

Final comments

PINS Ref: APP/C3105/W/17/3191148

LPA Ref: 17/01466/F

Our Ref: P584

Site Address: Heyford Park Parcel B2A, Camp Road, Upper Heyford

Date: 21st March 2018

Dear Sir / Madam,

Thank you for forwarding a copy of the LPA's statement and copies of the Third Party Representations in connection with the above appeal.

When commenting on the points raised, we understand that we cannot introduce new material or put forward arguments that should have been included in our earlier statement. However, we would like to address some of the comments made in the following way:

Comments on Representations

Where referred to in the comments below, the 'Appellants Statement' refers to the Appellants Full Statement of Case ('Appeal Statement' by Optimis Consulting dated 8th December 2017).

LPA's Statement of Case

Our comments are in the numerical order of the LPA's document.

6.4

As set out in Paragraph 6.1 of the appellants statement, the railings should be measured on the "*ground level is the highest part of the surface of the ground next to the building.*" Therefore, the railings are below the 1.0m that is eligible under Permitted Development.

6.5

Although a planning application was submitted this does not prevent the railings being considered as permitted development. In assessing a planning application, the LPA should consider whether the proposal, the subject of the application, is development, and if so, whether it is permitted development, permitted for example under the GPDO.

6.8

The formation of the SUDs scheme (in the form of swales) and the footpath network in this area, is the formalisation of these areas, as stated in Paragraph 6.19. Furthermore, as noted in Paragraph 5.19 of the appellants statement, the SUDs will have a "*clear and individual character*" with the presence of these railings enhancing this. Therefore, the scheme is not considered to be contrary to the Paragraph 5.7 of the Design Code.

6.11

The application (LPA Ref. 1600083/NMA) was granted consent, for the same style of field railings, additionally in the conservation area, consequently the railings that are the subject of this appeal are not against the desired character.

6.16

As stated in Paragraph 6.9 of the appellants statement, permeability is having openings that allow objects and substances to pass through. In this regard, the railings are both visually and physically permeable. Therefore, the scheme will not act as a visual and functional barrier, as proven by the gaps in the railings coinciding with the crossing points of the swale.

Furthermore, the presence of these railings, does not detract from the permeability of the area. The existence of swales mean that pedestrians have to cross the swale along the paths due pedestrians not being able to cross these swales, especially with these being planted as wild flower meadows (increasing the biodiversity), and when they are being utilised as a drainage feature.

6.17

As stated above, and in Paragraph 6.10, the railings are permeable and therefore do not act as a physical and psychological barrier to the footpaths and private drives. In addition, the railings assist in keeping young persons from roaming off the footpath and onto the adjacent private drives.

6.18

The LPA acknowledges that the railings have 5 access points, with these lining up with pedestrian routes crossing the swale as such even without the presence of these railings, pedestrians would have to cross the swale at the next crossing point using the already established footpath. Therefore, the presence of the railings does not affect the permeability of the site.

6.21

The LPA acknowledges that the NMA application (LPA Ref. 16/00083/NMA) would enable safety improvements. They additionally agree that these railings increase the safety of the area. We would state notwithstanding what the LPA say about the ground levels, this part is also relevant in respect of the appeal proposals.

6.23

It is noted that the LPA make reference to the informal nature of the swale. Paragraph 6.19 supports the notion of a formal environment, with a wild meadow furthermore denoting a formalised area.

6.24

The LPA confirm that similar designed railings have been approved elsewhere on site. The appeal proposal includes similar railings located in other localities to those on the approved scheme, with these having identical railings erected. We would submit that the railings would be in keeping with the character of the area.

Final comments

6.25

The approved scheme is referred to by the LPA as serving “more as directional tools to the public footpath”. This would indicate as referred to above (Point 6.23), that the green space has been formalised, with the public being enclosed to these footpaths. Therefore, the scheme would not set the precedent for the means of enclosure.

6.26

As previously referred to, the appellant states that the railings do not site in an informal open space.

Suggested Conditions

The appellant agrees to the suggested conditions.

Third Party Representations

There has been both support and concerns raised to the appeal site, and we have addressed these accordingly.

Procedural Matter – Lack of consultation regarding the application by the LPA

There is a concern that there has been a lack of communication from the LPA to the local residents, with them not being informed initially about the planning application and then subsequently about the current appeal. The LPAs Appeal Questionnaire Appendix (6b) lists the neighbours consulted on the original application (LPA Ref. 17/01466/F), this list confirms that several of the residents have not been consulted.

Additionally, the LPAs Appeal Questionnaire did not provide us with a list of the people which were notified that the appeal was submitted, simply the original list was cited twice in the documents list.

Support the Application

Third Party Representations have been received from:

- 3 Keele Close;
- 8 Corbett Close;
- 6 Corbett Close;
- 10 Miller Close;
- 26 Dacey Drive.

There are overlapping themes within the representations received, and therefore the comments have been grouped.

Defining Individual Curtilage:

The residents consider that the presence of the railings, is appropriate due to defining the residential boundaries from the pathway with this designating the boundary where people should be walking and not on individual curtilage. The residents state this is key for safety.

Health and Safety:

The local residents clearly have a concern about safety without the railings. The railings offer increased safety to young children to the Swale and offering separation from the road. This reinforces Paragraph 6.17 of the appellants statement.

Concerns regarding the Application

- 10 Keele Close;
- 18 Broad Way.

There are overlapping themes within the representations received, and therefore the comments have been grouped.

- Permeability of the railings was mentioned in Paragraph 6.9 of the appellants statement in that the gaps in the fence coincide with the crossing points to the swale and as such do not adversely affect permeability. In addition, at somewhat of a tangent there has been a suggestion that a solid fence could be used; however, this would create a complete lack of visual permeability.
- Reducing the openness of the open space; the railings do not divide the open space, as mentioned in Paragraph 6.14 of the appellants statement, but increase the areas health and safety by preventing residents (particularly young children) from walking and falling into the swale which can often be filled with water. The presence of these railings additionally guard the young persons from running off the public footpath, and onto the adjacent private drives.
- As stated in Paragraph 3.7 of the appellants statement, the LPA rejected timber railings as they did not meet their design aspirations, and instead required metal railings.
- Paragraph 6.19 of the appellants statement, notes that this space has already been formalised.
- With regards to accessibility and limited access points, Paragraph 6.12 and 6.13 of the appellants statement addresses this with the area being fully accessible.