

APPLICATION NO.	P20/S0999/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	12.3.2020
PARISH	KIDMORE END
WARD MEMBER	Peter Dragonetti
APPLICANT	Mr George Harman
SITE	The Old Palm Tree Restaurant Reading Road Cane End, RG4 9HE
PROPOSAL	Variation of Conditions 2 (Approved Plans), 8 (Access), 10 (Vision Splays), 11 (Parking and Turning Areas), 13 (Off-site Highway Works) of application P18/S2795/FUL to incorporate the revised plans submitted to demonstrate the new proposed access from Horsepond Road.
OFFICER	Simon Kitson

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to the planning committee at the discretion of the development manager as the officer’s recommendation of approval conflicts with the views of Kidmore End Parish Council.
- 1.2 The application site (**Appendix A**) formerly comprised of a detached restaurant building within a sizeable 0.46 ha plot towards the edge of Cane End, within the parish of Kidmore End. The site has dual accesses from the A4074 to the west and Horsepond Road to the north. It has a high degree of visibility in public views from both. The site falls within the Chilterns Area of Outstanding Natural Beauty (AONB) and there are a number of trees within the site of varying degrees of maturity, although none are protected by Tree Preservation Orders (TPOs).
- 1.3 In 2018, full planning permission was granted for the demolition of the existing building and the erection of six dwellings (P17/S4355/FUL). This was followed by changes to the design of the dwellings (P18/S2795/FUL). The works are at a very advanced stage, with the majority of the built development substantially constructed at the time of writing this report. The previous site plan is attached at **Appendix B**.
- 1.4 **Proposal**
As detailed in the application submission, consent is now sought primarily for a change in the site access arrangements. The previously approved vehicular access directly onto Reading Road (A4074) would be closed to vehicular traffic and the main entrance to the site would be via Horsepond Road.
- 1.5 Copies of the detailed plans accompanying the application are attached as **Appendix C**. Other documentation associated with the application can be viewed on the council’s website, www.southoxon.gov.uk.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Kidmore End Parish Council – Objection

- The proposed access will be on a road subject to the national speed limit, close to 2 junctions, whereas the approved access is on to a road subject to a 40mph speed limit, with good sight lines, and the proposed access will be obstructed by

queuing traffic at peak times. An application for an access on the opposite side of the road was refused in 2018.

Forestry Officer (South Oxfordshire District Council) – No objection, following the submission of a revised landscaping plan incorporating a ‘focal tree’.

Highways Liaison Officer (Oxfordshire County Council) – No objections

Neighbour Objections (4) – key issues raised:

- The proposed access point would be dangerous, due to queuing traffic at peak times
- Previous applications for new accesses in the locality have been refused.
- Potential issues raised over adequacy of visibility splays

Other neighbour comments (1)

- It should be stipulated that pedestrian access onto the A4074 point would be retained. Landscaping is required to address issues created by construction vehicle parking

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P20/S0283/DIS](#) - Approved (17/03/2020)

Discharge of condition 4 - Landscaping of application P17/S4355/FUL.

[P18/S2795/FUL](#) - Approved (02/11/2018)

Variation of condition 2 - approved plans on application ref P17/S4355/FUL

[P18/S2739/DIS](#) - Approved (01/11/2018)

Discharge of condition 3- schedule of materials, 4- landscaping, 6- contaminated land and 12- construction traffic management on application ref P17/S4355/FUL.

[P18/S2320/DIS](#) - Approved (17/08/2018)

Discharge of condition 7 - Wildlife Protection on application ref. P17/S4355/FUL

[P17/S4355/FUL](#) - Approved (18/04/2018)

Erection of 4 detached and a pair of semi-detached dwellings, together with garaging and landscaping, with access to the A4074 Reading Road and footpath link to bus stops, following demolition of the existing restaurant building and removal of the hard standing car park area (with revisions to building design and site layout as by amended plans and covering letter received 22nd March 2018)

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not applicable for this scale of development.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Core Strategy (SOCS) Policies:

CS1 - Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSQ3 - Design

CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 (SOLP 2011) Policies:

C4 - Landscape setting of settlements

C8 - Adverse affect on protected species

C9 - Loss of landscape features

- 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
- EP6 - Sustainable drainage
- G2 - Protect district from adverse development
- G3 - Development well served by facilities and transport
- G4 - Protection of Countryside
- H4 - Housing sites in towns and larger villages outside Green Belt
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Emerging Local Plan 2034 Policies

The council is currently progressing the emerging local plan through the examination stage. The plan currently carries limited weight. Relevant policies include;

- DES1 - Delivering high quality development
- DES2 - Enhancing local character
- DES5 - Outdoor amenity space
- DES6 - Residential amenity
- ENV1 - Landscape and countryside
- EP3 - Waste collection and recycling

5.2 Neighbourhood Plan

Kidmore End Neighbourhood Area was formally designated on 20 December 2017. The parish council has started the process of gathering evidence and engaging with the local community. This does not carry any significant weight at present.

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)
Developer Contributions SPD

5.4 National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG)

5.5 Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 Matters relating to the principle of development, the scale, design and placement of the dwellings and residential amenity were established under the original extant approval. The main planning considerations relevant to the current proposal are as follows:

- **Design and character**
- **Access and Parking**

6.2 **Design and character**

Whilst there are no particular objections raised over visual impacts associated with this change, officers have considered this and are of the opinion that the change in access arrangement would not erode the overall character of the approved development. There would be a greater exposure of the site to public views from the north, with less openness in views from Reading Road to the west. However, this would arguably respond appropriately to the pattern of housing within the area, given that there is a fairly contiguous ribbon of housing development along the opposite side of Horsepond Road.

6.3 Officers do note that there would be a loss of several Hornbeam trees originally secured for the landscaping to the north of the site. Following detailed discussion with the Forestry and Countryside Team, a revised landscaping scheme has now been provided which would introduce a focal tree within the communal landscaped area to the north-east of the new access point. Officers are satisfied that this would be an appropriate landscape feature helping to ensure that the development would continue to be assimilated into the surrounding landscape.

6.4 The pedestrian link to the new footpath and crossing at the A4074 side is maintained. This is shown on the detailed landscaping plan and only vehicular access at this point would be removed. This matter can continue to be conditioned accordingly.

6.5 **Access and Parking**

The Local Highways Authority (LHA) upon whom the council relies for expert, objective advice, raise no objection to the proposal. They do not consider the visibility splays at the proposed point of access to be inadequate for the proposed use or the highway conditions. Subject to the closure of the previously approved access point onto the A4074 to vehicular traffic, they consider that the amendment would not result in a significant adverse impact on the highway network.

6.6 Several respondents to the formal consultation make reference to a refusal of planning permission for a new access and carport at a residential property opposite the site (P18/S1715/HH). Whilst each application is rightly assessed on its own merits having regard to site-specific circumstances, officers would point out that the context of that refusal is materially different.

6.7 The commercial building on the application site already had an access further along Horsepond Road. By contrast, the householder scheme opposite was for a new access point where none existed previously. That dwelling already utilised an adequate shared access drive onto a significantly quieter lane. Furthermore, that application did not demonstrate that adequate visibility splays could be provided and maintained in accordance with the Manual for Streets standards. This was well articulated by the LHA at the time:

'No case has currently been made as to the necessity of a secondary access into the property, an existing access currently is in operation which takes access from a quiet country lane.

The proposed access would be from a busier road that links the A4074 to other villages and therefore will be busier in terms of traffic numbers.

Visibility splays will be an important consideration and in this case difficult to achieve given the neighbouring boundary and the geometry of the highway in the vicinity'.

6.8 Whilst it is noted that the Parish Council consider the revised access arrangement to be worse than the originally approved scheme, as there would be additional traffic movement onto a road which has queues at peak times, the District Council does not have detailed modelling or other evidence quantifying this. Neither can it demonstrate that the level of additional peak movements associated with six houses would exacerbate the congestion to an unacceptable degree.

6.9 Following the lack of objection from the LHA, officers are unable to conclude that the provision of a site access onto Horsepond Road and the closure of the access onto the A4074 would be prejudicial to pedestrian or highway safety. There would not be a severe residual cumulative impact on the road conflicting with SOLP Policy T1 or Paragraphs 108 and 109 of the NPPF.

7.0 **CONCLUSION**

7.1 The proposed amendments to the approved scheme continue to comply with the relevant Development Plan policies and national planning guidance. Officers are satisfied that the proposed changes to the approved site access arrangement are appropriate within the context of the surrounding landscape and pattern of housing development. The proposal also remains acceptable in terms of the impact upon highway safety and neighbouring amenity

8.0 **RECOMMENDATION**

8.1 **Grant Planning Permission, subject to the following conditions:**

1. **That the development hereby approved shall be carried out in accordance with the details shown on the approved plans, except as controlled or modified by conditions of this permission.**
2. **The materials to be used in the external finish of the development hereby approved shall be in accordance with the details agreed under Discharge of Condition application reference P18/S2739/DIS.**
3. **The approved landscaping scheme shall be implemented prior to the first occupation or use of the approved development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.**
4. **The tree protection measures detailed in the approved Arboricultural Method Statement shall remain in place for the duration of development.**
5. **The development shall be implemented strictly in accordance with the land contamination remedial strategy (Terramech Phase 1 & 2 Environmental & Geotechnical Investigation No 4044/18 Revision 1; 15 October 2018) approved under application reference P18/S2739/DIS.**
6. **The development hereby permitted shall be implemented in accordance with the recommendations of the previous Bat Mitigation**

report. Any variation shall be agreed in writing by the Local Planning Authority before such change is made.

7. Prior to the first occupation of the development hereby permitted the proposed means of access onto Horsepond Road, is to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
8. Before the proposed access is first used, the existing access onto the A4074 shall be permanently stopped up by the means of reinstatement of the highway verge and proposed planting to the approval of the Local Planning Authority and in accordance with the local highway authority's specifications. Thereafter the closed access shall not be used by any vehicular traffic whatsoever.
9. The vision splays shown on the approved site access plan (18_86_627, A1) shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level
10. Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved site plan and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
11. The Construction Traffic Management Plan (Uxbridge Design, 10th August 2018) approved under application reference P18/S2739/DIS shall be implemented prior to any works being carried out on site, and shall be maintained throughout the course of the development.
12. The off-site highway works shown on approved access plan or as otherwise agreed in writing with the Local Planning Authority shall be implemented in full before the first occupation/use of the development or in accordance with a programme of implementation agreed in writing with the Local Planning Authority.

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