
APPLICATION NO.	P20/S2355/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	3.7.2020
PARISH	CHINNOR
WARD MEMBERS	Lynn Lloyd Ian White
APPLICANT	Taylor Wimpey
SITE	Land adjacent to Kiln Avenue, Chinnor
PROPOSAL	Erection of fence along the boundary of Kiln Avenue (as per minor amendment to the block plan submitted 9 September 2020, correcting proposed height of fence to correlate with the elevations and acoustic report provided)
OFFICER	Caitlin Phillpotts

1.0 INTRODUCTION AND PROPOSAL

- 1.1 Consideration of this application was deferred at the meeting on 25 November in order to allow Members to visit the site. This application has been referred to the Planning Committee at the Planning Manager's discretion due to the planning history of the site and the level of local interest.
- 1.2 The application site is shown on the OS plan **attached** as Appendix A. The re-development of the former Chinnor Cement Works was granted planning permission in 2010 and, except for the care home element, is now complete.
- 1.3 The former Cement Works (now Old Kiln Lakes) is adjacent to the Chinnor and Princes Risborough Railway (CPRR) line. The line and yard are to the other side of the fence that is the subject of this application. The CPRR Association Limited is a voluntary body which maintains and operates this heritage railway.
- 1.4 The planning process for the re-development of the former Cement Works secured an acoustic barrier between the railway line and the new homes opposite the railway on Kiln Avenue. This was a requirement of the original planning permission to mitigate the noise from the railway, to minimise any conflict between the operations of the existing railway and the new residents.
- 1.5 The approved acoustic barrier has not been provided. The fence that the applicant erected alongside the railway is a standard close boarded fence. It is lightweight, with a gap at the bottom and has holes where the knots in the wood once were, as shown on the photo below:



- 1.6 Several of the residents on Kiln Avenue have made complaints to the council regarding the noise from the railway.
- 1.7 The manufacturer of the fence previously approved at the site has since ceased to operate and the approved units are no longer available.
- 1.8 This application seeks planning permission for an acoustic fence comparable to that previously approved. A copy of the plans submitted with the application are **attached** as Appendix B and 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 Chinnor Parish Council

- Objects commenting, *'the specification needs to be the same, or better than the previous specification'*
- Objects commenting, *'It appears that the specification proposed by Taylor Wimpey is not equivalent or better than the specification in the original outline approval. It should be noted that the same developer has provided a correctly specified fence on the other side of the railway line (application reference P15/S4131/RM). Therefore, there should be no relaxation of the specification'*

2.2 Environmental Protection Team

- Recommends approval subject to the attached conditions commenting, *the proposed fence meets the requirements required for the proposed acoustic fencing*

2.3 Chinnor Princes Risborough Railway (CPRR)

- **(3)** Objects considering the fencing now proposed to be inferior to that originally provided at outline stage and unsuitable in that it would not sufficiently mitigate noise transmission from the diesel engines to the adjoining residential dwellings and as such the proposal fails to meet the requirements of national and local plan policies which seek to protect existing businesses and / or community facilities

2.4 Neighbours

- **(3) Objects** ; commenting the fence proposed is not tall enough to adequately prevent the transmission of noise from the railway line
- **(2) Comments in support** ; of a proposed scheme supported by acoustic reports and environmental health officers – raises concerns over the loss of existing soft landscaping

3.0 RELEVANT PLANNING HISTORY

3.1 [P09/E0145/O](#) - Approved (29/06/2010)

178 residential units, max 60 bed care home, max 1555sq metres of B1(A) offices with associated means of access, car parking, landscape, amenity space, service infrastructure, **A 3.5 metre high acoustic screen along part of the access road** and provision of a new car park for the Chinnor Princes Risborough Railway. Full planning permission is sought for the residential units, means of access, car parking, landscape (including the acoustic screen), amenity space, service infrastructure and the railway car park and outline permission for the care home and offices with layout and access to be determined(as amended by plans and documents accompanying letter from Agent dated 27 August 2009)(AMENDED PLANS AND AMENDMENT TO ENVIRONMENTAL STATEMENT)(and clarified by letter from Agent dated 7 October 2009).

This is the original planning permission for the redevelopment of the former Cement Works. The description of the development included ‘a 3.5-metre-high acoustic screen along part of the access road.’ This was a hybrid planning application applying for some matters in full detail and others just outline. The description confirmed that the acoustic screen was the subject of full planning permission.

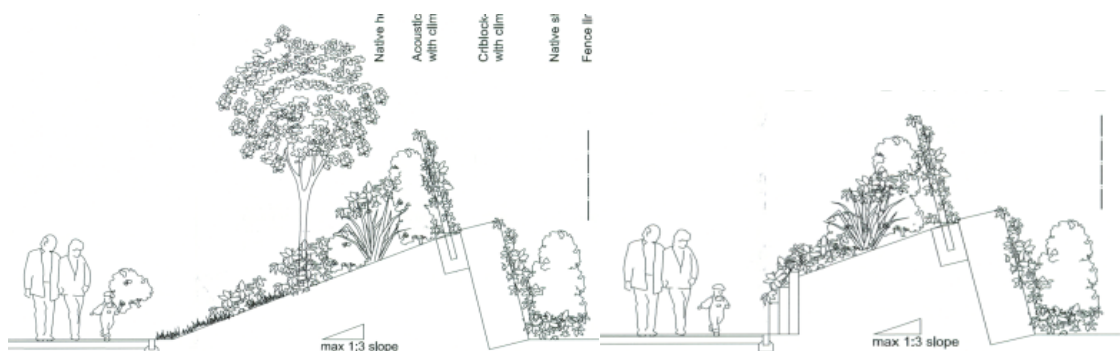
3.2 The plans that were approved under this application (drawing no D1689.L.227) showed the acoustic barrier extending for a distance of some 260m along the access road, as shown in the extract taken from this plan below:



3.3 The approved acoustic barrier included a mix of the following:

- modular interlocking retaining wall system;
- native hedge planting;
- acoustic fence with climbers;
- cribblock-wall with climbers; and
- native shrub planting,

as shown on the extracts from the approved plan below (sections A and B from above plan):



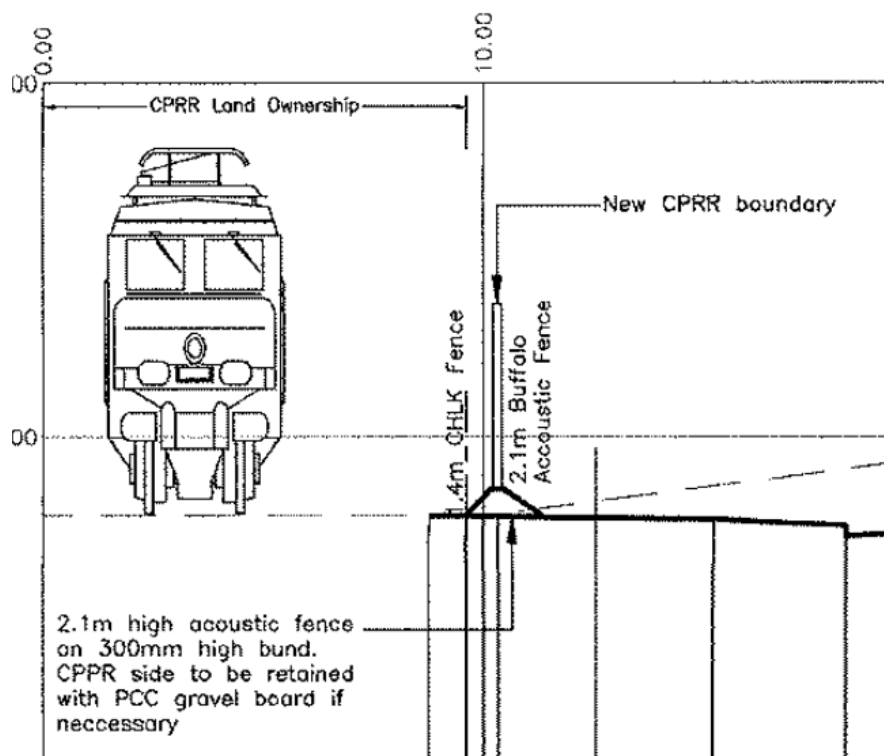
- 3.4 [P10/E1917/DIS](#) - Approved (09/06/2011)
Acoustic Screen, Chinnor Cement Works.
Discharge of condition 22 on P09/E0145/O

This discharge of condition request sought to approve details for condition 22 of the above planning permission. This condition states:

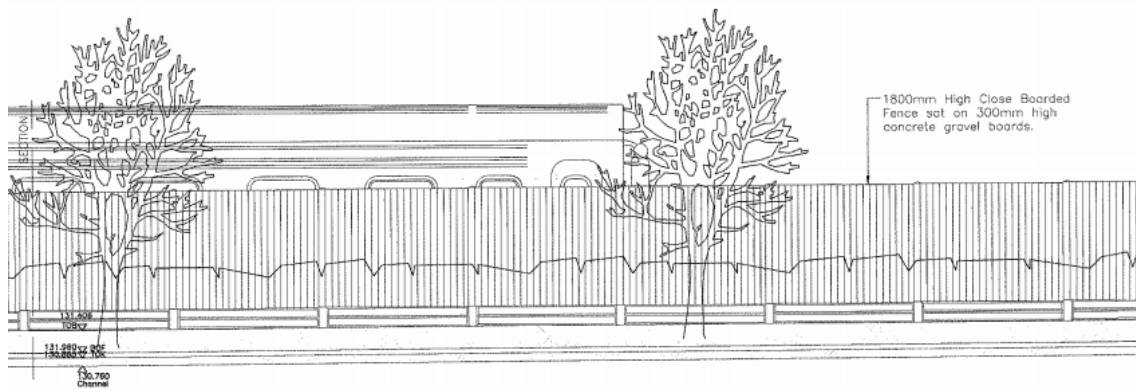
22. That a scheme for noise attenuation within the units adjoining the railway (Plots 1 - 6, 8 - 13 and 36 - 50) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of those units. The scheme shall be generally in accordance with the acoustic report and additional acoustic information dated 14 October 2009 and implemented in accordance with the agreed scheme prior to first occupation of any relevant unit.

Reason: To ensure satisfactory living conditions for occupants of the new dwellings in accordance with Policy EP2 of the South Oxfordshire Local Plan 2011.

- 3.5 The details submitted for this discharge of condition request included alternative acoustic fence details. This involved the erection of a 2.1m buffalo acoustic fence on top of a 300mm bund to achieve a combined height of 2.4m, as shown on the section plan below (4382:18 Rev A):



And in elevational form (drawing no 4382:19):



These details were approved under this discharge of condition request in June 2011.

- 3.6 [SE18/583](#) - (pending)
Breach of condition 22 of P09/E0145/O.

This is the enforcement case which is investigating the breach of condition 22 of P09/E0145/O. The current application has been submitted in an attempt to regularise the breach.

- 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**
4.1 Not applicable
- 5.0 **POLICY & GUIDANCE**
5.1 **South Oxfordshire Core Strategy (SOCS) policies**

CS1 - Presumption in favour of sustainable development
CSEM1 - Supporting a successful economy

- 5.2 **South Oxfordshire Local Plan 2011 (SOLP 2011) policies**

CF1 - Protection of recreational or essential community facilities
EP2 - Adverse affect by noise or vibration
G2 - Protect district from adverse development
RUR11 - Former Chinnor Cement Works
T6 - Protection of existing or former rail facilities
TSM1 - Tourist industry

- 5.3 **Emerging South Oxfordshire Local Plan 2035**

CF1 - Safeguarding community facilities
DES6 - Residential amenity
EMP12 - Tourism
EMP3 - Retention of employment land

The Inspector has issued his report following the Examination in Public. He has found the Local Plan sound subject to the main modifications. At the time of writing this report the Plan has substantial weight. If the plan is adopted by the Council on 10 December 2020 it will carry full weight.

5.4 Chinnor (review) Neighbourhood Plan policies

CH B1 - Existing Employment
CH B2 - Enhancement of Employment Facilities
CH T1 - Enhancement of Tourism Facilities
CH CF1 - Protection of Facilities

5.5 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.6 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

5.7 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.

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 PLANNING CONSIDERATIONS

6.1 The relevant planning consideration is the following:

- **Impact on the residents of Kiln Avenue against the noise from the operations of Chinnor Princes Risborough Railway (CPRR) and the viability of the CPRR as a local employment, tourism and key community facility**

6.2 Impact on the CPRR

The key issue to be considered under this application is whether the fence now proposed, would provide appropriate mitigation for the residents of Kiln Avenue against the noise from the operations of CPRR. This is a matter of concern for both the affected residents and CPRR Association.

- 6.3 The Chairman of CPRR has submitted several documents raising concern that without appropriate noise mitigation, the Railway will come under increasing pressure to curtail its activities. Where the fences now proposed stand at approximately 2.4 metres in height it is acknowledged that this is comparable to the scheme approved under application P10/E1917/DIS. However, they consider the 3.5 metre fences originally provided for at the outline stage are necessary to successfully mitigate noise transmission from the diesel engines into the adjoining residential properties. They believe that a lesser scheme (like the one now proposed) *‘...will seriously jeopardise future operations, financial viability and ultimately the ability of the railway to exist’*.

- 6.4 Policy CH CF1 of the Chinnor Neighbourhood Plan (CNP) identifies Chinnor and Princes Risborough Railway (CPRR) Station as a key community facility within the Plan area. The local importance of CPRR is further outlined at paras 2.41 and 9.22, and in appendix 3:

The heritage railway of the Chinnor and Princes Risborough Steam Railway Association has been in service since 1994 bringing many welcome visitors at weekends and bank holidays making a significant contribution to the local economy, estimated at £0.5m per annum. The railway track was fully reconnected to the main network in February 2016. Future projects for the Association are to open an education centre and extend the railway to Aston Rowant.

Noted examples of the existing tourism and heritage facilities include the Chinnor and Princes Risborough Steam Railway.

This is a preserved heritage railway which is a thriving tourist asset contributing to the local economy.

- 6.5 Given that CPRR is a valuable tourist facility, policy CH T1 of the CNP is relevant to the consideration of this application for the acoustic mitigation measures now proposed. This policy seeks to protect existing tourist facilities, and states:

Other proposed developments adjacent or in the environs of any tourism or heritage facility should safeguard the integrity of the facility concerned. Proposals will not be supported that would cause damage to the use, attractiveness, accessibility and sustainability of any tourism or heritage facility.

- 6.6 The impact that the re-development of the former Cement Works would have on the operations of CPRR was a matter that was considered under application P09/E0145/O. The site-specific policy for the re-development of the former Cement Works (policy RUR11 of the SOLP) set out a number of criteria that the development had to meet, including that the development:

provide for the continued operation of the Chinnor/Princes Risborough railway line and protect the former line to the south west from development which may prejudice re-use in accordance with Policy T6;

Policy T6 of the SOLP states:

Existing or former rail facilities will be protected from development which might adversely affect their use or potential re-use for public transport or as a cycling route.

- 6.7 Although appropriate mitigation was proposed under application P09/E0145/O and a variation of the scheme subsequently approved under P10/E1917/DIS, this mitigation has never been provided. The existing situation is clearly not suitable as the council's environmental health team has received several complaints from residents regarding the noise disturbance caused by the railway.
- 6.8 The Council's environmental protection officer has reviewed the application documents, including the acoustic report and is satisfied that the proposed fence meets the requirements required for the proposed acoustic fencing and recommends that it is installed in accordance with the plans and supporting documents submitted.
- 6.9 Policy EP2 of the SOLP advises that noise sensitive development will not be permitted close to existing or proposed sources of significant noise or vibration. The residential development at the Former Cement works is noise sensitive and was only permitted next to the existing noise source of the railway on the basis that appropriate mitigation be provided.

- 6.10 Further, Para.182 of the National Planning Policy Framework (NPPF) requires planning decisions to ensure that new development can be integrated effectively with existing community facilities, and states that:

‘Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.

- 6.11 As CPRR was established prior to the re-development of the former Cement Works, Para.182 of the NPPF makes it clear that the responsibility to provide appropriate mitigation lies with the applicant.
- 6.12 On the basis of the information submitted with the application and the relevant consultation responses, I am satisfied that the fence now proposed is comparable to the noise attenuation scheme previously approved under application P10/E1917/DIS and provides suitable mitigation. In light of the views expressed above I consider the scheme proposed would protect the interests of the heritage railway which is a thriving tourist asset of significant value to the local economy.

7.0 **CONCLUSION**

- 7.1 The proposal complies with the relevant Development Plan policies and, subject to the attached conditions, the proposed development would be acceptable in terms of its relationship to the character of the existing site and the wider area. It is also acceptable in terms of its impact on neighbouring amenity.

8.0 **RECOMMENDATION**

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

- 1 : Development to be carried out in accordance with the approved plans**
2 : Noise attenuation

INFORMATIVE - Chinnor (Review) Neighbourhood Plan policies

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