

APPLICATION NO.	P18/V0113/FUL
SITE	Land to the East of Portway Cottages Reading Road East Hendred WANTAGE, OX12 8JD
PARISH	EAST HENDRED
PROPOSAL	Variation of Condition 8 of P15/V2560/FUL to remove the requirement for bus stops and associated works on the A417 and replace the requirement for a Toucan type pedestrian crossing to a Puffin type crossing as per technical safety audit from OCC Highways Authority
WARD MEMBER(S)	Proposed residential development of 46 dwellings (As amended by drawings and information accompanying agent's emails of 8 April 2016, 25 May 2016, 12 and 22 August 2016)
APPLICANT	Michael Murray
OFFICER	Graham Flint Charlotte Brewerton

RECOMMENDATION

It is recommended that this application be granted planning permission with the following conditions attached and subject to a deed of variation.

Officers note that pre-commencement conditions have been discharged on the original application and that works at this site have been completed for the crossing. Therefore the following conditions will be required to be implemented as per those details approved by application P17/V0251/DIS.

- 1. Time limit (full application).**
- 2. Approved plans.**
- 3. Roads and footpaths prior to occupation.**
- 4. Construction traffic management plan.**
- 5. Hours of work.**
- 6. Protection of archaeological features.**
- 7. Archaeological watching brief.**
- 8. Access.**
- 9. Off site highways works.**
- 10. Car parking area.**
- 11. Bicycle parking.**
- 12. Noise.**
- 13. Landscaping scheme (implementation).**
- 14. Tree protection.**
- 15. Maintenance of open space/play areas.**
- 16. Materials (samples).**
- 17. Sustainable drainage scheme.**

18. Boundary details in accordance with plan.

19. Slab levels (dwellings).

20. No windows or rooflights (dwelling).

21. Obscured glazing (opening).

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The application comes back to planning committee after having been deferred from the meeting on 1 August 2018. The report has been altered to take into consideration a Counsel Opinion after the agent wished to withdraw the application due to the works having already taken place. Counsel have advised that this application should be determined as Condition 8 recommends that 'prior to occupation all off site highway works shall be in accordance with approved plans'. This application therefore comes before committee in order to ensure that the planning obligations on the original planning permission P15/V2560/FUL can be adhered to. The previous officers report from 1 August planning committee can be seen attached at Appendix 1.
- 1.2 This application comes before planning committee as the application is considered a major scheme (original permission sought the development of 46 dwellings) to which the parish council object to the variation of the condition seeking alterations to the offsite highway works.
- 1.3 The site, which lies within the parish of East Hendred, is currently under construction for 46 dwellings following planning permission P15/V2560/FUL. All pre-commencement conditions have been discharged (P17/V0251/DIS).
- 1.4 The site lies within the Lowland Vale landscape designation, with the North Wessex Downs Area of Outstanding Natural Beauty boundary marked by the southern edge of the A417, opposite the site. A site location plan can be seen below:



- 1.5 This current application seeks to vary condition 8 of planning permission P15/V2560/FUL for the development of 46 dwellings on land to the East of Portway Cottages, Reading Road, East Hendred.

- 1.6 Condition 8 of application P15/V2560/FUL sought off site highways works to be submitted to and approved in writing by the Local Planning Authority. The original permitted scheme included bus stops with associated infrastructure and a Toucan type crossing with a cycle/footway along the southern side of the A417. Oxfordshire County Council, as Highways Authority, requested the crossing type and requested that the details be secured by condition.
- 1.7 Details of the proposed footway were submitted by the applicant during the application process and showed a shared footway and cycleway on the southern side of the road, having crossed the A417 from the new development. However, when the technical drawings for these works were submitted to Oxfordshire County Council (OCC) and considered the Road Safety Audit Stage 1/2 dated 18 March 2017, OCC concluded that on safety grounds a Toucan type crossing (designed for both cyclists and pedestrians) was not appropriate in this location. In reaching this conclusion OCC considered the location of the boundary wall of Mather House abutting the approved pavement. The maximum available highway land along this stretch of pavement is 2m wide and that there would be safety concerns if pedestrian and cyclists were to use this as a shared surface. Consequently, a pedestrian footway and a Puffin crossing (designed for pedestrians only) would be the safer option on this southern side of the A417, hence the change in crossing details.
- 1.8 A similar application (P17/V2002/FUL) to vary Condition 8 of planning application P15/V2560/FUL was considered and refused at Planning Committee on 13 November 2017 where committee considered that the provision of a 2-metre-wide footway would create a highway safety issue. The applicant withdrew this application prior to the refusal notice being issued. The planning position at present is that the 2m wide footpath, having planning permission under the approval of P15/V2560/FUL with a Toucan crossing, can be implemented but this is not considered the safest option now that a full road safety audit has taken place. OCC Highways have re-considered the width of the path along the southern part of the A417 that connects the new development into the existing village and community facilities and suggests a Puffin crossing would be most appropriate.
- 1.9 Having considered these issues further, the consideration of the 2m wide footpath now does not form part of the current application as this footpath has already been approved at this width under the original planning permission P15/V2560/FUL. There is to be no change to this pathway as approved only that it will now no longer be a shared footway/cycleway but rather for use by pedestrians only, thereby improving the situation and safety of the pathway for users. Cyclists will have to dismount and walk along this stretch after having crossed at the pedestrian crossing. This requirement has come from OCC Highways Authority and their Safety Audit Team.
- 1.10 The change from a Toucan crossing to a Puffin crossing is included in the description of the current application for clarity only, as a crossing has already been approved in this location under P15/V2560/FUL and there are no changes proposed to the crossing location.

- 1.11 Offsite highway works have already been completed for a crossing in this location in accordance with the S.278 agreement between OCC and the developer in December 2017. A copy of the approved S278 is **attached** at Appendix 2. These works connect the Pye 3 site to White Road and include realignment of the road, the construction of the 2m wide footway on the southern side of the A417 and an upgrade to the pavement at the top of White Road which allows pedestrians to cross safely and onto the signalised crossing leading to Pye sites 1 and 2. A plan which shows these works in detail is **attached** at Appendix 3.
- 1.12 Given that there are no changes to the existing planning permission for this crossing, planning permission is not required to seek the changes being sought to the type of crossing and associated off site highways works from downgrading its crossing type. While the agent has included the crossing details in the description of the application the details concerned with the crossing have already been approved via the submission of details to OCC Road Safety Team and a statement from OCC is **attached** for information at Appendix 4.
- 1.13 The permitted crossing became usable as of 15 June 2018 with the lights being in operation and the speed limit of this road downgraded to 30mph. The changes to this crossing involve the type of switches that are to be placed upon the signalised crossing poles, the signage and markings on the road. These details can be approved as part of the offsite highways team safety audit. The details only need to be submitted to the Planning Department to be signed off as per condition 8 of the permitted scheme in consultation with the Highways Team. As the condition states that 'Prior to occupation of any dwelling house all off site Highways works shall be submitted to and approved in writing by the Local Planning Authority'. In order for the developer to adhere with this planning condition this application therefore needs to be determined, as advised by Counsel Opinion from Francis Taylor dated August 2018. In addition, these crossing details form part of the S278 Agreement from OCC.
- 1.14 The current application, like the previous withdrawn application, seeks the removal of the bus stops along the A417 only. These bus stops are a legal requirement within the S106 entered into as part of the original permission and officers must consider the impact of their loss in this location.
- 1.15 The S106 sets out the obligations of Pye Homes in the build out of this site. Should this application be considered acceptable then the Developer will be required to enter into a deed of variation with the Council to ensure that the existing obligations continue subject to any variation resulting from an approval of this current application

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 A summary of the responses received is set out overleaf. Comments made can be viewed in full online at www.whitehorsedc.gov.uk

<p>East Hendred Parish Council</p>	<p>Object</p> <ul style="list-style-type: none"> • Removal of bus stops creates a longer, unsafe passage for cyclists and pedestrians • All village facilities are to the south of A417 so will be heavily used and safe passage is paramount • Full safety Audit should be carried out that is more extensive than that proposed by RSA. • Small differences to scheme but net affect has serious implications for bus passengers, cyclists and pedestrians.
<p>Oxfordshire County Council Single Response</p>	<p>No objection subject to conditions.</p> <ul style="list-style-type: none"> • In the wider context the location of bus stops are better served by being located elsewhere and associated with another development, but in walking distance to this site. • Space does not safely permit for a Toucan type pedestrian crossing and the main issue is that safe passage is facilitated across the A417 and this can be done through a Puffin type crossing. <p>Additional comments received after having read EHPC comments and PBA report:</p> <p>No Objections</p> <ul style="list-style-type: none"> • The main point of concern is the streetscape interaction between the s278 works for the crossing and the location of the bus stop. • Through the s278 process Road Safety Auditing (RSA) is undertaken and appropriate design modifications made, within the general principles, as established through the planning process.
<p>SGN Plant Protection Team</p>	<p>No strong views.</p> <ul style="list-style-type: none"> • gas pipes are not within the digging zone of the crossing and off site highways works.
<p>Neighbours</p>	<p>Object (2)</p> <ul style="list-style-type: none"> • Support for cycling • change in path will aid congestion by increasing car use • increase in pollution and slowing of traffic on A417 • non-compliance with previous refusal • outstanding discharge of conditions • bus stops are necessary in this location • dangerous crossing • minimum site lines for 30mph not 40mph as signage along road suggests.

3.0 **RELEVANT PLANNING HISTORY**

3.1 P17/V0251/DIS - Approved (06/09/2017)

Discharge of Conditions: 3 - levels, 4 - external construction materials, 5 - boundaries, 6 - landscaping, 7 - arboricultural method statement, 8 - off-site highway works, 9 - Travel Plan Statement and Information Pack, 10 - Construction Traffic Management Plan, 11 - drainage scheme, 12 - drainage strategy, 13 - bicycle parking and bin storage, 14 - Archaeological Written Scheme of Investigation, 15 - Archaeological mitigation, 16 - traffic noise mitigation, 17 - windows to Plot 17 and 18 - open space and children's play area on planning permission P15/V2560/FUL - Proposed residential development of 46 dwellings

P17/V0324/NM - Approved (08/03/2017)

Non material amendment to application ref. P15/V2560/FUL(Proposed residential development of 46 dwellings) to omit carports provided for plots 2-6 and substituting carports with garages to plots 23-26, 31-34 and 35-42 (As amended by Drawing Nos: 2836.200 Rev L, .212 Rev D, .213 Rev D and .220 Rev F to increase the size of new garages)

P15/V2560/FUL - Approved (15/11/2016)

Proposed residential development of 46 dwellings (As amended by drawings and information accompanying agent's emails of 8 April 2016, 25 May 2016, 12 and 22 August 2016)

P16/V0235/O - Refused (30/09/2016)

Outline planning application for the erection of 75 dwellings (10 of which will be specialist accommodation for older people), communal hub for older persons accommodation, retention of the existing Bed and Breakfast and associated open space, with all matters reserved (as clarified by amended application forms accompanying agent's letter of 6 April 2016 that confirms this application seeks outline planning permission with all matters reserved and as further clarified by information accompanying agent's letter of 12 May 2016 and amended by Drawings accompanying agent's letter of 7 July 2016)

P15/V2328/O - Refused (21/01/2016) - Appeal allowed (18/04/2017)

Outline planning application for the erection of 75 dwellings (10 of which will be specialist accommodation for older people), communal hub for older person's accommodation, retention of the existing Bed and Breakfast and associated open space, with all matters reserved save for that of access.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not required as the development is not within a sensitive location, fewer than 150 dwellings and less than 5Ha.

5.0 **MAIN ISSUES**

5.1 The main considerations in the determination of this application are:

- whether removal of the bus stops would adversely affect the highway network or inconvenience future occupants of the approved application site known as Pye 3, for 46 dwellings;

5.2 **Highway safety**

On submission of the Section 278 agreement to Oxfordshire County Council Highways Team it became apparent from the Road Safety Audit that the inclusion of bus stops along the A417 would cause safety concerns and conflict with the proposed toucan type crossing from Pye 3 development to the village of East Hendred.

5.3 In discussion with OCC the applicant (Pye Homes) has sought the removal of the bus stops within the immediate vicinity of Pye site Phase 3, an obligation that was required from a signed S106.

5.4 The committee report of application P15/V2560/FUL noted (at para 6.64) that *'The A417 is also an important public transport corridor, linking Wantage to Harwell. The Highways Authority have requested a proportionate contribution to the improvement of bus services along the A417 and this is again considered necessary as part of the mitigation of this scheme. Furthermore, bus stops on the A417 serving the site will be needed'*.

5.5 The situation has not changed, Officers agree that with the additional residential sites currently being built along A417 additional public transport infrastructure is required.

5.6 The Parish Council have submitted their comments alongside having a consultant consider their issues. Peter Brett Associates (PBA) have stated that a point of concern is *'Now that there have been changes to the (highway) scheme, there will be different operational requirements on the highway, and the safety of the proposals should now be considered afresh.'*

5.7 At the present time there are existing bus stops along White Road and further within the village itself. OCC Officers have advised Vale Planning Officers, in their email dated 14 September 2018, that East Hendred Parish Council have met with the Highways Infrastructure Coordinator on site with a view to discussing the placement of the required bus stops and associated structures along this stretch of the A417. The new bus service has started using temporary bus stops provided for user's convenience.

5.8 Vale Officers have been advised by OCC that the new bus stop infrastructure will commence the week beginning 1st October 2018. These will be funded using developer contributions held from the adjacent 'Pye 2' site. In addition to these monies there is also funding from the Greensands development via an obligation sought through a signed S106. It is intended that as the Greensands site comes forward, contributions from that site will be used to provide bus stops, further east along A417. Therefore, two different sets of bus stops will be provided for along this stretch of road to provide for all future residents of the Pye development sites 1, 2 and 3 and the Greensands development as it comes forward.

5.9 The Featherbed Lane Improvement Scheme (P15/V0774/LDP) will provide a new roundabout junction on A417 and the bus stops would be located to the

west of this junction to ensure that they are within walking distance of all new developments.

- 5.10 OCC responded on the previous application (P17/V2002/FUL) that whilst the buses are running on a temporary route, during the build out of these sites and the reconfiguration of the road, the bus stops cannot be implemented safely within the immediate vicinity of this development. Whilst it is noted that additional bus services will be needed along this stretch of road, the bus infrastructure sought as part of the Pye 3 development would be an overprovision and cannot be implemented safely or without causing conflict with other improvements along this road.
- 5.11 The previously refused scheme (P17/V2002/FUL) for the removal of bus stops received 2 letters of objection from local bus providers. This application has had no comments made from either party. The bus providers, in discussion with OCC, understand that bus stops and local bus provision will be placed along this stretch of the A417 as per the strategic approach to development and no comments have been made to this effect. All providers who previously made representations on P17/V2002/FUL were consulted.
- 5.12 OCC has considered the amended plans including the details of the crossing type, the removal of the bus stops and the PBA report submitted on behalf of East Hendred Parish Council. OCC conclude that there are no highways objections to the scheme now proposed for offsite highways works.
- 5.13 The Road Safety Audit has considered the crossing type, its location and the location of bus stops in context along the A417 and safety audits levels 1, 2 and 3 fully consider the pedestrian route to the bus stops outside the Pye 1 and 2 developments is accessible in this location. Therefore, the context of the road and the amendments to it have been fully considered.
- 5.14 Planning Officers have no evidence that the change in crossing type and the removal of the bus stops would pose a safety risk to pedestrians of the Pye 3 development site. Nor is there evidence that pedestrians would use the north side of A417 rather than walk the safer route using two crossings to access the Pye 3 development. This is an assumed route.
- 5.15 The permitted crossing provides for safe access for pedestrians of the Pye 3 development to the village of East Hendred and onto bus stop provision outside of the adjacent Pye 1 and 2 developments in accordance with policy CP33.
- 5.16 Officers therefore consider that the removal of the bus stops from the Pye 3 development obligation is justified. In a wider consideration of the strategic network improvements taking into consideration the development in the area comprehensively; there will be suitable bus stop provision to serve all development sites following S106 obligations from the Greensands and Pye 2 developments. Safe and convenient bus stop infrastructure will therefore be provided, in accordance with policy.

5.17 **Other Issues**

In discussions with the Parish Council they have queried why the site boundary wall abutting Mather House with the pathway along A417 cannot be cut through and a shared surface route be provided through this site, taking it away from the edge of the A417?

5.18 The Council understand that Mather House is under separate ownership and therefore cannot request that this land is used to form an alternative route from the Pye 3 development. An alternative route is not required because the amendment of the crossing to a Puffin crossing with all safety audits in place has ensured that users of this pathway and crossing do so in a safe manner in accordance with planning policy.

5.19 Concerns over whether Condition 8 has been discharged or not. Officers did discharge the condition under application P17/V0251/DIS. The plans submitted to satisfy this condition, DWG: 4229-GDL-XX-HW-DR-C-003 T2 and DWG: 4229-GDL-XX-HW-DR-C-004 T3 did not show the location of the bus stops, which were to be considered in consultation with the Parish Council. However, it did consider the location of the crossing, its road markings and path surface details thereby satisfying all off-site highways works. Therefore, Officers do consider that this condition has been satisfied.

6.0 **CONCLUSION**

6.1 In conclusion Officers recommend that approval is granted for the variation of condition 8 of planning permission P15/V2560/FUL for the reasons outlined in the report above and that the condition can now read:

“All off-site highway works, shall be implemented as per the approved plan 5004515-RDG-XX-ST-PL-C-0700-A which includes the creation of a Puffin Type pedestrian crossing (and associated works), a shared footway/cycleway on the north side of the A417 and a linking 2m wide footway only along the south side of the A417 and improved pedestrian crossing facilities in the form of tactile paving’s and dropped kerbs on White Road. The works shall be undertaken in accordance with the approved drawings and the approved works shall be implemented in full before the occupation of any dwelling hereby approved.”

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 Policies:

- CP01 - Presumption in Favour of Sustainable Development
- CP02 - Cooperation on Unmet Housing Need for Oxfordshire
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP05 - Housing Supply Ring-Fence
- CP07 - Providing Supporting Infrastructure and Services
- CP15 - Spatial Strategy for South East Vale Sub-Area
- CP22 - Housing Mix
- CP23 - Housing Density
- CP24 - Affordable Housing

- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP36 - Electronic communications
- CP37 - Design and Local Distinctiveness
- CP38 - Design Strategies for Strategic and Major Development Sites
- CP39 - The Historic Environment
- CP42 - Flood Risk
- CP43 - Natural Resources
- CP44 - Landscape
- CP45 - Green Infrastructure
- CP46 - Conservation and Improvement of Biodiversity

Vale of White Horse Local Plan 2011 Saved Policies

DC5 – Access

Emerging Vale of White Horse Local Plan 2031 Part 2

A publication draft of the Vale of White Horse Local Plan 2031 Part 2 has been subject to public consultation, and will be examined in the summer. Until completion of examination, this Local Plan remains at an early stage of preparation and accordingly its policies have limited weight at present. Notwithstanding, the following policies are material to the consideration of this application:

DP16 – Access

Adopted guidance

- Vale of White Horse Design Guide SPD – March 2015
- Developer Contributions, Delivering Infrastructure to Support Development – June 2017

Neighbourhood Plan

There is currently no neighbourhood plan for East Hendred.

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

Section 149 of the Equality Act 2010

Provisions of the Human Rights Act 1998

Author: Charlotte Brewerton

Tel: 01235 422600

Email: planning@whitehorsedc.gov.uk