

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 1st June 2020

Report of Additional Representations



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Report of Additional Representations

Application Number	19/03504/OUT
Site Address	Cotswolds Hotel And Spa Southcombe Chipping Norton Oxfordshire OX7 5QH
Date	29th May 2020
Officer	Abby Fettes
Officer Recommendations	Refuse
Parish	Chipping Norton Parish Council
Committee Date	1st June 2020

Application Details: Erection of up to 73 holiday homes and associated infrastructure in connection with existing facilities (amended description).

Applicant Details: Mr Glucka Wijesuriya, C/O Agent

I Additional Representations

I.1 Applicants agent

I write to you regarding the above application. I deal with statutory and non-statutory consultees and discuss matters relating to ecology, drainage, transport, air quality and noise as well as some other matters that have been raised by consultees. Before discussing those matters, it is important to note that this proposal represents 'Phase 2' of the proposed development on land formerly partly developed as a golf driving range. 'Phase 1' represents an approved development for a new hotel reception, fitness studio/swimming pool/spa and 20 self-catering holiday apartments (Reference: 17/01758/FUL). Details of this can be found in the Planning Statement submitted with the application. References to Phase 1 and Phase 2 below referred to these developments.

Transport

In terms of transport, Oxfordshire County Council has not raised any objections for up to 100 holiday units for the site, subject to there being an agreement for the provision of 2 new bus shelters, a travel plan and other conditions, which the applicant can accept. Objections have been received on highway grounds from Cllr Hilary Hibbert-Biles, Chipping Norton Parish Council, CPRE and Enstone Parish Council and others. However, clearly there is no merit to their objections where OCC has confirmed that at 100 units, there would be no principle objection and the proposals only incorporate 73 units. Indeed, as stated in our Transport Statement, there are no existing road safety issues in proximity to the site. The proposals would generate vehicle movements that are similar to existing vehicle classifications on the highway and there is nothing to suggest that these would alter the injury accident rate. It is therefore considered that the proposals would not create a severe impact on highway safety as to warrant a reason for refusal. With regards to the suggested condition, there is already a footway on the south side of the A44 London Road from the Cotswolds Club Access towards Chipping Norton, and from here it is a 1.8 mile (2.9km) walk to the centre of Chipping Norton. Bus stops are also located on London Road close to the site. Given this, a condition requiring a new pedestrian route and upgrades to nearby bus stops is not considered necessary. However, we consider a condition requiring the provision of a Travel Plan and Construction Management Plan to be acceptable. According to the recent Committee report, the

Council agrees that the impacts are not severe, and would not warrant a refusal on highway grounds.

Ecology

Regarding ecology, Natural England and the Berkshire, Buckinghamshire, Oxfordshire Wildlife Trust (BBOWT) have raised concerns regarding the potential for impact on the Glyme Valley Site of Special Scientific Interest (SSSI). In this regard, the comments that have been raised indicate:

- The application is contrary to Policy EH3 of the Local Plan and 175(b) of the NPPF (BBOWT; Natural England);
- An assessment of the potential impact of the proposal on non-statutory and statutory sites, including the Glyme Valley SSSI and BBOWT nature reserve, is necessary. This should include an assessment of potential impact on water quality and increased recreational pressure on these sites (Natural England; Ecology team; BBOWT);
- Increase in surface-water run-off, which would drain towards the SSSI. This would lead to adverse impacts on water quality that would negatively affect the SSSI and associated biodiversity. This is contrary to policy EH3 and paragraph 175 (b) of the NPPF (Ecology); • Inadequate mitigation proposed to reduce impact on the SSSI and Glyme Valley (CPRE; Enstone Parish Council); and
- The development has potential to create light pollution (CPRE; and Neighbour). Natural England and the BBOWT have requested that we undertake an assessment of the potential impacts of recreational pressure on the nearby SSSI.

I enclose a report prepared by RPS's Ecologists. Who have assessed the predicted visitor usage of the SSSI. Working with RPS's Transport team, it was determined that at most there would be 18 movements by foot leaving the site to access a range of footpaths within the area during any weekend day (there would be less during the week). Given access to the SSSI will generally be restricted as there would be no direct access to the bridleways which lead to the SSSI, the figure is an overestimation of the number of persons who could potentially be visiting the SSSI from the site on any given day. The effects were therefore considered of the proposed Phase 2 development to be insignificant alone or in combination with other developments. We trust that this addresses the concerns of Natural England and the BBOWT in this regard. As regards to surface water (hydrological impact), we can assure that surface water will be controlled to an agreed level that would prevent any harmful impact on the neighbouring SSSI. In accordance with the details submitted for the Phase 1 development (Ref 17/01758/FUL), the proposals incorporated an attenuation pond, which acted simultaneously as a wildlife habitat as well as the primary control for surface water run-off. The water from the pond will be discharged at a controlled rate, secured by condition and to be agreed with the Council. A similar approach is proposed with the Phase 2 development: a combination of geocellular crates and an attenuation pond in an appropriate location will deliver the required control of surface water. The pond will be designed to an appropriate scale (to be agreed with the Council) will bring both net positive biodiversity benefits as well as act as the primary control for any surface water run-off. The location of such facility will be shown as part of the reserved matters applications, so it will be agreed with the Council. A condition is expected to be imposed on any permission, which requires the submission of any further details, reflecting the same wording of Condition 13 of the Phase 1 permission. In terms of foul water matters, the Council will be aware that the site is now connected to the public network, which has been agreed with Thames Water as part of the Phase 1 development. The Phase 2 development will also be connected to the public sewerage system via the existing system that was installed for Phase 1. There should be no concerns in this regard. Extensive works have recently been carried out at the site to connect the foul water drainage system on site to the existing system in Chipping Norton. There would be no discharge of processed foul water from the site and therefore there would be no impact in this regard. As such, it can be demonstrated that the proposals will comply with Policies EH3 of the Local Plan and the NPPF Paragraphs 170- 175 with this additional information.

Air Quality

Regarding air pollution, the following comments have been raised: • The site is located to the east of Chipping Norton AQMA, no information provided to ascertain if proposal would lead to an increase on journeys to or through the AQMA and therefore an Air Quality assessment is required. (Council's Air Quality team). West Oxfordshire DC Validation requirements indicate that "Where the development is proposed inside, or adjacent to an air quality management area (AQMA), or where the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict with, or render unworkable, elements of a local authority's air quality action plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area." The site is located more than 2.9km to the east of Chipping Norton AQMA and therefore not within or adjacent to the AQMA. It is also not immediately adjacent to the AQMA. The thresholds for preparing an air quality assessment are 100 annual average daily traffic (AADT). According to the Transport Statement, which Oxfordshire County Council has agreed appropriately assesses the site's potential traffic generation, there would be at most 162 vehicles generated by the development on a given day at its peak, typically during weekends during school holidays. This number includes visitors arriving or departing the proposed development before or after their stay, along with visitors who would access service, facilities, tourist attractions and other leisure destinations. As regards to car journeys from the site, it is likely that due to the number of routes leading to the site, many vehicles would not enter or cause impact on the AQMA, at least to the degree which would warrant the provision of an Air Quality Assessment. The majority of those arriving to stay at the development will access that A44 from Oxford direction, or from destinations from Banbury and the wider highway network (the M40 Motorway). This would account for a significant portion of the potential maximum of 162 vehicle trips during the peak period. As regards to leisure-based trips, this would likely be disbursed over a wide range of locations, particularly southward along the A44, which provides access to Charlbury (Cornbury Park), Blenheim Palace (Woodstock), and other parts of the Cotswolds AONB and Oxford. Therefore, it can be reasonably predicted that the number of vehicles travelling to or through the AQMA from the proposed development would be less than 100AADT, and therefore before the thresholds for requiring the provision of an Air Quality Assessment for the scheme. Indeed, as noted above, there will be significant movements by foot and cycle to Chipping Norton from the proposed development, and thus many of the visitors seeking to access the town would rather travel by non-vehicular means of transport, reserving car usage to access attractions further afield, to the destinations referred to above. The proposals are therefore compliant with Policy EH8 of the Development Plan and the NPPF Paragraph 181.

Surface Water Drainage

Oxfordshire County Council as Lead Local Flood Authority (LLFA) have requested additional information regarding ground water tests, borehole data and BRE365 infiltration tests. We consider that the request for such information is unreasonable, and that a suitable condition could be imposed on the planning permission, which would require the provision of such details. As noted above, the Council will recall that Condition 13 of the Phase 1 permission required the submission of suitable details regarding a surface water scheme prior to the commencement of development. The Condition states: " "Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- * Discharge Rates
- * Discharge Volumes
- * Maintenance and management of SUDS features (inc contact details of surface water management company)

- * Sizing of features - attenuation volume
- * Infiltration in accordance with BRE365
- * Detailed drainage layout with pipe numbers * SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- * Network drainage calculations
- * Phasing
- * Pipes sizes must be included in the strategy
- * Soakage test results to be supplied

REASON: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.” The applicant had submitted an application to discharge the condition (Ref 18/03228/CND).

The information provided with that discharge of condition application (prepared by Magna Buildings Ltd) set out the details of an infiltration test was carried out according to BRE Digest 365 on site that was carried out in September 2018. The conclusion of the accompanying report stated that “Once the depth of the excavation reaches the harder limestone (Typically 1.5m below the surface) the infiltration rate into the fissured rock is so fast than attenuation is not required”. It was reported that there was no standing water as part of the test. The LLFA’s comments with regards to that application stated: “OCC (drainage) has no objection to the discharge of condition 13 taking into consideration details contained in document ref. no. C944-dh rev. B, dated October 2018 (Soil Infiltration Testing) and C944-01A (Foul + Storm Drainage System.- New & Existing).” The discharge of condition application was approved on 9th November 2018. This information has been provided in the submitted Flood Risk Assessment (see Paragraph 7.2 for example). The above information demonstrates without doubt that an appropriate ground investigations and infiltration testing has already been carried out on site, and the evidence shows that infiltration would be a suitable method to manage surface water arising from the proposed development. As set out under the heading ‘Ecology’ above, the applicant is proposing to attenuate the surface water runoff for the proposed development, to deliver both ecological benefits as well as ensure that the rates of runoff are appropriate. The run-off rates can be controlled by way of a condition requiring the submission of a detailed surface water scheme, in a similar way to Condition 13 of the Phase 1 permission. This approach has been previously accepted by the Council and there is no good reason to deviate from this with the Phase 2 application. The proposals would therefore comply with Policy EH7 of the Development Plan and the NPPF in this regard.

Crime Prevention

Thames Valley Police Crime Prevention Design Officer has raised some points regarding the DAS and that there could be further work that could be carried out to improve the scheme as regards to crime prevention. As the applicant is only seeking outline planning permission for the proposals at this stage, with layout and other all matters other than access reserved for future consideration, we look forward to working with the Police’s Design Advisor in addressing their concerns. As such, we do not consider that a condition is appropriate given the application is at outline stage and the Police will be consulted when any reserved matters applications have been submitted, although we would comply with this should it be imposed.

Noise Impacts

The Council’s Environmental Health Team have requested commentary regarding the potential for noise impacts from the A44, particularly road traffic. You have suggested that a Noise Impact

Assessment should be carried out. However, the proposed units will be located some 45m away from the roadway and would be screened by significant vegetation which would act to minimise any noise arising from the roadway. Noting that the closest units to the roadway form Cluster F in the submitted 'Proposed Site Plan', it is unlikely that these would be developed in the early stages of the development (although a phasing plan could be conditions if appropriate). The objections from the Environmental Health team regarding noise matters are therefore not considered to be appropriate.

Water Pressure

Concerns have been raised over the closeness of the proposed lodges to water mains, existing water pressures in the area and infrastructure capacity. This can be addressed via any reserved matters applications, and the conditions proposed by Thames Water are considered unnecessary at this stage. We will engage with Thames Water to address these points. As regards to access to drinking water, a Grampian condition is proposed by Thames Water. This would be an appropriate approach to addressing this matter at this time.

Contaminated Land

The Council's Contaminated Land team have suggested conditions requiring site investigation and a remediation scheme. We accept that conditions regarding contaminated land should be secured via an appropriately worded condition.

Unit Occupancy

CPRE has raised questions regarding scale, that the scheme proposes 100 holiday units although originally it was seeking 73 units. They have also has raised concern that if the scheme was unviable, there would be pressure on the Council to convert the units to residential. The proposal's description of development is clear; the scheme is for up to 73 holiday units. Any further increase beyond this would require a fresh application, but at this stage, there is no intention of the applicant to make any such application as far as we are aware. The proposal has been prepared in accordance with a Business Plan, which has been agreed with the Council as part of the Phase I application for additional leisure facilities, a new hotel reception and 20 self-catering holiday apartments. This is currently being implemented. The applicant has proposed a condition for the units to be restricted to twelve-month holiday units, with the wording proposed for the condition being the same as imposed by an Inspector at Appeal for the Phase I units, who acknowledged that with the condition they would remain in holiday use only. There is simply no basis to consider these would be used for permanent residential units given it is clear that a condition would be imposed preventing such use.

Section 106 Obligations

There are comments requesting the provision of public art and contributions towards Travel Plan monitoring, which would need to be secured by way of legal agreement. The Phase I development incorporated obligations regarding public art and the applicant is willing to enter into a Section 106 legal agreement to secure a proportionate contribution for this development. The principle of a Travel Plan monitoring contribution can also be accepted. Details of the obligations can be agreed through the preparation of the Section 106 Legal Agreement. The proposal would therefore comply with Policies OS5 and T3, and relevant paragraphs of the NPPF.

Conclusion

As noted above, there have been a number of objections and comments made in relation to the application. With the submission of this additional information, all consultee comments should be adequately addressed. There are no issues regarding transport and the applicant can access an obligation regarding travel plan monitoring. Concerns regarding potential impact on the nearby SSSI are addressed, and it has been demonstrated that impacts from the proposed development would be insignificant in this regard. Surface water matters can be addressed by way of an imposition of a

condition, in a consistent manner as the Phase I planning permission, noting available information regarding the potential for infiltration. The surface water scheme will incorporate attenuation features to be agreed with the Council (secured by condition) to ensure there is little or no impact on the SSSI.

Noise matters have already been considered, and the design parameters of the proposed development would ensure that there is limited impact in this regard due to distancing of the units and separation by way of vegetation.

It has been demonstrated with the additional information submitted that it is unlikely that the proposed development would have a material impact on the Air Quality Management Area in Chipping Norton, primarily as the site is located with reasonable access by modes other than car, and that there would be insufficient vehicular movements from the site through the management area to warrant further consideration.

The applicant can agree to contributions regarding public art and travel plan monitoring, which would be secured by way of legal agreement attached to any planning permission.

There have been concerns raised regarding the potential residential use of the units; these concerns are misplaced as the applicant proposes a condition, which would restrict the use of the units to holiday use only. This follows a recent appeal decision in support of such condition for the Phase I development.

RPS can therefore conclude that the proposals are compliant with Development Plan policies and guidance in the NPPF with regards to transport, ecology, surface water and flooding, air quality, noise and other matters.

1.2 Biodiversity officer

In response to the additional information submitted:

Designated Sites

My previous concerns highlighted the presence of the public footpath along the southern boundary which directly connects to both the SSSI and BBOWT reserve. This would potentially lead to increased visitor pressure to both sites but there was no consideration of this within the original ecology report. A SSSI Impact Assessment report (prepared by RPS and dated 21st May 2020) has now been submitted to assess the potential impacts and identify the mitigation measures to reduce the visitor pressure on the SSSI. The report notes that the majority of visitors will remain on-site, using the existing leisure facilities and open spaces provided. There would also be no direct footpath access from the development due to the presence of a low stone wall. The planting of a hedgerow and trees along the southern boundary are also proposed to screen the footpath from the development. Therefore the report concludes that visitor numbers from the development to the SSSI would be low and that there would be no significant effect on the SSSI.

However, the report (section 4.1.5) assumes that the SSSI would now be in 'favourable condition' rather than 'unfavourable-recovering condition' (as confirmed in 2010) and this forms part of the reason for why the impact is considered to be low. However, there is no confirmation that a 'favourable condition' status has yet been fulfilled and I understand that recreational pressure has already been identified as a recent issue within both the SSSI and Glyme Valley BBOWT (Wildlife Trust) reserve.

I also note that the impacts to the Glyme Valley BBOWT (Wildlife Trust) reserve have not been further addressed within the most recent comments.

Surface Water

I understand that the surface water-run off will be managed through the implementation of geocellular crates and an attenuation pond (which will also be designed to benefit biodiversity). However, the location of these is not specified and there is still the chance of the water to drain towards the SSSI. I also still have concerns with the removal of vegetation (tall ruderal and scrub) along the western boundary as this will remove the existing buffer which could lead to run-off from the site into the springs, ponds and the River Glyme, impacting on the water quality and the associated biodiversity. This was not addressed within the recent response.

Protected Species

My previous comments regarding the protected species on site (e.g. badgers, reptiles and potentially nesting birds) and adjacent to the site (e.g. amphibians including great crested newts) have not been addressed further. My previous comments noted that the mitigation strategy was considered to be insufficient in applying the mitigation hierarchy (avoid, minimise and compensate).

Ecological Networks

I previously considered the 'green corridor' through the central section of the site to be insufficient as it would likely be illuminated by the plots and isolated from the surrounding ecological network. However, this issue has not been addressed.

Application Number	20/00032/FUL
Site Address	Land South Of Dark Lane Wilcote Riding Finstock
Date	29th May 2020
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Finstock Parish Council
Committee Date	1st June 2020

Application Details: Removal of existing stables and storage units. Erection of new storage building (amended plans)

Applicant Details: Mr J Gomm
35 High Street, Ascott Under Wychwood, Chipping Norton, OX7 6AW

I Additional Representations

Following the submission of further ecology reports the Councils Biodiversity Officer has raised no objections to the application subject to the below conditions and an informative which should be added to any consent granted:

Conditions

a) The development shall be completed in accordance with the recommendations in Section 5 of the Phase I Bat and Nesting Bird Survey report, dated 6th May 2020, prepared by Ridgeway Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, as modified by a relevant European Protected Species Licence, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

REASON: To ensure that the bat and bird species are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

b) Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. open-fronted bird boxes, house sparrow terrace, starling box, swift brick, house martin nest cup and/or integrated barn owl box on the north or east-facing elevations), integrated within the walls of the new building as well as erected onto the external walls of the buildings and/or onto trees within the wider site, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

c) Before the erection of any external walls, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any new roosting features and that light spillage into wildlife corridors (e.g. along the northern and southern boundaries of the site) will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging, commuting and roosting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Informative

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017, which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England is required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest. If this is not possible then a nesting bird check will need to be carried out before the commencement of the works.