
APPLICATION NO.	P21/V1338/FUL
SITE	East Challow Site, Hamilton Drive East Challow Wantage, OX12 9RH
PARISH	EAST CHALLOW
PROPOSAL	Variation of condition 4 on application P19/V1921/FUL - to replace original arboricultural report (Variation of condition 1 (approved plans) of application P17/V2502/RM Reserved Matters Application for Access, Appearance, Landscaping, Layout and Scale for a Residential Development of 38 Dwellings, including up to 13 Affordable Dwellings, with Associated Car Parking and Amenity Space and On- Site Public Open Space, pursuant to outline Planning Permission P16/V1714/O)
WARD MEMBER(S)	Paul Barrow
APPLICANT	MacTaggart & Mickel Homes
OFFICER	Adrian Butler

RECOMMENDATION

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

1. A Deed of Variation is entered into to ensure previous s106 requirements apply to this application.

2. Conditions as follows:

1. Approved plans

Pre Occupancy or Other Stage Conditions

2. Landscaping implementation in the next planting season and retention
3. Hedge retention at 2m high
4. Tree protection
5. Access in accordance with details approved under application P19/V1039/DIS
6. Roads and footway provision to each house before occupation
7. Car parking for each house provided before occupation
8. Construction Traffic Management Plan approved under application P19/V1039/DIS to be complied with

9. Residential travel information pack as approved under application P18/V0237/DIS
10. Surface water drainage scheme to be implemented in accordance with the details approved under application P19/V1039/DIS.
11. Foul water drainage scheme to be implemented in accordance with the details approved under application P16/V3030/DIS.
12. Biodiversity enhancement measures approved under application P17/V2920/DIS shall be carried out prior to the occupation of the penultimate dwelling
13. Noise attenuation in accordance with approved scheme
14. Boundary treatments in accordance with approved details

Post Occupancy Monitoring and Management Conditions

15. Permitted development rights for extensions and roof alterations removed – plots 1 to 6 and plot 17
16. Construction hours restricted to 07.30 to 18.00 Monday to Friday and 0800 to 13.00 on a Saturday. No work shall take place on Sundays or Public Holidays

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The application is presented to planning committee as East Challow Parish Council objects.
- 1.2 Planning permission exists for 38 dwellings on this site and the development has commenced with some dwellings occupied and other dwellings under construction. The site location plan is **attached** as Appendix 1.

The Proposal
- 1.3 Condition 4 of the planning permission approved under application no. P19/V1921/FUL requires the development to be implemented in accordance with an approved arboricultural method statement (AMS). The AMS shows trees to be retained and removed. The AMS proposed the retention of trees on the A417 frontage including five sycamores and a western red cedar marked as T36 to T41 on plans accompanying the AMS, these trees being along the site frontage immediately east of public footpath 196/5 which bisects the application site north / south.
- 1.4 A 2m wide footway was required on the north side of the A417 connecting new developments to a new controlled pedestrian crossing and a new bus stop. These footway works are shown on the plan **attached** as Appendix 2. The footway has approval under s278 of the Highways Act and the details were included with an application seeking approval of details reserved by condition (application no. P19/V1039/DIS). Retention of trees behind the footway were shown on the plans. A subsequent site meeting between district council and OCC officers established that excavating the footway which involved removal of a low earth bank to provide a level surface, would damage roots of the trees and result in the direct loss of trees. Reducing the footway to a minimum width of 1.5m was considered although removal of the earth bank would still be needed and there would still be an impact on the six trees. Furthermore, a

narrower footway could compromise safety of users including pupils seeking to walk to King Alfred's school which is on the opposite side of the A417. No dig techniques were also considered but due to the earth bank this would not be possible as it would need to be removed to provide a level surface.

- 1.5 The footway has been installed and as a consequence of the works the five sycamores and western red cedar have been felled.
- 1.6 As felling the trees is at odds with the approved AMS this application has been submitted. The application is now supported by a landscaping scheme including replacement tree and hedge planting on this part of the A417 frontage which responds to forestry and landscape officer comments.
- 1.7 The application also seeks approval for works to a group of sycamores on the eastern boundary of the site with ivy to be removed from them and pruning back to give 2 metres clearance to dwellings and balancing the crowns.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 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:</p> <ul style="list-style-type: none"> • Huge visual impact on the villager's walk through what is now a semi-urbanised stretch of well used footpath from East Challow. • Inadequate replacement planting with small ornamental varieties proposed. • Seems to be the preamble for building more houses on site. • Why does the Arboricultural Briefing Note dated 2019 now have trees which are in conflict with the proposed building work when this was prepared prior to planning application. • Working round the established trees might be more complicated but not impossible. • Object to the public footpath remaining closed. <i>(Planning officer note: this council has no control over the continuing closure of the public footpath, it is a County Council matter and it is not material to the consideration of this application).</i>
Councillor Barrow	<p>Object:</p> <ul style="list-style-type: none"> • Lack of clarity in the application. The applicant should include a plain English summary of the proposals in their submission.

	<ul style="list-style-type: none"> No plan(s) showing the layout of this development and the adjacent Park Farm houses together with the trees that are to be removed, the footway and site of the bus stop. A footway is being constructed along Challow Road from Park Farm to a bus stop seemingly without planning permission.
Residents	<p>Two letters of objection from a local resident have been received as follows:</p> <ul style="list-style-type: none"> A large number of trees and hedging have already been lost and the site must include as many trees as possible and not just small ornamental ones. Note OCC has allowed the public footpath through the site to remain closed until 28 February 2022. This means it will be closed for 3 years. To date pedestrians, including many schoolchildren, have had to make a long detour and been forced to walk in the road during weeks of work on the footpaths and main road in the area.. Why is it safe for the new houses to be occupied but un-safe to open the footpath?
Oxfordshire County Council (OCC)	<p>Highways No objection:</p> <ul style="list-style-type: none"> The Arboricultural Briefing Note submitted in support of the proposals informs that the removal of the trees are required in order to facilitate the construction of a footway immediately adjacent to the site, which forms part of the highway works required in relation to the associated development. <p>Drainage No objection</p> <p>Archaeology No objection</p>
Forestry Officer	<p>Comments:</p> <ul style="list-style-type: none"> The proposed tree and hedge planting between plot 25 and the highway would provide mitigation for the trees lost as a result of the footway provision. As the planting locations are directly due south of the garden and side elevation of the dwelling future shading is likely to be an issue as the

	<p>trees mature. The proposal to plant a common beech at the eastern end of the open space is very likely to be considered as a nuisance in time, therefore a narrower canopied variety would be more sustainable (<i>Fagus sylvatica</i> Dawyck purple beech). This variety will achieve similar height but have a narrower canopy casting less shade.</p> <ul style="list-style-type: none"> • Similarly, it would be better to amend the two common Wild Cherry (<i>Prunus avium</i>) to <i>Prunus avium</i> 'Plena', which shares most of the same characteristics but will not grow quite as large, but still large enough to screen the development in summer. • A Cockspur thorn (<i>Crataegus prunifolia</i>) could be planted between the two crab apple trees and to improve the winter screening yew could be added to the hedging mix. • The changes proposed above would provide a more robust and sustainable planting scheme.
Landscape Officer	<p>Comments:</p> <ul style="list-style-type: none"> • The proposed planting to replace the lost trees on the southern boundary would benefit from an update now that the extent of vegetation lost for the road crossing and bus stop has been submitted. Additional trees could be added between the proposed <i>Malus sylvestris</i> (crab apple). These could be located either in the hedge line or in the verge between the road and the hedge. Suggested species include <i>Acer campestre</i> (field maple), <i>Crataegus monogyna</i> (hawthorn) or <i>Crataegum prunifolia</i> cockspur thorn). • The hedgerow is proposed to be implemented at 5 plants per linear metre. The hedge would benefit from having additional evergreen content such as the use of <i>Ligustrum vulgare</i> (privet) or yew. It will be imperative that this hedge is kept clear of weeds and well mulched to remove competition and aid establishment.

3.0

RELEVANT PLANNING HISTORY

[P19/V1921/FUL](#) - Approved (12/03/2020)

Variation of condition 1 (approved plans) of application P17/V2502/RM

Reserved Matters Application for Access, Appearance, Landscaping, Layout

and Scale for a Residential Development of 38 Dwellings, including up to 13 Affordable Dwellings, with Associated Car Parking and Amenity Space and On-Site Public Open Space, pursuant to outline Planning Permission P16/V1714/O

[P19/V1039/DIS](#) - Approved (12/03/2020)

Discharge of conditions 3 off-site highway works, 5 - scheme for replacement of orchard, 6 - access details, 7 - visibility splays, 8 - closure of existing access to Challow Park, 9 - construction traffic management plan, 11 - sustainable urban drainage scheme and 15 - badger survey and mitigation on application ref. P16/V1714/O and conditions 2 - materials, 3 - landscaping scheme and 11 - boundary details on application ref. P17/V2502/RM

[P17/V2502/RM](#) - Approved (19/04/2018)

Reserved Matters Application for Access, Appearance, Landscaping, Layout and Scale for a Residential Development of 38 Dwellings, including up to 13 Affordable Dwellings, with Associated Car Parking and Amenity Space and On-Site Public Open Space, pursuant to outline Planning Permission P16/V1714/O

[P18/V0617/DIS](#) - Approved (19/04/2018)

Discharge of condition 4 (Arboricultural) of planning permission P16/V1714/O Outline Application with all Matters Reserved for a Residential Development of up to 38 Dwellings, including up to 13 Affordable Dwellings, with Associated Car Parking and Amenity Space, and On-Site Public Open Space.

[P16/V1714/O](#) - Approved (30/09/2016)

Outline Application with all Matters Reserved for a Residential Development of up to 38 Dwellings, including up to 13 Affordable Dwellings, with Associated Car Parking and Amenity Space, and On-Site Public Open Space

[P15/V2545/O](#) - Approved (20/05/2016)

Outline Application with all Matters Reserved for a Residential Development of up to 36 Dwellings, including up to 14 Affordable Dwellings, with Associated Car Parking and Amenity Space, and On-Site Public Open Space (As clarified by Flood Risk Assessment Addendum received December 2015 and by Geophysics Report accompanying agent's email of 18 January 2016 and as subsequently amended by Illustrative Layout Drawings AAH5292-04-1 Rev F and 04-2 Rev F and updated Flood Risk Assessment accompanying agent's letter of 20 January 2016).

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal is for fewer than 150 dwellings and the site is not in a 'sensitive area'. The site area does not exceed 5ha and therefore, the proposal does not fall within the thresholds set at Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Consequently the proposal is not EIA development.

5.0 **MAIN ISSUES**

5.1 This application is to be considered on its merits regardless of it being part retrospective. The relevant planning considerations are the following:

- The principle of varying conditions
- Loss of trees and their replacement

The Principle of Varying Conditions

- 5.2 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and under section 73 of the Town and Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. Under section 73a of the Town and Country Planning Act 1990 an application can be made for development without complying with some condition subject to which planning permission was granted.
- 5.3 The relevant planning considerations for this application are only the matters for which the modification is sought. All the other matters were dealt with as part of the approved application and are not for re-consideration here.

Loss of Trees and Their Replacement

- 5.4 The trees lost were considered of moderate merit, although tree T37 was considered to have little merit. Nonetheless, they added to the verdant appearance of the street scene. Trees on the road frontage further to the east beyond the application site remain and there are some trees in depth on the application site that are noticeable from the A417. The new footway beside the A417 which leads to a controlled crossing point and bus stop is an important route for pupils accessing the school from new developments on the north side of the A417.
- 5.5 Replacement planting now responds positively to advice given by the council's forestry and landscape officers with a Dawyck purple beech proposed instead of a common beech, a cockspur thorn added to the tree line between two proposed crab apple trees and the two wild cherry replaced with Plena cherry trees. The native hedge now includes yew as recommended as well as field maple, hazel, hawthorn, blackthorn, dog rose, holly and guelder rose. Beech trees exist on site and there are existing cherry trees on the site frontage west of the public footpath. This replacement planting is in an open space between the A417 and a house on plot 25 and will filter views of the development in years to come and add to the A417 frontage. To help screen the development the hedge should be allowed to grow to a minimum height of 2m. The proposed landscaping should be planted in the next planting season and retained except for direct replacement should a plant die, be removed or become diseased in the next 10 years. This can be secured by condition making the application compliant with core policies 37 and 44 of the Local Plan Part 1.
- 5.6 Works to the tree group on the eastern site boundary is not retrospective. These trees are not prominent in public views and they will be retained. The works are reasonable enhancing the shape of the trees whilst not unreasonably overshadowing gardens.

Financial contribution requests

- 5.7 Financial contributions towards off site infrastructure improvements including for local schools and public transport, and affordable housing were secured as part of the outline permission. A Deed of Variation will need to be completed ensuring previous s.106 agreement requirements apply to this application. The development is also subject to CIL.

6.0 CONCLUSION

- 6.1 This application has been determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 Trees have been removed and this application is an acceptable mechanism for securing replacement trees and a hedge. The footway is important in providing reasonably safe access to King Alfred's school as it provides access to a controlled crossing point. The footway also provides access to a bus stop for those wishing to travel further afield. The footway adds to the accessibility of the site. This benefit and safety of pedestrians is considered to outweigh the loss of the trees particularly when balanced against the replacement hedge and tree planting. The proposed replacement planting is considered acceptable according with the recommendations of the forestry and landscape officers.
- 6.3 In conclusion, the proposal is considered to accord with the development plan subject to the imposition of conditions and securing a Deed of Variation to ensure previous s106 requirements apply to this application.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031: Part 1 – core policies:

- CP1 - Presumption in favour of sustainable development
- CP2 - Cooperation on unmet housing need for Oxfordshire
- CP3 - Settlement hierarchy
- CP4 - Meeting our housing needs
- CP7 – Providing supporting infrastructure and services
- CP20 - Spatial Strategy for Western 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
- CP40 – Sustainable design and construction
- CP42 – Flood risk
- CP43 – Natural resources
- CP44 - Landscape
- CP45 – Green infrastructure
- CP46 – Conservation and improvement
- CP47 – Delivery and contingency

Vale of White Horse Local Plan 2031: Part 2

CP4a – Meeting our housing needs
CP20A - Housing Supply for Western Vale Sub-Area
DP2 – Space standards
DP11 – Community Employment Plan
DP16 – Access
DP17 - Transport assessments and travel plans
DP20 – Public art
DP21 – External lighting
DP23 – Impact of development on amenity
DP25 – Noise pollution
DP26 – Air quality
DP27 – Land affected by contamination
DP28 – Waste collection and recycling
DP29 - Settlement Character and Gaps
DP30 - Watercourses
DP33 – Open space
DP36 – Heritage assets
DP39 – Archaeology and scheduled monuments
CP47a – Delivery and contingency

Neighbourhood Plan

A neighbourhood area for East Challow was formally designated on 11 November 2016. The parish council has started the process of gathering evidence and engaging with the local community. This is to give the plan a direction and draft policies that will form the neighbourhood plan. To date a draft Plan has not been published and therefore, no weight can be given to any policies that may be emerging.

Adopted Guidance

Vale of White Horse Design Guide 2015
Developer Contributions – Delivering Infrastructure to Support Development
Supplementary Planning Document (SPD) – June 2017

Other Relevant Legislation and Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (PPG)
Community & Infrastructure Levy Legislation
Planning (Listed Buildings and Conservation Areas Act) 1990
Human Rights Act 1998
Section 149 of the Equality Act 2010
Section 17 of the Crime and Disorder Act 1998
Natural Environment and Rural Communities (NERC) Act 2006
The Conservation of Habitats and Species Regulations 2010
Localism Act (including New Homes Bonus)
Countryside and Rights of Way Act 2000
Environment Act 1995

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