will be detrimental to road users</li> <li>• Applicant’s technical note fails to record data or observations from a camera it installed</li> <li>• No survey times for peak hours are provided; consider the latest survey work will have excluded many road users due to the narrow time window</li> <li>• Anomaly in the applicant’s technical note whereby it suggests the junction can accommodate 20% additional traffic whereas another part of the technical note indicates 10%</li> <li>• Consider the technical note photographs are selective – none shown of peak hours as it was dark</li> <li>• Do not consider the recorded vehicle speeds are accurate; they are unreflective of the high speeds experienced by villagers</li> <li>• Concerned previously proposed High Friction Surfacing has been deleted from the proposal due to maintenance costs</li> <li>• A signalled crossing should be provided as a zebra crossing provides no protection to users.</li> </ul> <p>Original Plans Object.</p> <p>Their objections may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• The roundabout provides a benefit in allowing safer access, traffic calming, easier access to the A417</li> <li>• The proposal has risks including having to cross lanes, merging into existing traffic, pedestrian movements into a complicated and busy traffic scheme</li> <li>• 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 predicted</li> <li>• 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</li> <li>• Increased traffic using Letcombe Hill</li> <li>• Loss of lay-by parking beside the A417</li> </ul>
<p>Councillor Constance</p>	<p>Objects.</p>

	<p>Supports the objections made by the Parish Council and asks that their concerns are fully considered by the Planning Committee.</p>
<p>Local residents</p>	<p>Amended Plans            One letter of objection has been received and may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Applicant’s survey results do not reflect villager’s experiences</li> <li>• Traffic survey should have been carried out for a longer period e.g. a month</li> <li>• Photographs in the applicant’s technical notes are at quieter times after the school run</li> <li>• Statements in the technical note about queuing and traffic speeds are incorrect</li> <li>• The approved roundabout is safer and will provide traffic calming</li> </ul> <p>Original Plans            Six letters of objection have been received. The material planning objections may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• The proposal would be a danger to highway safety</li> <li>• Insufficient vision due to the slope of the hill and speeding traffic</li> <li>• The proposal will not reduce traffic speeds</li> <li>• The roundabout is needed to slow traffic speeds and allow maximum visibility</li> <li>• An alternative roundabout off-line or re-aligning the A417 into the site should be considered</li> <li>• The proposal will not prevent queuing in Letcombe Hill whereas the roundabout may assist this problem</li> <li>• May impact on the access to the development permitted on the former depot site</li> <li>• Bus stop should be in a lay-by not on the road</li> </ul>
<p>Oxfordshire County Council</p>	<p>Amended Plans            Highways            No objection            The applicant’s technical note has been reviewed:</p> <ul style="list-style-type: none"> <li>• The design of the works on A417 will exclude the use of red coloured High Friction Surfacing</li> <li>• The design of the works on A417 will avoid the use of 7% superelevation on the A417 carriageway</li> <li>• The updated design drawings are provided as Drawing no VD17541-SK21 Rev A and Drawing no VD17541-SK22 Rev B.</li> </ul>

	<p>The results from additional surveys undertaken on the A417 at the Letcombe Hill junction suggest that there can be significant fluctuations in the flows on A417. They demonstrate that the junction operates well within its operational capacity and while some short term queuing occurs this is caused by right turning traffic stationary in the carriageway delaying through traffic. The proposed right turn lane would be expected to remove this delay. The technical note confirms that the surveys indicate only short duration queuing on Letcombe Hill.</p> <p>Speed surveys undertaken indicate that there is a reasonably good level of compliance. The statutory speed limit will be reduced from 40mph to 30 mph as part of the development.</p> <p>A road safety audit has been undertaken of the proposed pedestrian crossing facilities and no significant safety concerns have been raised.</p> <p>On this basis, the highway authority is content with the revised proposals for site access and off-site works.</p> <p>All the access and mitigation works on A417 will be required to be fully compliant with appropriate design standards and specifications. It will be incumbent upon the developer to ensure that this is achieved in respect of all adoptable works.</p> <p>With regard to the planning conditions 9 and 10 the highway officer proposes changes to those put forward by the applicant. <i>(Planning officer note: I have included these in the recommendation section of this report and appendix 2).</i></p> <p>Condition 12 should also be amended to ensure the proposed footway on the northern side of the A417 extends to connect with a zebra crossing and bus stop, and the bus stops and zebra crossing are provided. <i>(Planning officer note: the footway should extend to the bus stops and zebra crossing. Provision of the bus stops and zebra crossing is made for in the s106 agreement and proposed Deed of Variation. There is no need to repeat these requirements in a condition).</i></p> <p>Original Plans <u>Highways</u> No objection</p>
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	<p>The proposal for a large roundabout access junction was 'over-engineered' and modified to reduce its size. Even then, some local residents considered the roundabout out of keeping with the rural vernacular of the village.</p> <p>Subsequent details of the proposed roundabout submitted have demonstrated that the roundabout junction could not be designed to be compliant with required standards and therefore significant departures from those standards would be necessary to avoid very extensive reconstruction works along a substantial length of A417, probably requiring road closure. Therefore, it became apparent that in design and construction terms, the proposed access works were not deliverable.</p> <p>Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely.</p> <p>The highway authority has considered right hand turn lane junctions proposed in highway and transport terms and has concluded that the revised proposals are acceptable in principle. The applicant has confirmed that the revised proposals would be deliverable in accordance with design standards.</p> <p>Whilst a roundabout would create a physical imposition to traffic, thereby causing it to slow down, this form of access was not an essential requirement and the creation of a sub-standard junction on A417 could not be considered acceptable.</p> <p>The access arrangement now proposed would include informal crossing points with central refuges which would assist pedestrians crossing the road. In addition to the access junction works, the highway authority has required that a reduction in the statutory speed limit on A417 to 30 mph would be implemented, at the developer's expense. This, together with both new and improved footway provisions and a formal pedestrian crossing, are very significant measures in seeking to improve safety along this section of A417 between Wantage and East Challow. Enhanced village signing and gateway features could also be provided to emphasise the built up nature of the environment.</p> <p><u>Archaeology</u></p>
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	Should condition 8 be removed it could cause an issue should the applicant need to amend the approved Written Scheme of investigation (WSI).
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 which seeks 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 dwellings.
- 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.

5.3 The main issues in this case are:

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

#### **Highway Safety**

5.4 The outline application for the up to 88 dwelling proposal (P17/V0652/FUL) was approved by planning committee at its meeting on 8 June 2016. In paragraph 6.44 of my report to that planning committee I advised: *"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"*. A roundabout serving this site is not essential.

5.5 The Parish Council and some local residents prefer the roundabout arrangement considering it a safer proposal and with potential to reduce traffic speeds whereas the priority junction would not meet these aims and would worsen congestion. Concerns relating to the safety of traffic movements and pedestrians, increased traffic and queuing have been expressed by the Parish Council and local residents and these concerns have been considered.

5.6 Since the 6 December 2017 planning committee the applicant has undertaken a further traffic survey covering the periods 07:00 to 10:00 and 16:00 to 19:00. This included a full vehicle turning count at the junction during the morning and evening peak periods, together with a survey of queue lengths on all approaches (A417, Letcombe Hill and Hedge Hill Road). This survey was agreed in advance with County highway officers. The survey indicates:

- Average vehicle speeds are 30mph, with 85th percentile (design) speeds at 34mph
- There is some short-term queueing on the east bound A417 due to traffic turning into Letcombe Hill blocking through traffic.

Queueing on the A417 will be limited as a right turn lane will be provided for vehicles turning into Letcombe Hill (the right hand turn lanes are some 40m long and could provide space for at least six vehicles seeking to turn right).

- Queuing on Letcombe Hill occurs due to traffic turning right on to the A417. The wait time is limited (photographic evidence in the submission shows a four vehicle queue clearing in some 19 seconds). This queuing has no impact on Hedge Hill Road as the maximum queue is one vehicle. The highway authority confirms in its response above that junctions are operating within capacity.
- Updated junction modelling using the industry standard PICADY software demonstrates that the proposed staggered crossroads will operate within capacity, with no significant queueing predicted. The highway authority confirms this in its response above.
- A sensitivity test has also been undertaken which confirms that the junction can accommodate a 10% increase in traffic flows whilst still operating within capacity (although this figure increases to 20% elsewhere in the technical note). At 10% there is still operational capacity, as confirmed by the highway authority.
- A road safety audit of the proposed pedestrian crossing facilities confirms that there are no road safety issues. This review has recommended that the existing gateway feature on entry to the village (which is to be relocated as part of the proposals) be enhanced to reinforce vehicle speeds on approach to the crossing. This will be incorporated into the detailed design of the proposals and a suitable gateway feature agreed with Oxfordshire County Council as part of the detailed design of the highway works. The pedestrian crossing refuges can accommodate a wheelchair.

5.7 I acknowledge the concerns that have been expressed by the Parish Council and local residents and understand the points being made. The highway authority does not object. It is independent of the arguments for and against the scheme and it is expert in highway matters. I side with their opinion. I also support the changes the highway authority suggests to conditions 10 and 11 to ensure the correct plans are referenced. Condition 12 should be revised to ensure the footway provides access to a zebra crossing and bus stops. Provision of the bus stops and zebra crossing are covered in the s106 and deed of variation.

5.8 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.

- 5.9 The outline permission secured new footways and footway widening beside the A417 towards King Alfred's School, and a zebra crossing. These would still be secured and there has been no change in circumstances to justify a signalised crossing.
- 5.10 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.
- 5.11 The amendments to conditions 10 and 11 to allow the priority junction are considered acceptable and compliant with saved policy DC5 and the NPPF.

### **Archaeology**

- 5.12 A Written scheme of investigation (WSI) 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.
- 5.13 The proposal complies with core policy 39 of the Local Plan 2031 Part 1 and the NPPF.

### **Biodiversity**

- 5.14 The requirements of condition 15 have been met in so far as this authority has approved a biodiversity mitigation and enhancements scheme. Amending the condition to require implementation of the 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**

- 5.15 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. A Deed of Variation has been produced which is considered satisfactory. This is ready for completion should planning committee resolve to approve this application.

## **6.0 CONCLUSION**

- 6.1 This application has been considered in accordance with the development plan unless material considerations indicate otherwise. The application must be considered on its own merits. If this proposal is satisfactory it should be permitted. If there are sound reasons for refusal based on this scheme it should be refused. I do not consider there are sound reasons for refusing the scheme.
- 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 removal of condition 8 and to vary the wording of conditions 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.
- 6.4 At the request of the planning committee the applicant has undertaken further surveys of the A417, existing junctions, traffic speeds and an audit for pedestrian crossings. The surveys conclude the proposal would not result in unacceptable harm.
- 6.5 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.
- 6.6 The changes proposed still allow for sustainable modes of transport, provide safe and suitable access to the site and the impacts of the proposal are limited. The proposals are considered compliant with development plan policy DC5 and the NPPF. There are no material considerations that would indicate a decision should be made other than in accordance with development plan.
- 6.7 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 due to be submitted for Examination in February 2018. It's policies presently hold limited weight. 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

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