

<b>APPLICATION NO.</b>	<a href="#">P18/S1964/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	7.6.2018
<b>PARISH</b>	LONG WITTENHAM
<b>WARD MEMBER(S)</b>	Sue Lawson
<b>APPLICANT</b>	Kler Group
<b>SITE</b>	Land off Fieldside Track, Long Wittenham.
<b>PROPOSAL</b>	Variation of condition 4 (approved plans) of Outline Planning Permission-revised access design.  (To grant outline residential development with all matters reserved except access for up to 36 dwellings (As amended by plans and additional information submitted 7 September 2016.))
<b>OFFICER</b>	Amanda Rendell

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1.0 **INTRODUCTION AND BACKGROUND**

1.1 This application has been referred to Planning Committee as the views of Long Wittenham Parish Council differ from the Officer's recommendation.

1.2 Members may recall that an outline planning application (P16/S1124/O) was presented to Planning Committee on 27 September 2017 for up to 36 dwellings on this site. This sought approval of the principle of residential development and for the proposed access with all other matters reserved. The access involved a simple priority junction arrangement onto Didcot Road, including the provision of a zebra crossing and a series of traffic calming features and adjustments to the carriageway extending to a section of approximately 90 metres north and south of the proposed access.

1.3 An appeal against non-determination of that application had been lodged, and members resolved that, had they been able to determine the application, they would have refused it for the following two reasons:

1. *The proposed development would not accord with the distribution strategy for housing in the district as Long Wittenham is a small village, with limited services and facilities. The proposal would not comprise limited growth and would consequently result in the provision of housing in an unsustainable location where future residents would have poor access to sustainable modes of transport and services and facilities. Accordingly, the proposal would conflict with the district's objectives and strategies for growth and necessary infrastructure, contrary to the National Planning Policy Framework; policies CSS1 of the adopted South Oxfordshire Core Strategy 2027; saved policy G3 of the adopted*

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*South Oxfordshire Local Plan 2011; policy STRAT 1, H1 and H8 of the emerging South Oxfordshire Local Plan 2011-2033; and the strategy of the Long Wittenham Neighbourhood Plan as outlined in section 2.1.*

2. *In the absence of a completed S106 legal agreement, the application fails to secure infrastructure necessary to meet the needs of the development including contributions towards the provision of affordable housing, sustainable transport, highways works, open space and play areas, on-site recycling and street naming. Accordingly, the proposed development would be contrary to policy CS11 of the South Oxfordshire Core Strategy and saved policies CSH3 and R6 of the South Oxfordshire Local Plan 2011, as well as the National Planning Policy Framework.*

- 1.4 Whilst local residents and the Parish Council raised concern about the position and achievability of the proposed access arrangements for both vehicles and pedestrians, given the need for appropriate visibility splays and the presence of third party land, the County Council as Highways Authority raised no objections to the proposal subject to conditions (access details, drainage details for foul water, drainage details for surface water, sustainable drainage scheme, construction method statement, Construction Traffic Management Plan and Travel Plan Statement and Travel Information Pack). They confirmed that the revised information showing swept path analysis, zebra crossing details, frontage footway provision and updates safety audit were acceptable.
- 1.5 In respect of the land ownership issue, the County Council as Highways Authority commented that “Whilst the submitted HM Land Registry Highway boundary plan appears to indicate the public highway bounds up to land in the control of the applicant, the scale is of such, 1:2500, it is difficult to verify this graphically”..... “Furthermore, investigations utilising the County Council’s own Highway records, indicate a similar outcome. Therefore, whilst the County Council cannot fully confirm the status of the land ownership details, they believe that it is ultimately for the District Council, acting as Local Planning Authority, to confirm this issue”.
- 1.6 Your officers were concerned that whilst this matter was not resolved, the development did not accord with the National Planning Policy Framework, policy CSM1 of the South Oxfordshire Core Strategy and policy T1 of the South Oxfordshire Local Plan 2011. However legal advice subsequently indicated that this matter could be dealt with by a Grampian style condition and as such there were no grounds for refusal based on highway matters.
- 1.7 The appeal was heard at a Public Inquiry between 14-17 November 2017, and on 3 January 2018 the Inspector allowed the appeal subject to planning conditions and a legal agreement securing obligations relating to affordable housing, on-site open space, highway works and contributions towards public art, recycling, street naming and monitoring costs. In addition, a unilateral undertaking (UU) secured obligations relating to contributions to Oxfordshire County Council towards sustainable transport measures in the Science Vale area, provision of a travel plan and contributions towards monitoring costs.

1.8 In respect of the land ownership issue, the Planning Inspector concluded that:

*“There is no dispute that the necessary highway works would involve land which is not controlled by the appellant. The appellant asserts that the necessary land falls within the highway and has entered into a planning obligation with the Highway Authority for the required works to be secured within a S278 Agreement. I have also taken into consideration the legal opinion obtained for the appellant which sets out that there appears to be no legal impediment to the delivery of the access to the development. There is therefore strong evidence before me on this matter”.*

He goes on to say that:

*“LWPC asserts that third party land is required for the provision of the visibility splays. Two areas of land are identified, one to the north of the proposed junction, said to be controlled by another party and land to the south under the control of a Mr Weavers. The highways records map submitted by LWPC appears to show the land required to the north controlled by another party to be within the highway and I have no strong evidence before me to the contrary to suggest that land ownership would prevent the provision of the visibility splay to the north. LWPC states that it has an agreement with Mr Weavers and a house builder to develop the community hub scheme on the land to the south of the appeal site. Mr Weavers has stated that he will not allow his land to be used for the appeal scheme.*

*I have had careful regard to the evidence of LWPC concerning the boundary of the highway in relation to the roadside ditch and the land ownership of Mr Weavers. However, neither the highways records maps nor the H.M. Land Registry title plans before me demonstrate that the legal opinion of the appellant is wrong in that the land would not be available to them within the highway to the south to provide the required visibility splay. Whilst there may be an issue in relation to private rights regarding land ownership, any such issue would be dealt with under legislation dealing with private legal rights.*

*The Council and appellant have suggested that a Grampian condition should be imposed in respect of the highway works should I be minded to allow the appeal. I have had regard to the evidence of LWPC and Mr Eccles and the court judgements provided. However, the PPG10 is clear that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.*

*In this case, there is strong evidence before me that the highway works would be achieved via the S106 and S278 Agreements. Furthermore, whilst I have had regard to the evidence concerning Mr Weavers' land and his stated intent, it has not been demonstrated that even Mr Weavers' land were found to be necessary, there would be no prospect at all of the access being provided within the time-limit imposed by a planning permission.*

*The PPG 11 also sets out that a negatively worded condition limiting the*

*development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. In this case, there is a S106 agreement addressing the matter of highway works”.*

- 1.9 This application currently under consideration proposes amendments to the approved access design into the site from Didcot Road. The applicant wishes to revise the access design previously approved by the Planning Inspector at appeal due to a potential issue which has arisen in relation to the position of the visibility splays to the south of the approved access. This requires the submission of revised drawings which propose a revised access position and realignment of the highway from the existing kerbline.
- 1.10 The site itself is located to the south-east of Fieldside as shown on the location plan attached as **Appendix A** and in aerial photo as **Appendix C**. The site is outside of the designated conservation area but does fall within its rural setting and the setting of listed buildings, notably Challis Farm and the Barn south of The Grange. National Cycle Route 5 passes through Long Wittenham on the primary road alignment through the village, linking it with Didcot. Fieldside Track is a public right of way to the north of the site. It is understood that a private right of way exists across the site.

## 2.0 PROPOSAL

- 2.1 Condition 4 of the planning permission, imposed by the Planning Inspector states:

*“The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and site access design drawing WIE 006 005 A07”*

This condition ensures that the development is carried out in accordance with the approved plans.

- 2.2 The proposals seek to vary condition 4 of planning permission reference P16/S1142/O to amend the approved means of access to the site. The access will be relocated further into the adjacent highway by approximately 2.9m in order to provide associated visibility splays, following additional investigative works.

As part of the proposals, a controlled pedestrian crossing (zebra) will be provided along Didcot Road and the existing priority narrowing relocated to the south, as per the approved scheme. In addition, pedestrian footways will be provided along the frontage of the site that will provide a direct link to the proposed zebra crossing to the north and an uncontrolled crossing, immediately to the south.

- 2.3 The revised access is being proposed to avoid any potential for the visibility splay crossing unregistered or third-party land and as a “precautionary approach” in light of previous representations made as part of the consultation on the planning permission, a revised access has been designed. None of the

components to the access itself (in terms of carriageway width, alignment, position on frontage, curb radii, pedestrian connectivity) have altered. The access and highway would be shifted a maximum distance of 2.9m further into the existing adopted highway. The length of the realigned carriageway extends to 224m with the realignment starting just north of the junction of Saxons Heath/Didcot Road to the junction of Fieldside/Didcot Road. All the works are proposed within the adopted highway including the grass verge on the western side of Didcot Road.

It was originally proposed that the road would be realigned by approx. 1.4m further west. However, as a result of a number of revisions which have been submitted to address technical issues and objections raised by the Highways Authority in their consultation responses, it is now proposed to reposition the road 2.9m further west. The Highways Authority have been fully consulted on all the revisions made.

2.4 This Section 73 application is not a new planning application for the entire development but relates solely to condition 4 which is to be varied to deal with the revised access arrangements. The revised access would need to be the subject of a revised Section 278 process through the Highway Act, as with any junction design, which would allow developers to enter into a legal agreement with the County Council to make alterations or improvements to a public highway as part of a planning application.

2.5 The application is accompanied by a planning statement a number of plans showing details of site access design, swept path analysis, topographical survey, Road Safety Audit and drainage layout. These are available to view on the councils website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk). The site access design is attached as **Appendix B**.

### 3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Oxfordshire County Council Single Response – No objections subject to the following conditions: 1) Visibility splays of 2.4m x 90m, 2) Submission of full engineering details of proposed junction and 3) Submission of a Construction Traffic Management Plan.

Councillor Lynda Atkins (County Councillor)- As the plans provided by the developer show, the re-aligned road intended to provide access to the development site will not allow safe ingress/egress from the site. The swept path analysis shows that large vehicles turning right into or out of the site will mount the kerb on the opposite side of the road in doing so. Vehicles turning left out of the site will have to drive onto the wrong side of the road into the path of oncoming traffic entering the village. These arrangements will not provide a safe environment for pedestrians and should not be allowed to go ahead.

SGN Plant Protection Team - No objections. They advise on the presence of SGN assets in the area and provide guidance on safe dig measures and understanding equipment that may be below ground.

Environmental Health- no comments relating to this application.

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Forestry Officer – No objections subject to general tree protection conditions being attached, if permission is to be granted.

Landscape Architect- No objection. It is recommended that any removed vegetation be replaced in kind behind the visibility splay as a condition of approval.

Countryside Officer- No objections

Conservation Officer- No objection. This variation of condition application to alter the highway and access does not materially harm or alter the setting of designated heritage assets more than the approved road alignment.

Long Wittenham Parish Council – Object. The following concerns are expressed:

1. A full topographical survey is required to ensure that the visibility splays can be met and to confirm the proposed offset is sufficient. This would also then enable proper design of road widths and transitions as required by OCC Comments.
2. Residents are concerned that traffic emerging from Saxons Heath would now have a more difficult view to see traffic travelling from the North ( towards Didcot).
3. Location of buried utility services in the verge opposite the site. These buried services will have to be relocated before the kerb line and road can be realigned. One of the services is a large water main which the PC is aware is located parallel with and close to the current kerb line as it was exposed during recent construction of a new driveway between the trees.
4. Impact of roadworks on adjacent trees
5. Swept path drawings appear to be completely unacceptable and unsafe in operation.
6. Lack of safety audit.
7. Impact of noise on existing properties as a result of road being moved closer. The Noise Insulation Regulations 1975 (as amended) require that the impact of any “altered road” be assessed and taken into account. The applicant has not considered the adverse impact on those properties.
8. Loss of buffer to pedestrians using western footway. The Highway Authority (and the PC and adjoining Residents) are concerned about the loss of verge.
9. Questioning whether a car and caravan make all movements from driveway immediately north of new narrowing location.
10. If the road is realigned as proposed the current “**crowd line**” will now run down the centre of the lane for traffic travelling towards Didcot. This would make the road uncomfortable and potentially, in bad weather, unsafe to use. The PC request that OCC as the Highway Authority require that the full extent of the road realignment be reshaped to ensure that it is safe to use and road drainage will remain effective.
11. Extensive disruption this scheme will cause should it go ahead. The work to divert services will take many weeks and almost certainly require traffic

signals and one way working. The subsequent work to move the road will also take many weeks and will definitely require extensive traffic control. The road through the village and approaching Clifton Hampden bridge already suffers from extensive traffic queues at peak times and it will be a serious impact on both the village and through traffic if this scheme were to get consent.

Forty-eight letters of representation have been received from local residents raising the following comments and objections:

- The proposals represent an unacceptable contrivance in order to attempt to meet the required safety standards for an access road.
- Moving the single existing road serving Long Wittenham would be very disruptive over a long period.
- This application should never have been approved. Access was previously proved impossible. The original planning application should be revisited and thrown out
- Impact upon relocation of utility services (water, gas, broadband etc) which run alongside the road.
- Offset impacts of traffic elsewhere as drivers avoid this area during road works.
- Potential impact upon trees by Saxon Heath.
- Not demonstrated that there is sufficient room for larger vehicles such as rubbish trucks, to enter and exit the site safely.
- Application does not show how the crown of the road would be affected.
- The exit from Saxons Heath is potentially going to be more dangerous.
- The value of the properties along that stretch may be reduced as a result of the road being moved closer, due to the increased traffic noise, pollution and narrow, unprotected, footpath.
- Reduction in the width of the verge will increase the danger to pedestrians on a stretch of road that already sees speeding vehicles.
- Development may lead to a significant impact upon road safety.
- Additional traffic created by the proposed development would increase the risk to those children and parents who live in nearby and who travel to the schools on foot or bicycle.
- increase traffic congestion and will compromise children's safety.
- Road is already dangerously too fast, with nearly all cars speeding to get through the village.
- Impact upon wildlife and loss of hedge?
- By removing a large section of grass verge, this materially alters the village landscape at the entrance to the village giving it an urban aspect and thus losing its village charm.
- Relocated traffic calming clashes with the required access for the village's chosen new village hub site. the proposed re-siting of the traffic calming makes no consideration for the proposed village hub site and it's access requirements.
- The removal of the chicane is welcome but not the re-addition of them further south. a shared surface and 20mph limit would be more

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acceptable. The chicanes are awful and cause chaos. There should be a shared surface through the whole village and blanket 20mph zone.

- Absence of any traffic calming
- Increase in noise and pollution
- This planning application should be rejected because it goes against the village neighbourhood plan and brings no benefit to the village, and the application now.
- Because these issues are not dealt with adequately by Kler, Planning Officials or Planning Committee members should be required to visit the site before making a contribution to any decision.
- The revised access proposal is not satisfactory and does not sufficiently address the fundamental issue of the safety of an access at that location.
- The layout proposed is far too busy and cluttered for road users.
- Chicanes should be removed altogether.
- Unsafe Siting of Pedestrian Crossing
- Doubtful Road Safety Audit
- Impact on drainage
- The existing verge on the Western (Saxons Heath) side of the carriageway forms quite a considerable green space beside the carriageway and the ownership of this land may well be somewhat unclear.

As a result of further revised plans submitted, the following additional observations have been received (Comments from the Highways Authority on the revised plans are incorporated above):

Long Wittenham Parish Council- *comments to reported verbally at Planning Committee.*

Environmental Health- *comments to be reported verbally at Planning Committee.*

Forestry Officer- no objections raised to the revised plans subject to the imposition of a tree protection condition to secure tree protection measures prior to any of the highway (S73) works being undertaken or works to upgrade service routes.

SGN Plant Protection Team - No objections. They advise on the presence of SGN assets in the area and provide guidance on the proximity of mechanical excavations to these assets and safe digging practices.

An additional nine letters of objection have been received from local residents raising the following concerns:

- Unsafe siting of pedestrian crossing and impact upon vehicles exiting The Crescent
- Issues regarding the visibility splays
- Impact upon current footpath arrangements
- Proximity of works to trees
- Concern that swept path analysis does not accommodate larger vehicles

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- Use of raised tiles at zebra crossing, pedestrian guard rail at eastern side of footpath make village road into an urban street
- Impact upon archaeology
- Too many access points, chicanes, crossings which would be confusing to drivers
- Development should be amended to allow access to stay where it is
- Drainage
- Concern regarding vehicles reversing out onto Didcot Road

### 4.0 **RELEVANT PLANNING HISTORY**

#### 4.1 [P16/S1124/O](#) - Approved (03/01/2018) - Appeal allowed (03/01/2018)

Outline residential development with all matters reserved except access for up to 36 dwellings (As amended by plans and additional information submitted 7 September 2016)

#### [P15/S0962/PEJ](#) – Pre-application advice (28/05/2015)

Outline residential development with all matters reserved except access for up to 40 dwellings.

### 5.0 **POLICY & GUIDANCE**

#### 5.1 South Oxfordshire Core Strategy (SOCS) Policies

CSB1 - Conservation and improvement of biodiversity

CSEN1 - Landscape protection

CSG1 - Green infrastructure

CSH2 - Housing density

CSH3 - Affordable housing

CSH4 - Meeting housing needs

CSI1 - Infrastructure provision

CSQ3 - Design

CSQ4 - Design briefs for greenfield neighbourhoods and major development sites

CSR1 - Housing in villages

CSS1 - The Overall Strategy

#### 5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

C4 - Landscape setting of settlements

C9 - Loss of landscape features

CF2 - Provision of additional community facilities

D1 - Principles of good design

D10 - Waste Management

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

D7 - Access for all

G2 - Protect district from adverse development

G4 - Protection of Countryside

R6 - Public open space in new residential development

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- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

### 5.3 Long Wittenham Neighbourhood Development Plan (LWNDP) 2017-2033.

The LWNP was made by the District Council on 12 October 2017. The relevant policies to this proposal are:

- LW1- Community Hub
- LW4-Design
- LW5-Car Parking

Long Wittenham Parish Council have begun a review of their Neighbourhood Plan and consultation on their latest draft -The Reviewed Long Wittenham Neighbourhood Development Plan (RLWNDP) 2018-2033, concluded on Tuesday 11 September. Within this reviewed Neighbourhood Plan, policy LW1 continues to allocate the community hub to include a primary school, pre-school, village hall, playing fields, cycle links and 35-40 houses. New policy LW3 allocates the application site known as Fieldside for up to 36 houses.

### 5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

### 5.5 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

## 6.0 **PLANNING CONSIDERATIONS**

6.1 The principle of residential development at this site has been established at appeal. Furthermore, the site is now a proposed allocation in the revised LWNDP (Policy LW3). This application only relates to the repositioned access and the relevant planning considerations in the determination of this application are:

- Highway safety and traffic impact
- Impact upon amenity
- Impact upon trees and utilities.
- Impact upon ecology and landscape
- Drainage
- Community Infrastructure Levy (CIL)

### Highway Safety and Traffic Impact.

6.2 Paragraph 109 of the revised National Planning Policy Framework July 2018 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policies D1, D2, T1 and T2 of the South Oxfordshire Local Plan (SOLP) also require an

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appropriate parking layout and that there would be no adverse impact on highway safety.

- 6.3 Following initial comments from the Highways Authority, detailed discussions have been ongoing between the applicant and Highways Officers, which has resulted in the submission of revised plans. Some of these details have been technical in nature and the Parish Council have been kept informed at every stage.
- 6.4 The design of the junction into the residential site itself remains unaltered, and the width of Didcot Road will generally remain unchanged. It is the position of the access which is being brought forward 2.9m from its approved position into the adopted highway which changes. This revision subsequently results in changes to the transitional lengths behind back into the highway, relocation of traffic calming and removal of an area of highway verge on the western edge of Didcot Road to be replaced with an equal area of grass verge on the eastern side of Didcot Road to facilitate the realigned highway at the point of the junction.
- 6.5 The highway frontages along the western side of Didcot Road are currently spacious and the existing footpath on this side currently benefits from large grass verges. Nos. 1-4 Saxons Heath are currently situated approx. 16m from Didcot Road and at this point, the road realignment would only encroach into approx. 2m of the grass verge here. So, a good distance would still be retained between these properties and the road, and existing access points and the footpath would not be affected. All the necessary dropped kerbs would be reinstated to allow residents to access their properties.
- 6.6 The existing bus stop would be reinstated. It is understood that there is approx. 1.3m of verge behind the back of the footway, however in most places the bus stop will be located within the footway against the kerb. The final location would be determined at the detailed design stage, but there is room to retain in its current position or relocate it slightly if it needs to be.
- 6.7 The biggest change is outside nos. 1-4 and 22, 23 and 24 Didcot Road where the road would be required to take up slightly more of the verge. The distance from the front curtilage of these properties to the road is currently approx. 6m (including the footpath and grass verge). As a result of the road realignment this would be reduced to 3.2m. Whilst the loss of the grass verge is regrettable, this land is owned by the County Council as Highways Authority and not by local residents who only have a right of access across to their properties from Didcot Road.
- 6.8 There would still be a small grass verge outside the front of these properties (at a minimum this would be reduced to 1m at its narrowest point) before the footpath starts, but the footpath would be directly adjacent to the realigned road which is a feature seen elsewhere in the village, for example, on the High Street outside other residential properties and The Plough public house. The

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existing footpath is currently approx. 1.8m wide and this would be upgraded to 2m along a stretch of approx. 95m.

- 6.9 There would still be a good distance between the actual houses and the road owing to their long front gardens. The outline consent granted at appeal did not propose any footpath improvements and solely proposed the relocation of the traffic calming feature so this is considered to be a benefit.
- 6.10 A controlled pedestrian crossing (zebra) will be provided along Didcot Road and the existing priority narrowing relocated to the south, as per the approved scheme. In addition, pedestrian footways will be provided along the frontage of the residential site that will provide a direct link to the proposed zebra crossing to the north and an uncontrolled crossing, immediately to the south.
- 6.11 Additionally, the applicant has undertaken a swept path analyses, which has demonstrated that the means of access and the amended carriageway alignment are acceptable. The Highways Officer has advised that there are small sections of kerb line along the carriageway that are required to be modified but considers that this can be addressed as part of the associated Section 278 process.
- 6.12 A stage 1 Road Safety Audit has been undertaken for the proposals, which has identified a number minor issues associated with pedestrian access to/from the site and the location of the proposed zebra crossing and priority narrowing. As a result, the recommendations of the audit have been considered and subsequently addressed. Therefore, based on the above and the extant planning consent, the Highways Authority do not consider that any objection in relation to the proposals could be sustained in this instance.
- 6.13 As a result of the revised information submitted, Highways Officers are now satisfied that the proposed revisions to the access are acceptable and meet the appropriate highways requirements.
- 6.14 Concern has also been expressed regarding the proximity of the highway works to the proposed access to the community hub site. The Community Hub is referred to under policy LW1 of the LWNP and has been identified on land adjacent to this application site. The draft reviewed LWNP also allocates the permitted residential site for up to 36 dwellings under policy LW3.

Whilst initial pre-application discussions have been held regarding the layout of the community hub site, the exact position of the access has not yet been determined and clearly any future planning application for the hub would need to assess whether the position of the access was acceptable in highways terms and how this would impact upon other access points/highway infrastructure.

Impact upon amenity.

- 6.15 Policy EP1 of the SOLP seeks to secure mitigation measures to ensure that developments do not have an adverse effect on the health and amenity of future occupiers.
- 6.16 Policy LW4 of the LWNP requires development proposals to conserve and enhance the street scene as well as the wider character of the village. It also supports proposals for new development that make provision for access to adjacent areas and good access routes through the site itself.
- 6.17 Concern has been expressed from local residents about the footpath being repositioned and the road subsequently moved closer to existing properties. The new road layout would move the carriageway over requiring a section of grass verge at the most, 2.5m nearer properties 1-6 Saxons Heath, 1-4 and 22, 23, 24 Didcot Road and no. 1 The Crescent.
- 6.18 The original application for the residential development was accompanied by an environmental noise assessment, however as a result of this application to realign the road, a further noise assessment has been undertaken to assess the noise implications of the proposed changes. The effect of the proposed re-alignment of Didcot Road was assessed using the 'Calculation of Road Traffic Noise' (CRTN4) methodology. It was calculated that the movement in the road towards the west by 2.9metres would represent an increase in sound of no more than 0.6 dB(A) in the LA10, 18 hour levels of traffic noise at the nearest residential properties west of Didcot Road. According to the criteria set out in the Design Manual for Roads and Bridges (DMRB)<sup>5</sup> for a long-term change in road traffic noise, an increase of 0.6 dB(A) is considered to have a negligible magnitude of impact on the existing residents. The smallest perceptible change according to this guidance would be an increase of 3 dB(A). Therefore, the proposed road re-alignment would have a negligible impact which is not significant.

*[At the time of writing, final comments are awaited back from Environmental Health and Highways regarding the further noise assessment which has been undertaken].*

- 6.19 These particular properties themselves benefit from long front gardens and off-street parking and are currently set back from the front curtilage of their properties by between 15m at the most and 4.4m at the least. It is considered that given the distance from the road, the category of the road and speed limit (30mph), the proposed works are unlikely to result in a significant noise nuisance. Any noise arising from developments can potentially be mitigated and is not necessarily an obstacle to planning permission, however mitigation is not considered necessary in this case for the reasons stated above. There are many other examples of properties within the area that front onto similar category roads without any defensible space.

- 6.20 Concern has been expressed from local resident's regarding the potential 'urban' impact of the works on this rural location. The changes to the footpath and road would clearly be different to the existing setting but the style of the zebra crossing and provision of pedestrian guard rails have been included to address highways safety issues. It is also worth noting that the site directly adjacent to this residential development, opposite Saxons Heath has been identified for the community hub which would include a new school, pre-school, village hall and community facilities (café, community shop), parking and sports facilities. Clearly this allocation also has the potential to change the character and appearance of this part of Long Wittenham due to the nature of the uses and pattern of activity generated.

Impact upon utilities.

- 6.21 Any service diversions/protection would be dealt with via the appropriate utility providers and consulted accordingly as part of the S278 process.

Southern Gas Network have not raised any objections to the planning application and have provided guidance to the developer regarding the location of pipes and proximity of mechanical excavations, and safe digging practices.

Impact upon trees.

- 6.22 Policies C9 and D1 of the South Oxfordshire Local Plan 2011 and policy SCEN1 of the Core Strategy provide for the protection of trees.

- 6.23 There are a number of trees on the corner of Saxon Heath, with two in particular nearest the highway outside no. 5 Saxon Heath. Another tree outside nos. 1 and 2 Saxon Heath is situated on the grass verge. It is accepted that these trees should be safeguarded as they are visually important to the local area.

- 6.24 The proposed realignment of the carriageway and relocation of the traffic calming features will require land on the south-western side of the road to be used. The section of verge used to construct the relocated traffic calming measure will be close to a mature cherry tree growing within the verge. The tree is category C when assessed using BS5837 and it is not considered that this should be constraint to development. However, its retention is perfectly feasible and given the existing site conditions the proposed works could be done without adversely affecting the tree if simple tree protection fencing is erected prior to construction works starting.

- 6.25 Whilst concern has been expressed by local residents regarding the potential loss of trees and their status, these trees are not covered by Tree Protection Orders (TPO's) and none are considered worthy of additional protection. It is considered that the tree protection conditions (including specification of fencing, installation of utilities and a detailed method statement) that are recommended to be imposed can control works around these trees.

Impact on ecology and landscape.

- 6.26 Policy C7 of the SOLP specifies that development likely to affect Special Areas of Conservation will not be permitted. Policy C8 provides for the protection of specially protected species.
- 6.27 Policy LW6 of the LWNP indicates that development of land having an impact on the Wittenham Special Area of Conservation or to the south of Fieldside will be required to assess the ecological and heritage impact fully and to proposed mitigation of adverse impacts including the creation and linking of habitats.
- 6.28 No objections have been raised in terms of impact upon wildlife or landscaping. It is recommended that a condition be imposed to require any planting removed to be replaced elsewhere as a result of the works.

Drainage.

- 6.29 County Highways Engineers have confirmed that the submitted drainage details are acceptable in principle. However, a formal review of a detailed scheme will be undertaken as part of the S278 process.

Community Infrastructure Levy

- 6.30 The approved residential development at the site will secure contributions pooled under the Community Infrastructure Levy (CIL) at a rate of £150 per sq.m. These contributions would be calculated when the reserved matters application is submitted as that is when the exact floorspace would be known. This application before us does not propose any additional floorspace therefore no further CIL contributions are required.

Legal Agreements.

- 6.31 A S278 agreement will be required to cover the alterations and improvements to the public highway.

As the appeal decision was accompanied by a s106 legal agreement to secure affordable housing and infrastructure contributions, it is likely that a Deed of Variation will need to be drawn up for this application to ensure that these provisions are carried forward to any new planning permission.

**7.0 CONCLUSION**

- 7.1 The development of up to 36 dwellings at this site has already been granted planning permission at appeal subject to conditions. This application seeks approval for the repositioning of the access for the reasons set out above.

Whilst concerns have been expressed by local residents regarding highway safety implications of the proposals, with regard to paragraph 109 of the revised NPPF and policies D1, D2, T1 and T2 of the SOLP, the County Council as

Highways Authority do not raise any objections on highways grounds and consider that the finer detail of any outstanding issues would be appropriately picked up in the s278 agreement.

There are no technical objections arising from the proposed highways works.

The impact of the works on the streetscene has been assessed and given the current distance between the nearest dwellings and the road, retention of trees (and their protection) the category of Didcot Road, the proposed location of any future community hub and the proposed improvements to the footpaths, it is not considered that the works would have a significant adverse effect on the entrance to the village at this location.

As this application proposes a variation of condition of the original permission granted at appeal, it is appropriate that all the original conditions are carried forward.

**8.0 RECOMMENDATION**

**8.1 To delegate authority to the Head of Planning to grant planning permission subject to prior completion of a legal agreement to cover the matters set out in the report and the following conditions:**

- 1. Reserved matters to be submitted prior to commencement and development to be carried out as approved.**
- 2. Application for approval of reserved matters to be made no later than two years from the date of this permission.**
- 3. Development shall take place no later than two years from the date of approval of the last of the reserved matters to be approved.**
- 4. Development to be carried out in accordance with the approved plans.**
- 5. Development shall comprise no more than 36 dwellings.**
- 6. Reserved matters shall provide for a market and affordable housing mix in accordance with latest Strategic Housing Market Assessment.**
- 7. Visibility splays of 2.4m x 90m shall be provided to each of the sides of the access onto Didcot Road.**
- 8. Residential travel plan to be submitted.**
- 9. Off-site highway works to be submitted prior to occupation of any dwelling.**
- 10. Details showing an internal footpath within the application site to provide safe pedestrian access to Didcot Road.**
- 11. No surface water to be discharged onto adjoining highway.**
- 12. Landscape management scheme.**
- 13. Arboricultural method statement.**
- 14. Construction Environmental Management Plan**
- 15. Roman Snail precautionary mitigation strategy.**
- 16. Biodiversity enhancements.**
- 17. Scheme for surface water and foul drainage.**

18. Contamination investigations.
19. Demolition or construction working hours.
20. Construction method statement.
21. Written programme of archaeological investigation.
22. Details of children's play space.
23. Broadband connectivity.
24. Electric vehicle charging points.
25. Tree Protection measures.
26. Full engineering details of proposed junction.
27. Construction traffic management plan.

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