

Democratic Services

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24 May 2019

SUMMONS TO ATTEND

MEETING: DEVELOPMENT CONTROL COMMITTEE
PLACE: COUNCIL CHAMBER, WOODGREEN OFFICES, WITNEY
DATE: TUESDAY 4 JUNE 2019
TIME: 2:00 PM

Members of the Committee

Councillors: Jeff Haine (Chairman); Ted Fenton (Vice Chairman); Andrew Beaney, Richard Bishop, Mike Cahill, Nathalie Chapple, Owen Collins, Nigel Colston, Julian Cooper, Derek Cotterill, Maxine Crossland, Marilyn Davies, Duncan Enright, Hilary Fenton, Steve Good, Jeff Haine, David Jackson, Nick Leverton, Kieran Mullins, Neil Owen, Alex Postan, Carl Rylett, Geoff Saul and Harry St John.

RECORDING OF MEETINGS

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As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Officer know before the start of the meeting.

A G E N D A

- 1. Minutes of the meeting held on 25 March (previously circulated).**
- 2. Apologies for Absence and Temporary Appointments**
- 3. Declarations of Interest**

To receive any declarations of interest from Councillors relating to items to be considered at the meeting, in accordance with the provisions of the Council's Local Code of Conduct, and any from Officers.
- 4. Planning Application 18/03319/OUT: Construction of museum building, show lane building, corporate hospitality building, energy centre/store building, workshop building. Formation of car exercise road. Construction of 28 holiday lodges. Formation of landscaped grounds. Associated site services and external works. The Driving Centre, Enstone Airfield (Report of the Head of Planning and Strategic Housing – copy attached)**

Purpose:

To consider and determine the above application.

Recommendation:

That conditional approval be granted, subject to the prior completion of a legal agreement.

5. Notice of Motion – Environmental Problems During Development (Report of the Business Manager – Development Management – copy attached)

Purpose:

To consider the Notice of Motion regarding environmental problems encountered during development referred to the Committee by the Council and to make recommendations accordingly.

Recommendation:

That consideration be given to the Notice of Motion and the information provided.



Head of Paid Service

This agenda is being dealt with by Paul Cracknell - Tel: (01993) 861523
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COMMITTEE REPORT

Application Number	18/03319/OUT
Site Address	The Driving Centre Enstone Airfield Enstone Chipping Norton Oxfordshire OX7 4DR
Date	
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Great Tew Parish Council
Grid Reference	440202 E 226047 N
Committee Date	4 th June 2019

Application Details:

Construction of museum building, show lane building, corporate hospitality building, energy centre/store building, workshop building. Formation of car exercise road. Construction of 28 holiday lodges. Formation of landscaped grounds. Associated site services and external works.

Applicant Details:

Mr K Hedigan
Crimea Office
New Road
Great Tew
OX7 4AH

PLEASE NOTE

In that there will be a number of Members sitting as part of the Development Control Committee who were not sitting on that Committee when this application was deferred, rather than produce a report that merely deals with the clarifications made by the agent to the queries raised at the last meeting, the original report has been reproduced here. Where there are additional inputs in terms of further information or comment this is indicated by **UPDATE**. The suggested conditions have also been amended/extended to seek to address some of the issues raised last time.

I CONSULTATIONS**WODC Rural Development**

There is significant economic development support for the Mullins Museum proposal from local and regional organisations including Experience Oxfordshire and the Oxfordshire LEP, but this must be balanced against the concerns of local people. Enstone Airfield is far from 'disused', and is the only active General Aviation (GA) airfield in West Oxfordshire. I would like the potential impacts on the retained aviation function to be recognised as part of the decision making process.

There is huge potential for the airfield and the Mullin Museum to complement each other. This is recognised by the supportive comments from some of the flying clubs. However, it is important that if this application is approved, that there are measures in the planning permission which safeguard the flying activities on Enstone Airfield and protect it from any future complaints from a development knowingly built in its proximity.

Adjacent Parish Council

Westcote Barton Parish Council discussed the proposed development

on 3rd December 2018 and the unanimous vote of those members present was to OBJECT to the development on the grounds of Impact on the local infrastructure

Traffic Volumes

We have noted that this proposal now has a more detailed traffic assessment and also note that this now more closely reflects the Parish Meeting's view on traffic volumes. The traffic impact assessment makes a number of assumptions regarding traffic flow, routing and methods. However, it again concentrates on 1 way flow and ignores the returning traffic.

The development hopes to receive 200,000 visitors each year over a 6 day week and whilst it would be safe to assume that a number of these visitors will travel by train or in multiple occupancy cars there is no guarantee of this and the applicant will have no control over this element although they have commented that visitors will be 'incentivised' to travel by train.

The traffic assessment regards that there will be a maximum of 167 vehicle movements for each of the 3 sessions per day but has not accounted for any returning traffic. Whilst these will be unlikely to add to the impact of the 9.30am and 11.30 am sessions there is no assumption given for the average stay at the facility and thus we could consider that some return flow will cross with the incoming 13.30 bookings. The suggestion of 3 'session' times will have the effect of compressing the traffic into specific time windows with the potential for traffic flows equivalent to c500 movements in an hour. (This assumes that the inbound flow is concentrated with a half hour window around the booking window and the same volume of returning vehicles.

Traffic Routing

The development at Soho Farmhouse has shown that despite the best efforts of the management a high level of traffic is using the local "B" and unclassified routes as drivers follow their Sat Nav to the destination. This has seen a marked increase in traffic through Steeple Barton, Westcote Barton, Duns Tew, Sandford St Martin, Gagingwell and Ledwell and deterioration in the road surface on these unclassified routes.

It should be noted that Soho farmhouse has a lower traffic density than the applicant is predicting, but has doubled traffic flows on local unclassified routes. (Soho House traffic survey to support recent planning submission)

The applicant has removed the development of Tracey Lane as an access to the facility and this will reduce some of the risk around Duns Tew and Ledwell. However, the traffic impact assessment accepts that the primary route to reach the facility will be from Junction 10 on the M40 via the B430, B4030 and B4022.

This route brings this traffic flow through the villages of Lower Heyford, Steeple Barton, Westcote Barton and Gagingwell.

There is no recent formal traffic survey data for the underlying flow of vehicles within the Parish of Westcote Barton along the B4030, however, members of the Parish have carried out a snapshot survey indicating an underlying flow of c250 cars per hour at peak periods and

thus the anticipated flow of 167 vehicles in a compressed period will more than double this volume.

The impact on Westcote Barton will be significant at our ancient narrow stone bridge, which is unsuitable for 2 cars to pass, will cause congestion at these traffic volumes. The majority of houses on the B4030 through Westcote Barton exit directly onto Enstone Hill and Enstone Road, which will have a significant increase in the risk of an accident entering or exiting their property. At peak a potential for an additional vehicle passing these properties every 10 seconds is possible. This gap between traffic will be insufficient to safely reverse in or out of a property.

The applicant has suggested that Section 106 would be used for 'traffic calming and road surfacing' will be required along the B4030, accepting that the volume and potential speed of vehicles will need to be controlled by physical methods.

Within Westcote Barton we have an existing concern over the speed of vehicles entering the village from the West (Enstone) as the existing boundary of the village lies just over the brow of the hill and is often ignored with traffic slowing only when the bridge becomes visible.

Whilst the applicant has suggested that they will support a degree of traffic calming we cannot see how this will limit the flow of traffic without turning our village into an urban sprawl full of speed humps, build outs and additional signage.

The Parish Meeting believes that the increase in traffic associated with the development would have a significant impact on the lifestyle and enjoyment of its members and would **OBJECT** to the application.

Section 106 Funding

We would reiterate our previous comments that WODC we believe have a responsibility for funding the restoration of significant local buildings and believe that Tew Park falls under this umbrella. There is therefore an incentive for WODC to grant permission for this development, as it would fund these obligations. In our view this could be viewed as WODC having an 'interest' in the development and could result in a 'partial' decision or focus.

The Tew Estate will already benefit from the development in terms of land tenancy and infrastructure improvement. Indeed Tew Park also has an "interest' in the success of the development. It is our belief that Tew Park have significant revenue streams from the development at Soho Farmhouse, The Cornbury Music Festival, Amazon Studios and its Quarry to support the restoration from its own funds without recourse to WODC under Section 106.

We would contest that any section 106 funding should be used for the benefit of the communities affected by the development for the improvement in local facilities, local infrastructure and community projects.

On the basis of the above points the members of Westcote Barton Parish meeting would suggest that there are other sites, such as part of the Upper Heyford development, which could support the development in a more sustainable and appropriate manner than the land at Enstone Airfield.

We OBJECT to the proposal in the strongest possible terms and urge the planning committee to reject the proposal.

Adjacent Parish Council

Lower Heyford Parish Council - The Traffic Assessment indicates that the majority of the visitors will access the site by car along the B4030 from the M40. However, it lacks any analysis of the traffic impact on the B4030/B430 to the East of the A4260 even though it will be subject to exactly the same amount of traffic accessing the site from the M40. In fact, this stretch of the road should be given particular focus as recorded data shows traffic flows are higher here and are projected to increase significantly as a result of the 1600 house allocation at Heyford Park and future development at Bicester.

In Lower Heyford we have data to show traffic flow has already risen by 740 vehicles on average per day since last year with many more HGVs. The TA shows no analysis of the traffic impact on this part of the B4030. This should be done in conjunction with the much larger projected traffic flows from future build out at HP and Bicester. We believe, that the trip generation, particularly on the B4030 at the pinch points of Lower Heyford, Middleton Stoney and on the B430 at Ardley, makes this development unsustainable and thus contrary to the NPPF.

The traffic assessment identifies that traffic calming in Gagingwell, Westcote Barton and Middle Barton is required as a direct result of traffic accessing the B4030 from the M40. There is no reason, therefore, why Lower Heyford and other villages along the B4030 should also be included for traffic calming measures as they would experience exactly the same amount of traffic from the M40. This consideration, however, does not affect LHPC's objections. We would still have the same volume with all its attendant implications for noise, vibration, pollution and safety.

The museum is estimated to attract around 200,000 visitors per annum. This is likely to be an underestimate bearing in mind that the British Motor Museum has 475,000 annual visitors and that there is an intention to combine tickets with Soho Farmhouse and Blenheim Palace to offer an experience of the local area.

The choice of location is contrary to Local Plan Policy OS3 'delivering development that seeks to minimise the need to travel'. Para 6.55 and 6.55 encourage small scale tourist facilities and state that larger new attractions which generate significant visitor numbers are more appropriate in or adjacent to the main towns. Policy T1 states that priority will be given to locating new development...where the need to travel by private car can be minimised. Policy T2 states that all development will be required to demonstrate safe access and an acceptable degree of impact of the local highway network.

It would not be appropriate to have another motor museum so close to the British Motor Museum which is just 30 miles away and within a mile of J12 of the M40. They are both described as world class and are both designed to display collections of historic classic cars. This is supported by the NPPF para 104 which states that planning policies should support an appropriate mix of uses across the area.

In summary, LHPC strongly object to this application. Firstly, There is no justification for another 'world class' motor museum when one already exists nearby. Secondly, the location of a large visitor attraction in the countryside on a rural road network encourages car travel and is

against planning policy. Thirdly, there has been no analysis of the traffic impact on the B4030/B430 East of the A4260 in the supporting Traffic Assessment despite this being the main access road from the M40. Lastly, Lower Heyford would be adversely affected by the significant increase in through traffic as would the quality of life for its residents and visitors.

Adjacent Parish Council

The Upper Heyford Parish Council strongly objects to this application. The increase in traffic on the B4030 and other feeder routes will be unacceptable given the already exponential growth anticipated from the Heythrop Park and Bicester developments. We also object to the use of Section 106 funds for the renovation of the landowners private residence. The location is totally unacceptable.

Adjacent Parish Council

Somerton Parish Council recognises that, when completed, this intriguing proposal could bring both cultural and economic value to our region. Traffic constraints, however, mainly created by the narrow local road network together with ongoing housing developments (eg Heythrop Park and others) could mean travel to the Enstone site from the main arterial roads would become both unworkable and dangerous.

From the M40 the Satnav default rout takes motorists through Ardley and Somerton along a narrow, badly maintained country road. In Somerton the traffic has to navigate hairpin bends alongside stone farm buildings. Passing under a single carriageway railway bridge the road passes over a traditional, one way canal hump-backed bridge and then on to a single carriageway bridge across the river Cherwell. More hairpin corners ensue before the road climbs up the river valley towards North Aston.

There are no turning or passing places on this stretch. Much more importantly, there are no pavements. Pedestrians, cyclists and horse riders have no option but to take to the road and hope the vehicular traffic is both competent and careful. Even today a high level of driver skill is necessary. But minor accidents are common. We cannot foretell what it would be like if the forecast 1000+ vehicles/weekend comes about.

The Council believes that the infusion of large numbers of spectators driving to and from Enstone complex would present an unacceptable level of accident and injury to all users of this stretch of the road.

Cherwell District Council

Cherwell District Council raise concerns regarding the impact of traffic accessing the proposed development through minor roads and villages through the Cherwell District. Cherwell District Council request that routing arrangements be put in place to route traffic away from minor roads through villages in Cherwell District and therefore to utilise major routes to the site (such as the A44/A34/M40 corridor)

In addition, Cherwell District Council notes the proposed provision of village traffic calming in Gagingwell, Westcote Barton and Middle Barton, in anticipation that some traffic would approach the site from the east along the B4030. There does not appear to be any assessment of the traffic light controlled junction of the B4030 and the A4260 at Hopcrofts Holt and villages (in particular Ardley, Middleton Stoney and Lower Heyford) within the Cherwell District along this route and

whether there is a need for traffic calming measures in mitigation of potential traffic issues upon those settlements. This should be assessed to determine whether there is a need for direct delivery of traffic calming or whether contributions should be sought via S106 to allow for traffic mitigation in these settlements.

TV Police - Crime Prevention
Design Advisor

I do not wish to object to the proposals at this stage. However, there will be much to consider should the application be approved, and before a reserved matters application be submitted.

At that time, if not addressed, some aspects of the design and layout may prove to be problematic in crime prevention design terms and the development may not meet the requirements of The National Planning Policy Frameworks 2018 - Section 12, point 127 (part f) and HMCLG's Planning Practice Guidance on 'Design'.

In addition, it is disappointing that the Design and Access Statement (DAS) does not address crime and disorder. I suggest the applicants address this omission by producing a security strategy documents at the earliest opportunity.

As a guide the following points should be addressed as a minimum;

- Event management and additional security provision at such times
- Access control at entry points and throughout the proposed uses.
- Perimeter protection.
- Hostile vehicle mitigation at some strategic points may need to form part of the proposals.
- Schemes for lighting, CCTV, and landscaping should be developed holistically so none are compromised by the other.
- Physical security for the proposed dwellings and other buildings.
- Building Regulations Part Q requires doors and windows that 'Resist unauthorised access to...new dwellings'

CPRE

CPRE considers that its objection to the previous application still applies. Whilst CPRE considers the newly proposed 16 crescent lodges and 12 large isolated lodges preferable to 28 large isolated lodges, the principles of land wastage still apply. The crescent lodges will lend themselves to the holiday market thus supporting tourism which is a positive, but do appear relatively tall and prominent in the landscape. Details of the large isolated lodges and their visual impact are limited, but seem to be luxurious therefore lending themselves as a second home compared to holiday cottage. The museum building is prominent from view points across the landscape and the building style is out of character. The traffic issues in terms of the effect on the rural character remain unchanged.

Major Planning Applications
Team

Transport Schedule
No objection subject to:

- S106 Contributions as summarised in the table and justified in this Schedule.
- An obligation to enter into a S278 Agreement as specified.
- Planning Conditions as specified.

Education Schedule
No objection.
As this development consists of the erection of 28 holiday lodges, there will be no education impact from the proposed development.

Should the application be amended or the development mix or use be changed later, the County Council reserved the right to alter the response and contributions sought according to the nature of the amendment.

Archaeology Schedule

No objection subject to the planning conditions specified.

WODC - Arts

No response received to date.

Conservation Officer

No response received to date.

Environment Agency

The site is part of the former Enstone aerodrome built and used during World War II, and so the previous use of the site presents a risk of contamination during construction.

Environment Agency has no objection to the proposal as submitted, subject to the stated planning conditions. These must be included on any planning permission given, and without these the proposed development on this site poses an unacceptable risk to the environment and they would object to the application as submitted.

Natural England

No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

Advice on other natural environment issues is set out in their comments.

Biodiversity Officer

I can confirm that following my comments on the previous 2017 application for the same site at Enstone, I spoke to the ecological consultant from Windrush Ecology and we agreed a way forward with regards to the additional surveys and information required. The additional surveys are for a bat activity survey, which will require a detailed mitigation strategy to form part of the detailed reserved matters application.

I am satisfied that the recommendations in the Preliminary Ecological Appraisal are sufficient and the implementation of a biodiversity mitigation and enhancement strategy would provide biodiversity net gain in accordance with the NPPF and local plan policy (ref. EH3)

The proposed development should therefore be carried out in accordance with the recommendations of Section 5.3 and 5.4 of the Preliminary Ecological Appraisal and I recommend that a Biodiversity Mitigation and Enhancement Strategy should be prepared and submitted for the approval of the LPA as a condition of planning consent. This should be used to inform the design and landscaping of the site. Further documents to be submitted for approval as a condition are a Construction Environmental Management Plan (CEMP), CEMP verification report, Landscaping Scheme, Landscape and Ecology Management Plan (LEMP) and a Lighting Strategy.

ERS Air Quality

No response received to date.

ERS Env. Consultation Sites	<p>My colleague has commented on a previous application 17/03745/OUT for this site and many of the comments made at that time are relevant for this application.</p> <p>I note that section 7.2 recommends that 'further site investigation is undertaken once details of the development have progressed further and also once access across the site can be gained without compromising the operations of an existing flying club and motorsport experience venue'.</p> <p>Given that further intrusive investigation is required prior to development please consider adding a contamination condition to any grant of permission.</p>
WODC Env Health - Uplands	No response received to date.
WODC Housing Enabler	<p>The site falls within the high value affordable housing zone as defined in the adopted Local Plan 2031 and hence triggers a requirement under draft Policy H3 - Affordable Housing to provide for 50% of the completed dwellings as affordable.</p> <p>The Council's preferred tenure split is a ratio of 2:1 in favour of affordable rented homes (66% affordable rent to 33% shared ownership).</p> <p>Having examined those who have indicated a wish to live in Enstone and who are registered on the Council's Homeseeker Plus System, it seems that the highest demand is for smaller homes, principally of one and two bedrooms, with less demand for larger houses. In addition to the 90 applicants who have expressed a preference for Enstone, there are a further 2,904 on the overall waiting list who would benefit from the development of this S106 site, were it to go ahead. This must also be seen in the context of the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 (partially updated in 2016)</p> <p>Paragraphs 1.4, 1.5 and 7.96 of the planning statement mention the provision of affordable housing but there are no details of an affordable housing proposal. In order to comment on this aspect further information is required.</p>
WODC Landscape And Forestry Officer	No response received to date.
WODC - Sports	No response received to date.
Thames Water	<p>Waste comments</p> <p>The planning application proposal sets out that Foul Waters will not be discharged to the public network and as such Thames Water has no objection. Should the application subsequently seek a connection to discharge Foul Waters to the public network in the future, we would require an amendment to the application and we would need to review our position.</p> <p>Water comments</p>

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following information be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

WODC Env Services - Waste Officer

No response received to date.

Open Space Officer

No response received to date.

WODC Planning Policy Manager

No response received to date.

Adjacent Parish Council

Duns Tew Parish Council No response received to date.

Adjacent Parish Council

Steeple Barton Parish Council notes that the Planning Application for the above has been resubmitted and we have noted within the Traffic Assessment that they have identified the need for traffic calming through The Bartons. As can be seen from their plans, we are the largest urban community within the vicinity of the proposed development and that we will be severely affected by the additional traffic movements through the village as a result of this development.

On the assumption that this Application will be successful, we have extensively reviewed their proposals and with our detailed knowledge of the village, we believe we require the following traffic calming measures in place. The planning statement outlines Section 106 funds for traffic calming in the Bartons so we've outlined our requirements below:

1. The most successful way of avoiding any further disruption to the residents of the Bartons will be the introduction of a chicane at either end of the main populated area of the village.
2. In addition, the current road marking strips indicating that you are entering a speed restriction area have worn away and need reinstating.
3. We will need the introduction of speed monitoring cameras at each end of the Bartons, which along with the addition of the chicanes will help elevate the concerns of the residents over the increased number of traffic movements on an already narrow & busy road.
4. It is also imperative that a detailed traffic management plan is submitted for the development which ensures that the construction traffic is diverted around the Bartons.
5. Due to the location of the Village junior school, the majority of the pupils need to cross the B3040 at its junction with Mill Lane which has necessitated the requirement of a Pelican Crossing at this point.

Without these traffic calming improvements outlined and as a whole, the effects of the additional traffic movements will severely affect the residents to an unacceptable level and feel that these works must be included within the scheme as part of the S106 contributions. The flow of traffic through the village has been the number one area of concern for parishioners and the introduction of a major tourist destination will

only increase the significance of their concern to seek a sustainable long-term solution to slow the flow of traffic down.

Finally, in earlier discussions with the Mullins development team, they acknowledged the need of Our Bus Bartons which is the only public transport available to our residents, and although not specifically noted in their application, they have reiterated their commitment of a £50,000 contribution from the Section 106 Agreement to ensure that this Charitable Organisation is able to continue and provide this essential service to both The Bartons and the surrounding villages.

Adjacent Parish Council

Over and Nether Worton PC unanimously object to 18/03319/OUT on the grounds that the proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity. The concept would be better suited to similar opportunities at Bicester Heritage or the British Car Museum at Gaydon which already have existing significantly enhanced transport infrastructure.

Parish Council

Great Tew Parish Council - No response received to date.

Adjacent Parish Council

Enstone Parish Council - The proposed Driving Centre development lies outside of our Parish on the boundary between Great Tew and Enstone. However, the greatest impact of this development will be on the residents of Enstone Parish, so the Council is setting out our key issues which should be addressed is this development is approved.

The Council accepts that this would be a prestigious development for Oxfordshire and builds on the strength of the local Motor Sport and Automotive industry. However the major issue the Council has is the suitability of Enstone airfield for this project, given that it will attract (by its own figures) over two hundred thousand visitors each year. The Council was split - some believe that a location in Oxfordshire with well-developed public transport links and roads infrastructure already in place would be better suited. Others, however, are very much for the proposed Enstone Airfield development.

Transport

This remains the major concern of the Councillors and local residents. Whilst accepting the County Highways report that the roads have the capacity to cope with the additional journeys to and from the museum, all of the journeys will be on local B roads already in a poor state of repair.

It is likely that all the journeys to the museum will be by private transport as there are no local bus services which would serve the museum. The developer's proposal to run a single minibus service from local train stations at Banbury or Charlbury is unlikely to reduce this by any significant extent.

There has been a significant increase in traffic volume in recent years on local roads due to the Soho Farmhouse development and the expansion of Renault FI Motorsport, and the volume will increase significantly when 2000 extra homes are built in Chipping Norton and following the anticipated redevelopment of Heythrop Park Resort.

In addition, recent traffic speed watch activity has shown that speeding is prevalent through our village and this problem is unlikely to improve with this development. Significant sums of money need to be spent on

traffic calming measures and road and junction improvements; see attached proposals from Enstone PC. The Council notes the developer has proposed that £200k from the £1.7M S106 money generated from this project should be spent on signage improvements and traffic calming in Gagingwell, Westcott Barton and Middle Barton (Ref an email from Keiran Hedigan to Enstone PC 20/12/18) We feel this is totally inadequate and will not have a significant effect in offsetting the additional private journeys created by travelling to the museum.

Local housing for residents to work in the museum

One of the major benefits claimed for this development is provision of local employment opportunities and apprenticeships. The Planning statement claims "It will deliver up to 338 jobs in the local economy" and "It will create 100 jobs directly employed in the museum and park". The development proposal does not provide any details of the anticipated location of the staff or provide any opportunities for the staff to travel to work other than by private motor car. A survey from the nearby Soho Farmhouse showed that 59% of their staff lived 10 - 20 miles away, 12% over 20 miles away and only 29% within 10 miles of the hotel. Based on this evidence, the Parish Council is of the opinion that this proposed development will add significantly to local journeys to and from work.

It would be desirable that such a development such as this provide opportunities for local young people (within a 10 mile radius) to work there. However, there is no affordable housing within Enstone and the surrounding villages forcing our young people to move out to the major towns in Oxfordshire such as Banbury and Bicester.

None of the S105 money has been set aside for low cost starter homes in Enstone village which the Council believe is a key priority. The developer has proposed that £1.25M is spent on affordable housing in Great Tew, although it's unclear how many homes they will provide and under what terms.

In addition to this the developer is proposing to pay £1.1M to the Landowner to pay for restoration of his private mansion. Whilst accepting this isn't part of the required S106 money as the 28 private lodges are deemed to be "holiday homes", we do question whether a better settlement for the local communities should be sought in this respect.

Other issues

The Planning Statement is incorrect:

2.8 Vehicular access states one entrance between the Green Lane and the Tew cross roads. In fact there is one to the chicken farm and one to the shooting school and airfield and a few years ago, a third entrance was granted planning permission. There are also two field entrances as well.

The Ecology reports by Windrush Ecology and by Melanie Dodd make no mention of the extensive wild orchids and bluebells growing on the site. It may be because the survey was conducted in Winter. It is recommended that another survey is conducted in Spring/Summer.

In summary, whilst there may be economic and employment benefits to the local economy, the council believes that this development will have an overall negative impact on traffic levels in our village and there is insufficient mitigation of these effects through the proposed

provision of the S106 monies.

Enstone Parish Council's request for S106 monies regarding the Mullin Project, 18/03319/OUT.

- Traffic lights at the junction of the A44 and B4022 close to Worths Garage, to include a pedestrian crossing.
- Traffic calming measures in Gagingwell.
- Improved protection for Enstone Primary School with a 20 mph speed limit along the A44 at Enstone.
- Traffic control mechanism (lights or roundabout) at the junction of A44 and B4030.
- Consideration of a "loop around" the settlements of Enstone all with 30 mph speed limits.
- A traffic control mechanism at the crossroads of the B4030 and B4022.

Adjacent Parish Council

Sandford St Martin and Ledwell Parish Council is writing to object to the development.

We object to the proposals on the following grounds:

1. There is inadequate economic justification for the proposed development. The benefit of this application is to a wealthy American and a wealthy local land owner. It has a negative impact on the local community, for the reasons listed below, with limited local benefits to offset this.

2. We question what proportion of the proposed 100 new jobs will be from villages within a 5-mile radius, say, and thus supporting the immediate rural and village communities, and what proportion from local towns such as Bicester and Banbury. Further, what proportion will arise from relocation of existing staff in national businesses? For example, the proposed Bentley Pavilion will most likely be staffed by experienced front of house staff already employed by Bentley elsewhere in the country. It seems highly likely that very few jobs will go to people living within a 5-mile radius.

3. Rather than creating new jobs, there is a real risk that the development may adversely affect local businesses, in particular the pubs in nearby middle Barton, Enstone, and Church Enstone which may well lose business to new facilities at The Mullin.

4. In regard of items 1 to 3 above, we note that the proposals do not follow the principles laid out in the Local Plan 2031, for example Policy E2 - Supporting the Rural Economy, which contains requirements such as "diversification proposals which are fully integrated with an existing farm business", "remain compatible and consistent in scale with the farm/estate operation and a countryside location", "in the interest of the local economy".

5. There is considerable concern among the residents of Ledwell and Sandford St Martin regarding potential visual impact and noise impact from motor museum and associated track. There is concern particularly that evening corporate events will lead to noise and light pollution, which has not been a concern with the existing use of the airfield, which operates in daylight hours only.

6. The overwhelming concern of the Parish relates to traffic volumes. Visitor numbers are projected at 250,000 per annum, with a peak daily

attendance of 1000 per day. There is a real risk that this is an underestimate, noting that the British Motor Museum, 23 miles away in Warwick, attracts 475,000 visitors annually. We particularly note that The Mullin seeks to be a "world class automotive museum and more" - with such a vision there will inevitably be pressure to push attendance up to match and exceed those of competing venues. Assurances from Mullin that visitors will arrive by bus are considered untenable, and not within the power of the museum to control. (Soho Farmhouse has made significant efforts to try to control the routes used by and driving behaviour of members using their facility, but with very modest success).

7. Residents have experienced significant rises in traffic volumes as a result of both the Soho Farmhouse development and more recently the siting of The Grand Tour at Great Tew Park and Enstone Airfield. In addition to raising the basic number of vehicles on the local roads, there are more large cars driven fast or inconsiderately, as several local traffic studies have established. Local roads have become significantly more dangerous to pedestrians, cyclists, horse riders - and indeed other motorists - in this rural area. The further loading of these roads by large visitor attraction will have a deeply negative effect.

8. It seems self-evident that in order to have a sustainable transportation plan, any large new development of this type should be located close to an existing transportation hub; a motoring museum in Oxfordshire should surely be set in close proximity to an M40 junction. Both Silverstone and Bicester Heritage would be logical locations. In this respect, the siting of the museum on Enstone Airfield, in a deeply rural location, is opportunistic rather than strategic and integrated. This does not constitute sustainable development.

9. In reference to points 6, 7 and 8 above, we note numerous Objectives and Policies within the Local Plan 2031, including Objectives CO1 - "provide new development...which will improve the quality of life of local communities and where the need to travel by car can be minimised", CO10 - "ensure that land is not released for development until the supporting infrastructure [is] secured", CO11 - "maximise the opportunity for walking, cycling and the use of public transport".

10. Although modified from the original proposals of January 2018, the proposals still call for residential units to be constructed on agricultural land under active management - by any reasonable measure this is Greenfield land. This is attractive and unspoilt farmland that is clearly a haven for wildlife. To permit the siting of these units would be to ignore large parts of the Local Plan 2031 - in particular policy OS2 - Locating Development in the Right Places. This states "Development...in open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area". Appropriate development is identified as "re-use of existing buildings; accommodation for...travelling communities; support the effectiveness of existing businesses; contribute to farm diversification; telecommunications development".

11. The proposals are also not compatible with Policy H2 - Delivery of New Homes, or with Policy H3 - Affordable Housing. The scheme exists to make some extremely wealthy individuals even wealthier, and to provide amenity for other extremely rich individuals who do not live in Oxfordshire and in many cases not in the UK, while creating a small number of local jobs and little other local benefit. At no level do the proposals adhere to the objectives of the Local Plan or meet its vision

to "meet the needs of West Oxfordshire's communities without significant change to the intrinsic character of the District".

12. Access to the holiday lodges is via Tracey Farm Road & Ledwell Lane. As noted above, all this traffic will be additive to that for Soho Farmhouse and The Grand Tour, as well as the as yet unbuilt development at Great Tew crossroads - the New Gardens Great Tew, meaning that Ledwell Lane in particular, together with Sandford St Martin Road, becomes a highly stressed access route to three significant developments and a TV production.

13. We consider that the allocation of the majority of Section 106 monies (£11 million out of £12.7 million) to the restoration of a private property owned by the same individual who is selling the airfield and agricultural land for the proposed development is unacceptable. The Local Plan addresses the purpose of Section 106 works and the alternative Community Infrastructure Levy in Policy 055 - Supporting Infrastructure. Examples of the type of works undertaken through the mechanism are given as "new road junctions, utility improvements, access to superfast broadband...contributions to local libraries and school places". At no level can the restoration of Great Tew House for the benefit of its private owner be considered to come within this category of work.

On the basis of the points above, we strongly object to the proposal and urge the Planning Committee to reject it.

2 REPRESENTATIONS

This application has been the subject of much comment and Members are advised to view the representations on line.

Over 180 **letters of objection** have been received raising the following summarised points:

Design and layout

- The location for this planned development is not suitable. It is inappropriate to situate a major tourist attraction in the open, rural countryside with minimal road infrastructure to service this attraction. Lack of amenities locally so people will not venture into the local areas for use of pubs and restaurants for example.
- Unspoilt countryside will be ruined by the repercussions of the site.
- 'Exercise track' will cause added issues for neighbouring villages and residents.
- Danger created by building a museum of this scale directly on the end of an active General Aviation runway. The amount of visitors to the museum would also increase the risks created being in such close proximity. Previous accidents at local airfields have shown the risk.

Ecology

- Pollution.
- Wildlife is very active in the area and so the loud noises from the site and driving track will scare the local wildlife. This will be heightened by the use of the development for corporate and private events, possibly encouraging loud music and fireworks.
- Local habitats must be protected.
- Increase of cars and reckless driving behaviours could result in more animals killed on the roads, whether that is wildlife or pets such as horses.

Highways

- Site will incur excess traffic and road usage as the majority of guests will come by their own transport as opposed to the suggested public and shared transport. Car enthusiasts will be regular visitors to the museum and lodges and so will want to come in their own cars or some may come by helicopters.
- The roads are already unsafe due to dangerous driving and speeding on the local country roads. Those who do not understand the etiquette and safety measures for driving on country roads regularly put other users at risk, such as horse riders, cyclists and walkers. This behaviour has spiked with the introduction of Soho Farmhouse.
- Shuttle buses will add to the pollution due to the regularity of runs to pick up guests and shuttle them around.
- Influx of heavy vehicles to the museum. Soho Farmhouse already demands many deliveries and so these will double the usage on the road for deliveries. These large HGV's will struggle to work through the small, narrow village roads and will cause tensions with local residents who may have to park their cars on the roads.
- The condition of the road is already in a bad state, but with further traffic this will make the conditions worse for local residents who use the roads on a daily basis. Increase in pot holes.
- Traffic calming measures at certain points of the road should be implemented for public safety and to encourage stricter measures on speeding in the area.
- Bad weather during the winter months have caused further damage to the roads, which will only get worse with more cars and lorries on the road.
- Surrounding villages are being used as 'rat runs'.
- B and C roads will not be able to cope.
- Emergency services will struggle with the damaged, narrow roads. Rural location may also hinder their access.
- B4030 has already become much busier with the development of the Renault F1 site and Soho Farmhouse, so not sure it will be able to cope with more traffic.
- Development at Heythrop Hotel will bring more traffic in due course, so the overall capacity for the area with multiple big developments in the long run must be taken into account.
- Satnavs show the B4030 through Lower Heyford to be one of the fastest routes, and other similar routes using the M4 but winding through many of the smaller villages. These areas will not be able to handle the extra cars running through them each day.

Landscape

- Do not wish for rural green field to be built upon.
- Locals are very happy with the rural, untouched location that they opted to move to and so do not want this to change dramatically.

Neighbourliness

- Noise and light pollution from the site.
- There has already been an increase of holiday homes in the area.
- Exclusivity of the site which can only be accessed by the super-rich will lead to segregation between the guests and the community. These houses will only be accessible to those who are within the circle of the super-rich. This will alter the social dynamic of an area whose history goes back for centuries.
- Local housing prices will go up even further due to more overpriced properties and demographic of super-rich moving in - 'Soho Farmhouse effect'
- Location within the unspoilt countryside will be tarnished.
- The museum apparently plans to stay open 7 days a week. This will not allow a break for local residents from the excess traffic, and noise and light pollution from events and parties for example.

Other

- £11M of the S106 monies is being used for the renovation of Great Tew Estate which is a private house and of no benefit to the local community. Offering only £1.7M of S106 funds to other matters is far too small an amount to provide any real changes or improvements to West Oxfordshire District and local infrastructure. If renovation is required for Great Tew Manor, then the proper avenues should be used such as a Notice of Repair.
- Lack of jobs for the local community as mostly professionals and specialists will be bought in from elsewhere within Bentley to fill the available positions.
- The site has historically been used for industrial and aviation purposes.

- There are already motor museums nearby at Gaydon and Bicester which have much better links to dual carriageways and motorways. Therefore another one is not required that lacks this infrastructure. The money and resources should be put towards those to expand them instead of creating a new venue.
- Application is contrary to, and fails to meet, the principles of Sustainable Development in the National Planning Policy Framework (NPPF). Need to assess the application against the Local Plan 2031.
- Proposed housing development does nothing to address the need for affordable housing in the area.
- Uncertain of how many schools will use this museum for trips and projects.
- This development will set a precedent for other large developments of its kind in the rural countryside.

Over **220 letters of Support** have been received raising the following summarised points:

Design and layout

- The museum will make use of disused land.
- The inclusion of holiday lodges will make it an attractive destination for enthusiasts.
- The site is back far enough from the road so will not be an eye-sore for locals and passers-by.
- The museum is not all about speed and noise from the exercise track and the super-rich. It is a museum celebrating motoring heritage and accomplishments from within Britain and the UK. Britain has strong ties to this industry and so this should be celebrated.
- The design will be of a world-class standard and could incorporate very well into the surrounding landscape.
- The exercise track is there as a way of experiencing the cars in motion and to see them in their best light. Noise levels from the track will be minimal compared to the neighbouring aviation airfield.

Neighbourliness

- This museum should not become about 'Mr Mullin and Mr Johnston VS the local residents'.
- We should welcome any extra money and funding to the area.
- The development would benefit existing businesses on the airfield.
- The proposed development would not hinder the operations at Enstone Aerodrome.

Other

- This project is a rare opportunity for the community and country at large. We should embrace the chance to have this prestigious museum located in our District as opposed to it being sited elsewhere overseas in Europe. This would put us on a world stage alongside other similar museums within Europe and the USA, thus encouraging international investment.
- The project will boost the local economy.
- The site will provide jobs to the local community, whether that be skilled or semi-skilled.
- National and international visitors will be more likely to stay overnight, and therefore spend more money on the local economy and facilities. They are more likely to explore the immediate local areas and surrounding areas within the District and Oxfordshire.
- By suggesting a pre-booked and ticketed experience there is control over numbers and traffic flows to and from the site.
- This is not just a seasonal attraction. This will allow a steady flow of visitors all year round as opposed to a heavy influx over the peak summer months which could cause major disruptions at one given time.
- Visitors to the UK are very likely to visit a museum during their stay.
- These sorts of tourist attractions have been shown from previous examples to benefit their local areas greatly.
- The museum will be a wonderful display of automotive heritage for future generations to see. Seeing as this area of the country has strong ties to this industry this would be an investment that would pay off for generations and years to come.
- This is an investment worth taking as we head towards Brexit.
- We must be more progressive and forward-thinking with our outlook on how this museum will benefit the local area, and what it represents within our history and culture.

UPDATE

Members will recall that in the context of the debate at the last meeting they were advised that a further 6 objections, 2 general comments and 1 support comment had been received.

The **objection comments** reported referred to the following matters:

Highways

- Roads are already in a bad state with potholes and crumbling verges due to additional traffic.
- B4030 already taking a vast increase in traffic due to the new housing development in Upper Heyford.
- There is an ancient Listed bridge located next to Lower Cherwell, that runs over the Cherwell which is not suited to heavy traffic flows and so the additional traffic would cause damage in the long run.
- Increase in air pollution.
- Application fails to address any traffic mitigation measures in the local area.

Neighbourliness

- Soho Farmhouse has not contributed vastly to the local economy despite stating it would, so this would not be any different.
- No social interaction between Soho Farmhouse and the local community, so the Mullin Museum would end up being the same.
- Community suffering as a result of lack of resources.
- The application will have a negative impact on public health.

Ecology

- Building works will impact local wildlife through noise pollution and disturbance of habitat.

Landscape

- Bridle path that is to serve the lodges will become an extension of the B4030. This will disrupt the farming land it sits upon and will disturb the local residents.

Policy

- Application does not sit within the Local Plan.
- The lodges that are being sold for private use goes against national and local policies regarding housing development in the countryside.
- Proposal does not include affordable housing for the local community.

Other

- The proposed development will put further pressure on water supplies which are already being stretched in the area.
- Electricity supply under pressure. Local areas already experiences regular power cuts.
- We already have Bicester Heritage and Gaydon to name a couple as significant car museums within the area, so we do not need another one.
- Monies being allotted to Great Tew Manor will not benefit the local community in any way as it is a private property. Also situated away from the development site, and does not comply with the National Planning Policy Framework paragraph 202.
- Support comments seem to mostly all come from individuals who live miles away and will not be directly impacted by the scheme.
- As the houses are to be sold freehold there is no limit to what each owner can do on their land.

The **support comments** referred to the following matters:

Design and layout

- The museum will be an excellent resource for local and national schools.
- It will help to preserve the history of motorcars within England.
- Bringing some of the Mullin cars as well as automotive art and design to the museum will encourage a better understanding and education of motoring and craftsmanship.

The **general comments** referred to the following matters:

Policy

- The applicant's business case has not yet been published. Under WODC's Statement Community Indictment this should be published a minimum of 21 days prior to a hearing. The public and any other observer have the right to study the business case for 21 days.

A letter in a similar vein has been received from an agent acting on behalf of objectors seeking access to the Applicants business case on the basis that this information is being denied to the public. In summary

they consider that this is prejudicial to the public's ability to assess the proposals and makes a series of assumptions as to how that information will have been used by the applicants to seek to justify their case. The letter concludes by stating that failure to provide the information will feature in potential legal redress

Your Officers advised that the financial information referred to does not in fact form part of the application documents and as such has not been withheld as stated. Such information was indeed included in the first application and featured heavily in the pre application discussions as part of your officer's discussions regarding whether there was indeed any financial basis for the lodges. It was concluded by officers that there was not and so the information was not submitted with the revised application. Your officers non- the- less approached the agent with a view as to whether the applicants would be prepared to release the information. The following response was received:

This is an outline planning application with all matters except access reserved. An illustrative Masterplan has been submitted in support of the planning application, together with a series of parameter plans. This is a tourism led development that involves the re-use of a brownfield site. The proposed development accords with the adopted West Oxfordshire Local Plan 2031 and the National Planning Policy Framework. There are no technical objections. Tew Park is not necessary to make the development acceptable in planning terms, is not a material consideration and should not be weighed in the planning balance. As such there is no policy requirement for a Business Plan to be submitted in support of the planning application. I note that this is also reflected in the officer report. Whilst the Business Plan was tabled during pre-application discussions as part of the background context, this was not submitted as part of the formal planning application submission and is not a document that we rely upon. However, the Economic Impact Analysis submitted in support of the application clearly demonstrates the economic benefits of the proposed development, in terms of:

- Between £12.4 million and £13.7 million in GVA (economic output) per annum in the Oxfordshire economy;*
- Up to 338 jobs supported in the local economy; and*
- 200,000 visitors.*

Based upon the illustrative Masterplan and parameter plans a Cost Estimate has been prepared by Smith Thomas Consult. The Cost Estimate shows a project in the order of £100m and with professional fees, contingency and inflation, this takes the total to approximately £125m.

It is also important to emphasise, as Peter Mullin has confirmed from the outset, this is a legacy project. On his death his entire classic car collection will become the property of the Peter Mullin Trust together with a substantial endowment to fund and protect the collection in perpetuity.

In reviewing the documents it also became apparent that the views of the Gt Tew Parish Meeting were submitted and summarised as neighbour representations rather than as a consultee comment. They are therefore repeated in full here for consistency with other Parish Council/Meeting comments:

*The **Great Tew Parish Meeting** has not had time to call a formal meeting to consider this revised application but informal conversations with a cross section of the community confirms there is still a clear majority in favour of this revised application.*

To summarise, in February we supported the application with the condition that the Enstone District & Uplands Conservation Trust's suggestion that the 208,000 annual visits be made a formal condition of planning approval. The 200,000 figure (online booking only) has been incorporated in to the application.

In addition the application has been revised in other ways that demonstrate the extensive local consultation they conducted has borne fruit:

- the developable area has been reduced and is now entirely contained within the brownfield site (the former RAF Enstone).*
- £1.7 million of s 106 funds have been diverted towards traffic, calming, a car park at Great Tew School and affordable housing (yet to be defined)*
- the design of the site has been taken over by Foster & Partners ensuring the site will combine both world class architectural quality with minimal environmental impact.*

We believe that this alterations demonstrate a willingness on the applicants to work with local communities. We also consider that this development offers the best possible option for a problematic site. The alternatives - a business park or housing development - would create more traffic and disturbance to an area rightly valued for its tranquillity. The establishment of a world class automotive museum, in the middle of an area rich in motoring history and designed by one of

the world's great architects, which would create in excess of 300 jobs and involve extensive opportunities for education, is something WODC should definitely embrace.

The final comments of the **Planning Policy Manager** were also received and the conclusion is reported in full below:

This is a large and relatively complex application in a sensitive rural location that raises a number of different policy considerations. A key issue is the location of the development and whether it is appropriate for the type and scale of use proposed. In this respect it will be particularly important to consider the potential impact of development on the character of the area and whether the proposal is appropriate for this location.

On a related note the location of the development means it is likely to be a predominantly car-borne destination and with anticipated visitor numbers of 200,000 per year this requires careful consideration. A decision therefore needs to be made in the planning balance as to whether the transport mitigation measures proposed are sufficient to outweigh any concerns when considered alongside the other potential benefits of the scheme such as additional local employment and spend in the local economy.

A third key consideration is the extent to which the proposal is consistent with the Council's overall strategy for promoting sustainable tourism which is focused on making the optimum use of existing tourist facilities and encouraging new small-scale facilities and attractions which can be more easily assimilated into the landscape and local communities.

Larger-scale proposals should be steered towards the main towns where there are public transport opportunities available and traffic impact on rural roads can be minimised.

The proposal is clearly very large in scale and the applicant's principal argument is that the nature of the proposal is such that it could not be located within or on the edge of a main settlement. This argument requires careful scrutiny in weighing up the overall planning balance because it could potentially be made in respect of any number of different uses. It will need to be convincingly demonstrated that the automotive museum has a functional link to its location, or that the museum could not otherwise be located within or close to a service centre or village.

The Development Manager also verbally reported receipt of representations from Law and Fiennes and the Mid Cherwell Neighbourhood Forum.

UPDATE-FURTHER COMMENTS RECEIVED POST THE LAST MEETING

General comment – why was a decision not taken at the last meeting?

2 Objection comments – concern at impact on bridleway, no affordable housing, objections are being ignored, traffic problems will be caused especially rat running, loss of wildlife value

3 APPLICANT'S CASE

A very comprehensive suite of supporting information has been submitted to support the application and is available to view in full on line. It comprises:

Ecology Report

Economic Impact Assessment

A Museum Travel Plan

Geo Environmental report

Landscape and Visual Assessment

Noise report

Planning Statement

Energy Strategy

Transport Assessment

Design and Access Statement

Flood Risk Assessment

Heritage Assessment

Drainage strategy

Executive Summary

The Applicant has also tabled a personal statement which advises (in summary) that the scheme has been designed by the practice of Britain's greatest living architect and will be the first of its kind. £1.7m will be put towards community projects in the form of affordable housing, traffic calming, community busses and a new car park in Gt Tew. He advises he has a 30 year commitment to the project as a legacy rather than a business enterprise and that the museum has 6 key aims:

To display, conserve and interpret the highest levels of achievement in automotive design

To extend the museum experience in the fullest possible way to the widest possible audience

To promote Oxfordshire's role in the history of the automobile
To stimulate intellectual engagement, experimentation and debate regarding far reaching issues in technology, history, art and culture

To explore alternative energy sources, the future of transportation and share this with the public

To serve audiences of all ages, ethnicity and socio economic backgrounds by creating welcoming user-orientated environments and programs

The airfield is currently a blot on the landscape and is not AONB or Green Belt. Visitors will only book online and as such numbers will be automatically controlled. Encouragement will be given to use of public transport with free shuttle busses and discounted admission. The generation of private funds by way of the land deal will enable the restoration of Tew Park. He closes by advising that with all its benefits the development will additionally solve the problems of Enstone Airfield and Tew Park and bring significant inward investment at a time when there is uncertainty over Brexit. It will be a source of sustainable tourism that will attract visitors from all over the world and boost the economy for years to come

The summary of the Planning Statement is reported in full below

This Planning Statement has been prepared to explain the rationale and evolution of the proposed world class automotive museum and park at land at Enstone Airfield, Enstone, Oxfordshire.

The submitted illustrative masterplan and accompanying documents demonstrate that the proposed development can be accommodated on the site within a landscape setting. The submitted technical evidence in support of this application has demonstrated that there is no adverse impact in respect of:

Noise;

Access and Transport

Landscape Impacts;

Ecology; and

Flood Risk Assessment.

Policy OSI of the adopted Local Plan 2031 provides a presumption in favour of sustainable development and states that planning applications that accord with policies in the Local Plan will be approved unless material considerations indicate otherwise.

Policy E4 of the adopted Local Plan 2031 is a permissive policy and states that development which utilises and enriches the natural and built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities will be supported. Policy E4 of the adopted Local Plan 2031 recognises that new tourism and visitor facilities may be justified in the open countryside where the nature of the facility is such that it could not be reasonably located within or close to service centres and villages.

The adopted Local Plan 2031 at paragraph 6.54 recognises that visitor related facilities offer benefits to existing local communities, such as supporting local food producers, shops, pubs and new recreational opportunities.

The proposed development accords with the general development principles set out in policy OS2 of the adopted Local Plan 2031.

The proposed development fully accords with the Sequential Test and Impact Assessment required by paragraph 86 and paragraph 89 of the NPPF.

In accordance with Chapter 6 of the NPPF the proposed development will contribute to the Government's objective of building a strong and competitive economy.

The Strategic Economic Plan 2016 for Oxfordshire aims to deliver a vibrant, sustainable, inclusive world leading economy driven by innovation, enterprise and research excellence. The proposed development will align with and strongly contribute to delivering that aim.

The Economic Impacts Analysis submitted in support of the application demonstrates that:

- 1) The proposed development will deliver a world class visitor attraction;
- 2) There is £130 million investment in the project;
- 3) It will deliver high quality sustainable buildings design by Fosters and Partners
- 4) It will complement existing automotive industry clusters along motorsport valley;
- 5) It will deliver up to 338 jobs in the local economy;

6) £13.7 million in GVA will be generated for the local economy;

7) It will attract 200,000 visitors annually

The Planning Balance

In accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic, social and environmental benefits. There are no significant and demonstrable adverse impacts which outweigh these benefits and planning permission should be granted without delay.

UPDATE

Subsequent to the deferral of the application at the last meeting to seek further information your officers have been in negotiation with the agents seeking to address the matters where further clarification was required. In response the agent has tabled further plans/info which may be viewed on line and a comprehensive letter which is reported in full below:

The unconfirmed minutes from the meeting of the Development Control Committee on 25th March 2019 indicate that the application was deferred for the following reasons:

- 1) *The palette of the proposed materials;*
- 2) *The extent of the car park and location of parking for disabled persons;*
- 3) *Floorplans;*
- 4) *Hours of operation;*
- 5) *Number, size and nature of events;*
- 6) *Routing Plan;*
- 7) *Travel plan details;*
- 8) *The establishment of a community travel forum;*
- 9) *The omission of 2 units at the 'top of the site'; and*
- 10) *The possibility of securing additional community benefits.*

The purpose of this letter is to provide further clarification for Councillors in response to the reasons for the deferral of the application.

Palette of Material

It is important to note that this is an outline planning application, with all matters except access reserved for future consideration. However, please see the attached mood boards which provide an indication of the potential wall and roofing materials, including:

- *Natural stone,*
- *Render;*
- *Artificial stone;*
- *Metal cladding;*
- *Glass structures embedded within the landscape;*
- *Landscape lightweight roofs;*
- *Carbon fibre roof; and*
- *Cedar shingles.*
-

Whilst the mood boards provide an indication as to the nature of materials, including their colour, texture, tone and reflectivity, the detailed design solution will be the subject of subsequent applications for the Approval of Reserved Matter.

Extent of the Car Park and Location of Parking for Disabled Persons

The parameter plans and illustrative masterplan details the provision of visitor parking along the northern boundary. The illustrative masterplan anticipated that visitors will then meander through the landscaped parkland before arriving at the museum building.

In terms of parking for disabled persons, the parameter plans and illustrative masterplan detail the provision of parking immediately to the rear of the museum building where level access will be provided into the museum. In order to ensure that the landscaped parkland is accessible to all visitors, shuttle vehicles will be provided across the site.

In terms of the number parking spaces, these have not been specified within the Transport Assessment or Travel Plan. It is intended that the number and location of parking spaces will be dealt with through the subsequent application for the Approval of Reserved Matters.

Given the extent of the application site area, the proposed number of visitors and the advanced ticketing arrangements there is sufficient space within the site to provide for both visitor and staff parking.

However, I can confirm that as part of the Approval of Reserved Matters applications, parking will be provided in accordance with Oxfordshire County Council's adopted Parking Standards. These standards indicate that a typical museum use should be considered under the category 'D2 Assembly and Leisure' and therefore have a maximum parking standard of 1 space per 22 square metres.

Floor Plan

Please find attached the site layout plan which demonstrates the proposed relationship between the proposed land uses.

Hours of Operation

Planning permission was granted under application reference 08/0143/P/FP in January 2008 for the construction of a new performance car motorsport circuit. In considering this application and in order to protect the amenity of the residents of nearby villages and the character and ambience of this part of the West Oxfordshire countryside, the use of the track was limited to between the hours of 0900 and 1800 hours.

Having regard to the above, it is proposed that the use of the exercise track is also limited to between the hours of 0900 and 1800 hours.

Number, Size and Nature of Events

As identified within the Planning Statement and Transport Assessment, visitor number and flows will be controlled by on-line ticketing through the museum's website.

In order to address concerns raised by Councillors regarding larger events, the applicants will be willing to accept a condition limiting the number of concourse events to 5 per year.

Routing Plan

Please see the attached document illustrating a visitor number flow diagram, the regional road connections, proximity to the railway stations and peak traffic distribution.

The visitor number flow diagram identifies that there would be 250 cars arriving at the site each day, comprising 84 cars arriving at the site for each session. The flow diagram also demonstrates that there would be 500 cars arriving at the site each day at weekends, comprising 167 cars arriving at the site for each session.

The regional road connections detail the strategic routes from junction 11 of the M40 and the A361 to the north and the A44 from the south. The use of the strategic routes will be promoted through the ticketing web-site and liaison with sat nav providers. The B4030 only serves as a route from a small proportion of visitors from Bicester, Aylesbury and further east.

The peak traffic distribution diagram details the vehicular movements based upon 334 arrivals and departures associated with each weekend session. The diagram details 80 two-way movement from the A361 to the north and 64 two-way movements from the A44 to the south.

The plan detailing the proximity railway stations, details the relationship between the application site and Oxford Parkway, Charlbury Station and Banbury Station.

Travel Plan Details

The Travel Plan submitted in support of the planning application details the following travel plan measures:

- Promoting Access on Foot
- Providing for Cyclists
- Promoting Public Transport Modes
- Promoting the Shuttle Bus Service
- Promoting car sharing

In order to incentivise the use of the shuttle bus, discounted admission will be given for visitors arriving by train and bus. The applicant is also exploring the opportunity to join the Oxford Pass program which offers tourist discounts to use public transport when visiting Oxfordshire attractions. In addition, the applicant is also in discussions with the Oxford Bus Company, Chiltern Railways and Great Western Trains regarding visitor management.

The shuttle bus service will operate as follows:

- For the use of visitors to the Museum, staff, volunteers and lodge users only.
- Funding – part of the overall Mullin Automotive Museum operational cost, with commitment to fund the shuttle bus for a minimum period of 5 years.
- Routing – will be designed to be dynamic routing to serve rail stations, local airports (on demand) and identified town/city centre locations as necessary and based on information collected from ticket sales. It is likely that initially a route would be identified to connect Oxford Parkway or Banbury railway stations and Bicester Village.
- Future Proofing – Routes and timetables will be adapted to the needs of the museum and will be amended by the museum operations team.
- Type of Vehicle – An aspiration for environmentally friendly vehicles to be utilised Electric/Hybrid/Hydrogen/Euro VI – this will depend on operator availability and technology allowing for such vehicles to operate.

In support of the Travel Plan, the applicants will establish a Community Travel Forum. Further detail is provided on the Community Travel Forum below, however, Community Forum will include stakeholders in the ongoing review and management of the travel strategy for the site.

Community Forum

The Community Forum will be established following the grant of outline planning permission and will be engaged in subsequent applications for the approval of Reserved Matters, the construction phase and operational phase.

The Forum is expected to consist of the following representatives:

- The Mullin Community Forum Co-ordinator (Chairperson);
- The Mullin Trustee Representative/s;
- Oxfordshire Constabulary;
- Public Transport Representatives (e.g. Oxford Bus, Chiltern Railways, London Oxford Airport etc.);
- District and County Council Representatives (e.g. Highways, Travel Plan Officer, Public Rights of Way Officer etc.);
- Local Ward Councillors;
- A Representative from surrounding Parish Councils; and
- Representatives of The Great Tew Estate, Blenheim Palace and Soho Farmhouse (plus other local businesses as deemed necessary or appropriate).

Key points to note:

- Not all members need to attend every Forum meeting.
- Forum to meet every 2 months initially to discuss the strategy, but the frequency can be revisited by the Forum, should there be a need for less/more frequent meetings. It is expected that over time, such meetings would be extended to quarterly or 6-monthly intervals depending on the views of the Forum members.

Omission of the 2 Units to the North

As already identified above, this is an outline planning application with all matters except access reserved for future consideration.

The outline planning application is supported by a series of parameter plans dealing with development building zone, land use and maximum building height. The outline planning application is also supported by an indicative masterplan.

Reserved matters include appearance, landscaping, layout and scale.

The officer report to the Planning Committee on 25th March 2019 confirmed that there are no technical objections from consultees.

As such, there is no technical reason to justify that the 2 lodges to the north should be omitted.

Whilst Councillors expressed concern regarding potential coalescence between this development and Soho Farmhouse to the north, it is important to note that a substantial belt of trees (unrelated to this development) is currently being planted between the application site and Soho Farmhouse.

Community Benefits

In addition to the public benefits set out below, the applicants are also proposing that a percentage of the operating profit from the museum will be made available to support community projects and initiatives. It is proposed that this initiative is managed and administered by the Community Forum.

It is proposed that 5% of the operating profit will be made available to community projects, with a focus on education, equality, quality of life and social wellbeing.

S106 Agreement

Further detail is provided below in respect of the S106 Agreement and public benefits below:

- 1) Affordable Housing;
- 2) School Car Park;
- 3) Environmental Improvements; and
- 4) Highway Contributions.

Affordable Housing

For the purposes of the draft S106 Agreement the Affordable Housing Contribution is defined as £1,250,000 to be spent on the delivery of affordable housing.

It is proposed that this contribution is initially ring fenced for the provision of affordable housing within the parish of Great Tew. If an affordable housing scheme within Great Tew is not granted planning permission within 36 months of the planning permission being granted for the Mullin Automotive Museum Limited, the affordable housing contribution will be available to the surrounding Parishes.

Car Park

For the purposes of the draft S106 Agreement the Car Park is defined as a car park to serve the Great Tew School.

It is proposed, that subject to planning permission being granted, the car park will be provided on land opposite the school. In the event that planning permission is not granted for the provision of the car park in this location, it shall be provided in a location to be agreed between the Great Tew Estate and West Oxfordshire District Council.

Within the draft S106 Agreement the Car Park Contribution is defined as a sum of £200,000.

The draft S106 Agreement identifies that the terms of the car park will be a 99 year lease with a peppercorn rent.

Environmental Improvements

Within the draft S106 Agreement the Environmental Improvement Contribution is defined as a sum of £200,000 towards the provision of traffic calming measures at Enstone, Middle Barton, Westcott Barton, Sandford St Martin and Gagingwell.

Transport Contributions

Within the draft S106 Agreement the following transport contributions are identified:

- 1) A traffic monitoring contribution of £3,000 towards the provision of a fixed traffic counter on Green Lane at the site access.
- 2) A public rights of way contribution of £39,000.
- 3) A travel plan monitoring contribution of £1,240 towards a travel plan monitoring fee for the site.
- 4)

Bus Service Contribution

Within the draft S106 Agreement a contribution of £50,000 is proposed to the Middle Barton Community Bus service.

Contributions Summary

The proposed contributions total £1,743,240.

The above contributions are considered to be necessary to mitigate the impact of the development and accord with regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010, in that they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.
-

A comparison of financial contributions that have been secured by West Oxfordshire District Council in respect of other developments within the vicinity of the application are summarised below:

Reference No.	Site Address	No. of Dwellings	Total Contribution	Contribution/ Dwelling
17/00426/OUT	Oxford Road, Enstone	30	£185,589	£6,186.30
17/02376/FUL	Jefferson Piece, Charlbury	48	£264,801	£5,516.69
15/00567/FUL	Little Lees, Charlbury	22	£120,833	£5,492.45

To provide further context, the Aspinall Verdi report to support the Council's draft Community Infrastructure Levy identifies that site-specific infrastructure contributions in respect of S106 and S278 contributions in respect of strategic development areas will be in the order of £10,000/ plot. In addition, in terms of affordable housing commuted sums, para 5.55 of the adopted West Oxfordshire Local Plan identifies financial contributions of £10,000/ plot.

The combined S106, S278 and affordable housing contributions gives a total figure of circa £20,000 per plot. As identified above, the proposed contributions total £1,743,240. This equates to approximately £62,000 per plot which significantly exceeds the contributions received in respect of other developments within the vicinity of the application site.

Summary

Edgars are of the view that this proposed tourism led development on a mainly brownfield site accords with the policies of the adopted West Oxfordshire Local Plan 2031 and the NPPF. There are no technical objections and no other material considerations that suggest planning permission should not be granted.

It is important to note that this is an outline planning application, with all matters except access reserved for future consideration.

It is hoped that the additional information provides certainty and clarity for Members of the Planning Committee. It is also important to note that the Council will retain control over all of these matters through the use of appropriate conditions and the submission of subsequent applications for the approval of reserved matters.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

E4NEW Sustainable tourism

OS2NEW Locating development in the right places

OS4NEW High quality design

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

H3NEW Affordable Housing

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH16 Non designated heritage assets

EH6 Decentralised and renewable or low carbo

EH8 Environmental protection

EH9 Historic environment

CN2 Chipping Norton sub-area Strategy

The advice of the West Oxfordshire Landscape Assessment and West Oxfordshire Design Guide are also material

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

5 Background Information

Application reference 17/03745/OUT sought development of the site for a museum and lodges and was withdrawn prior to determination. Officers had tabled an "issues" report that identified a series of matters that required amendment or clarification with the scheme as then conceived. Following the withdrawal of the application the applicants engaged in further pre application discussions and have made a series of amendments that have sought to address the matters raised.

The site is approx. 63ha in extent and uses land that was part of RAF Enstone and more recently has had a series of other uses- not all of which have been operating within planning control. Vision Motorsport had consent for a motor racing track on the site and The Grand Tour track has recently filmed from the site. There are three runways operational at Enstone and these would remain operational on the balance of the airfield site not the subject of this application. Access would be taken from the recently improved Green Lane which also acts as the 'back of house' entrance to SOHO House

The site is not in the AONB and there is no designated heritage asset in close proximity with the nearest listed buildings forming part of the SOHO development and located out of direct sight down in the valley to the north. There is a Roman Villa site approx. 1km away on the other side of the valley.

Whilst the application has been much amended in its supporting material it is submitted in Outline with all matters except access and the principle reserved for future consideration such that the detailed site layout, scale, appearance and landscaping will be the subject of future applications were consent to be given for this proposal

The application documents in terms of the plans to be considered are essentially 4 key parameter plans identifying the extent of the site, the developable area, the location of the key land uses and the maximum heights of the various buildings. There are also a series of useful illustrative layouts and sketch elevations that seek to demonstrate how the site might be built out and the impacts of the development in context.

The key revisions when compared to the last proposals are that the developable area of the site has been reduced such that it now sits almost wholly within the bounds of the former WW2 airfield site. The

physical and functional links between the lodges and the museum has been clarified and there are now revised master plans and parameters plans prepared by the new architectural team. Access is now solely from Green Lane with no vehicular access along Tracey Lane and the public footpath through the site is no longer to be diverted. Officers will make full use of the revised material as part of the presentation of the application and it is understood that a scale model of the proposed development will be available to view at the meeting.

UPDATE

Members of the Uplands sub-committee will recall that they made a site visit as part of the initial consideration of the previous application and that a site visit for this application was arranged for 21/3/2019 with the application deferred for further information/clarification at the meeting on 25th March 2019

Planning History

The planning history at Enstone Airfield is extensive, however, the relevant planning history is detailed below:

05/0646/P/FP: Continued use of land for motorsports, for a maximum of 70 days per calendar year, together with the siting of a wooden building for changing/ hospitality, change of use of existing stone farm building to associated workshop and provision of car parking, for a temporary period of five years, construction of new access track (part retrospective). Land at Tracey Farm, Great Tew. Planning permission granted subject to conditions 2nd November 2005.

08/0143/P/FP: Construction of new tarmac surfaced performance car motorsport circuit within boundaries of existing airfield runways, use of circuit for up to six cars at any one time on a maximum of ninety days per annum, construction of parking area for customers cars, amendment to permitted use of existing rally course (planning permission 05/0646/P/FP) to allow use up to eight cars at any one time (retrospective). Land at Tracey Farm, Great Tew. Planning permission granted 3rd September 2008.

Condition 9 attached to this planning permission states:

The level of noise emitted by vehicles on the performance circuit, measured at a distance 20 metres from the middle of the hard surface of the circuit hereby permitted, shall not exceed 75db LAeq5min or 83 dbLMAX (fast) at any time. This condition was attached in order to protect the amenity of residents of nearby villages and the character and ambience of this part of the West Oxfordshire countryside.

09/1446/P/FP: Erection of a timber cabin for use by motorsports circuit. Land at Tracey Farm, Great Tew. Planning permission granted subject to conditions 14th December 2009.

11/1731/P/FP: Erection of single storey extension building to form a hospitality unit. Land at Tracey Farm, Great Tew. Planning permission granted subject to conditions 12th December 2011.

12/1720/P/S73: Variation of condition 6 and removal of condition 7 of planning permission 08/01343/P/FP, to allow the continued use of performance car motorsport circuit for up to six cars at any one time on a maximum of 120 days per annum. Land at Tracey Farm, Great Tew. Planning permission granted subject to conditions 7th June 2013.

13/1342/P/FP: Change of use of aircraft storage and repair workshops and two smaller buildings to storage, repair and maintenance of motorsport cars and associated office, to be used in associated with motorsports in the north eastern end of Enstone airfield. Land at Enstone Airfield. Planning permission granted subject to condition 16th December 2013.

16/03068/FUL: Change of use from public road (highway) to private road. New tarmac surface to Green Lane service access. Land at Soho Farmhouse, Great Tew, Chipping Norton. Planning permission granted subject to conditions 4th January 2017.

17/03745/OUT: Construction of museum building, show lane building, corporate hospitality building, energy centre/ store building, workshop building. Formation of 28 holiday lodges. Formation of landscaped

grounds. Associated site services and external works. Diversion of public footpath. Land at The Driving Centre, Enstone Airfield, Enstone. Planning application withdrawn on the 15th November 2018.

Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

The proposed development comprises the creation of a 6000 sqm classic car museum with ancillary restaurant and café, 28 lodges some of which are to be physically attached to the museum and some of which are to be located within the grounds, a demonstration road so that the cars can be "exercised" and displayed whilst they are moving, visitor and staff parking facilities, an energy centre, car repair and servicing workshops, exhibition space, a corporate entertainment pavilion and a new parkland setting for the above.

In your officers assessment a key decision that in part dictates the outcome of the recommendation is whether this proposal is primarily an application for a tourism related development wherein the museum is the key element and the other elements are ancillary/supportive/subservient to the prime use as a tourism venue or alternatively whether the prime rationale is the creation of a housing scheme in an inappropriate rural location and the remainder of the proposals is a mechanism to seek to justify what would otherwise be considered inappropriate development.

If it is considered that the scheme is primarily a Tourism development then the Tourism policies of the recently adopted local plan are in general terms supportive of development that utilises and enriches the natural and built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities. Policy E4 is of most relevance and seeks to ensure that new tourist and visitor facilities are within or close to Service centres and Villages (and in this context Enstone is one such village and Charlbury is a Rural Service centre) It also allows for tourism development in the open countryside where the proposals have a linkage with a particular attraction(not relevant) where it could not reasonably be located within or close to a service centre or village (the levels of activity are likely to be such that this would be the case) , to secure diversification of a Country Estate (the site is owned by Gt Tew Estate at present but this is not part of a diversification) or where existing buildings are re-used (not relevant). It does identify that subject to specific locational or functional requirements the town centre first approach should be applied and clearly this site is not such a centre. However the land take and the nature of the use requiring extensive outside areas for exercising cars and to provide a landscape setting for the visitor experience etc is such that in your officers assessment the use would almost inevitably need to be sited in a location away from a Town Centre and that this provides the functional requirement required by policy

Taken by itself your officers consider that the museum is policy compliant to the extent that they would not be minded to recommend refusal against that element. A key consideration therefore is whether the other uses are genuinely functionally and financially required and are subservient to the museum use and in that regard the lodges are the most problematic in that whereas planning policies are generally supportive of tourism developments, they are generally restrictive upon residential developments away from existing or planned settlements.

In seeking to address concerns regarding this aspect of the scheme Officers have therefore been drilling down into the inter relationship between the lodges and the museum. The first such relationship is that sale of the lodges will underpin some of the development costs of the museum. They are therefore financially related to the museum -but not to the extent that Officers would consider that they were justified in Planning Policy Terms, as alternative forms of finance could theoretically be secured. In comparison with the earlier scheme they are however now much more functionally and physically related to the museum use. The first scheme had the museum on the brownfield airfield site and most of the lodges on adjacent largely green field land. In contrast the scheme now proposes a high proportion (16) of the lodges as part of the museum structure and located on the brownfield site. Where there are lodges set away from the museum (12) these are mostly restricted to land that was formerly comprised as part of the RAF base and as such not on virgin green field land, with the exception of a small area of land astride the footpath as it heads north towards Soho House and a small area at the SE extremity of the site. This green field land is shown as potentially accommodating 4 of the detached 12 lodges but an area of former airfield land is also shown as being retained as open land or landscaped such that the nett position in this part of the site is neutral as regards brownfield /greenfield use of land. One of these lodges

would be sited where maps indicate a quarry and quarry cottage existed in 1880. The integration of the majority of the lodges as part of the museum complex is clearly more indicative of the two elements being interrelated and this impression is confirmed in that as the scheme has been worked up it has been agreed that the occupiers of the lodges will additionally have to own a classic or vintage car as a pre requisite for owning one of the lodges and must additionally be prepared to display it either as part of the main collection in the museum or in an undercroft area beneath the lodges where the public will have viewing access. Such details of the tenancy arrangements will need to be formalised by way of the 106 agreement, should consent be forthcoming, but do demonstrate a functional interlinkage. The separate lodges are aimed at a clientele who would also be classic car owners who would be required to have their cars exhibited as part of a rolling programme of refreshing the exhibits in the museum, but where a greater degree of privacy for the occupiers than that at the main site is required.

In that the lodges support the scheme financially, but more importantly are now tied such that the owners have to provide exhibits for the museum and where the majority of them will live in close proximity to the museum, your officers are now satisfied that sufficient integration has been demonstrated such that they can be considered as a subservient but essential element of the principal use and as such that their presence on site has been justified. Clearly the Section 106 arrangements will need to lock in the occupancy arrangements and a detailed phasing plan will need to be agreed such that the museum etc are delivered in advance of the Lodges -such that they are not developed separately and the host development never materialises.

With regards to the other elements in the form of the workshops and exhibition space etc Officers consider that these can reasonably be considered as ancillary to the prime museum use provided that they are conditioned to be used as such.

Recognising that this is not a conclusion that all parties will agree with, your officers assessment of the scheme is that it can reasonably be considered primarily as a tourism scheme and that in that respect the most relevant policy of the recently adopted local plan (E4) does make provision for developments outside major settlements in proscribed circumstances and that this scheme exhibits sufficient of those characteristics as to be considered generally policy compliant.

Sustainable location?

Much has been made by those objecting to the development at the relative isolation of the site away from major settlements and services. In this regard it is stated that the scheme is unsustainable development and that it is poorly served by non -car modes of transport. Given that the presumption in the NPPF is towards the delivery of Sustainable Development the isolated position is cited as a key reason why this development should not secure planning permission as being unacceptable in principle.

In your Officers assessment the position is somewhat more nuanced than that.

Clearly it is a matter of fact that the site sits away from higher order settlements, albeit that as advised above it can reasonably be considered as "close to" two settlements and justifying a location away from residential property- which would mean that it was not precluded by Tourism policies. Critically it is also a brownfield site in terms of its former and current use as an airfield and also as a result of the authorised activities that have been permitted on this part of the airfield over the years. In this regard paragraph 118 of the NPPF advises that LPA's should "support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land" whilst para 119 advises that we "should take a proactive role in identifying and helping bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers...." Whilst not directly relevant it is indicative of the Governments desire to use development as a means to restore or re-use sites that otherwise are likely to continue to blight an area. This development would deliver that aim.

Additionally the applicant has offered a number of measures to seek to reduce the reliance upon the private motor car including offering free shuttle transport from nearby transport interchanges and subsidised entry for those arriving by such means. This is likely to act as a financial incentive for those wishing to visit to travel by public transport and will thus presumably result in some element of modal switch away from car borne access.

A final factor to be borne in mind is the needs of the use and whether other suitable sites are likely to exist in more transport friendly locations. The museum is intended to display cars largely of a European as opposed to American heritage and as such it could be argued that any site in Europe would be suitable. Officers understand that the developer has been approached by other site owners seeking to persuade the Museum to locate there but has rebutted those invitations as a result of a series of specific elements that combine to make this site most suitable for their proposed use in their opinion. The factors that they have been looking at in terms of their search criteria are sites that have had a previous motor sports use such that the exercising of the cars (which is an essential element of the proposals) can be undertaken, located in proximity to the Motor Sports concentration of activity associated with Silverstone and FI, in a relatively central location geographically to enable minimum journey times from centres of population, where there is a strong history of the English Country House in a landscaped setting to act as a reference to what the new design will be seeking to achieve, close to an existing tourism area (in this instance the Cotswolds) as an attraction for visitors to extend their stay and to assist in marketing and selling the proposed lodges and also that the site is brownfield such that the scheme can be seen as benefitting the area visually as opposed to despoiling it. In that regard the applicants have advised Officers on a number of occasions that this site is by some considerable margin their preferred site and that whilst it would be possible to locate elsewhere or in other countries (with the loss of the attendant tourism benefits to this area/Country) they wish to pursue this option notwithstanding that it has meant considerable delay and additional expense - as it is the best available in their view to meet the needs of what will be an international standard tourism attraction.

Officers are persuaded that this combination of factors does represent a locational and functional requirement to locate on this site such that in Tourism policy terms the location has been justified. In sustainability terms the combination of use of an extant brownfield site and its considerable betterment with the creation of the new parkland surrounding the proposed buildings, coupled with Government exhortations to find solutions to enable brownfield redevelopments and all reasonable measures to reduce car borne attendance, is such that the scheme can be considered sustainable development in your Officers assessment.

Economic and Tourism benefits

Key to the above assessment has been the economic and particularly the tourism benefits of the scheme. Whilst the figures cited by the applicants have been critiqued by third parties who query whether the development will deliver the levels of investment cited by the applicants, it is certainly the case that this proposal represents a major economic investment in the area to the tune of multiple millions of pounds and that the resultant tourism attraction will be of international standing. The applicant already runs a similar museum in America and it is intended that this facility would enable the display of the European cars in his collection.

The site will clearly generate a significant number of jobs during the construction phase and it is anticipated that it will ultimately employ over 300 persons. These are positive factors in support of the development. However it is the long term potential of such an attraction that has the most significance in your officer's assessment. In this regard it is useful to have regard to the comments of Sally Balcome who is CEO of Visit England/Visit Britain who has commented upon the application. She makes clear that planning matters are rightly a matter for the LPA but states that "given the national significance of this planned attraction and the importance of tourism to the local economy (I) hope that this will be given due consideration". They advise that Tourism is worth £127billion per annum which is around 9% of GDP and that similar scale investments in the whisky trail in Scotland, the V&A in Dundee or Turner Contemporary in Margate has been transformative and helped drive regeneration and improve the quality of life for local communities. They continue that it would also be seen as "a huge vote of confidence in the UK Tourism sector. A world class attraction can put a destination on the global map. Britain's cultural attractions remain the top reason cited by international visitors to visit Britain and nearly a third of all inbound visitors to the UK visit a museum during their stay".

These comments at a national level are supported by those received from the CEO of Experience Oxfordshire. They advise that they are "in support of the above application for the new museum and associated facilities. Experience Oxfordshire is the Destination Management Organisation (DMO) for Oxfordshire and we work closely with industry stakeholders and businesses to ensure that tourism is developed and managed in a sustainable way. Each year Oxfordshire welcomes nearly 30 million visitors to the County who spend £2.2 billion in the local economy and support over 37,000 jobs locally - the industry is significant to not only Oxfordshire but also West Oxfordshire in particular. However the County currently attracts far more day visitors than overnight and we are seeking to attract more international overnight visitors as they stay longer and spend more. This proposed attraction would support so many destination aspirations such as;

- Attracting more international high spend visitors - Mullin is a well know international brand and also offers high end luxury product and experience
- Managing visitor numbers and visitor flow - the proposed attraction is pre booked and ticketed that would help mitigate local road congestion and ensure only certain volumes come to the attraction at certain times
- Training and skills improvement - there will be many jobs created and also many specialist roles created that will help inspire and skill up the next generation
- Seasonality - a year round visitor attraction that is not affected by adverse weather that will help alleviate summer peaks and strains
- Inward Investment - the project brings a wealth of investment opportunities to the local area

Having spoken with many hoteliers in the locality they also support the application stating it would be good for business. This feels like a once in a life time opportunity for West Oxfordshire to be part of a very special investment and development and we do hope that it will be supported by the local authority."

Given the importance of the tourism industry to West Oxfordshire and indeed to the country nationally and given the significant support for the venture in terms of the benefits to that industry with consequent economic benefits in terms of jobs and support for existing tourism businesses your officers have attached substantial weight to the support given by these parties to the application.

Members will be aware that the existing site has consent for employment generating use and that the continued operation of the adjacent airfields has been cited as an important consideration by the Councils own economic advisor. These aspects are discussed more fully in the 'Airfield use' section of the report below.

Design rationale and form

This is an outline application and as such the details of the built form are at this stage largely confined to limits upon scale and broad locations of the various land uses. This matter has however been the subject of extensive discussion with the architectural team now supporting the application and is addressed in some detail as part of the supporting documents. Were consent granted it would be necessary to tie any reserved matters submission into those details to ensure that the vision now being promoted is delivered particularly as the disposition of the built form in the previous application was one of the key issues that the current scheme has sought to resolve

In terms of that vision the team has identified that the natural landscape around the area was carried out by the noteworthy landscape architect John Claudius Loudon in the early 1800's. He was famously regarded for the use of circular tree copses one of which remains on the northern boundary of the site. The location as a former part of a Country House estate has also influenced matters as has the need to provide a car exercise track.

What these influences have meant in practice is that the team has sought to design a modern and sustainable building/buildings that are derived from the English Country House tradition of a central building located within a heavily landscaped setting and revealed by way of a series of glimpsed views as one approaches. The detached lodges in contrast have been designed as much more private and secluded eco structures nestled against the existing tree line and set away from the footpath wherever possible. The exercise track layout has been inspired by the design of one of the key cars owned by the applicant.

In your officers assessment if the scheme is delivered as conceived it will be an interesting and attractive combination of the landscape history of the site and Country House tradition adapted and evolved to meet the needs of the proposed use and befitting of the high quality visitor experience that the applicants are seeking to engender.

Traffic/Highways

This is a key issue in terms of representations received. The concerns raised are aimed at a series of points ranging from the in principle isolation of the site away from public transport through the potential safety and amenity impacts of additional traffic on what is perceived to be a road network that is already suffering from increases in traffic use as a result of other developments in the vicinity to the need for road improvements to make the site operation safe.

Dealing firstly with the sustainability of the location a group of objectors has commissioned its own transport assessment which concludes in summary that the site fails to meet the requirements of the NPPF or local policies to promote locations limiting the need to travel, minimising length of journeys and promoting choice of transport modes and in particular non car transport modes. The consultant recognises that the Travel Plan "does its best" but concludes that the shortcomings of the site are such that a development of this nature in this location cannot be justified in that it is inaccessible on foot, by cycle, by scheduled bus, by rail and the shuttle bus being promoted is not a plausible option other than for a handful of visitors.

These factors need to be given due consideration, although in so doing it must be borne in mind that 'sustainable development' is not just about delivering sustainable transport but also encompasses the three aims of social, environmental and economic objectives. It is also instructive that at para 103 of the NPPF, whilst the Government seeks to ensure that the planning system focusses significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes it goes on to state that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.

If one accepts that by its nature visitors will be drawn from a global clientele and that there is a need for the proposals to be located on a site such as this to deliver on the key site attributes sought by the applicants then it is almost inevitable that the site will only work in locations outside major centres of population and as such to some degree divorced from major transport hubs. Recognising this deficiency the applicants have sought by way of the offer of the shuttle bus, the financial incentives to use it and the

controls exercisable by way of the pre booked ticketing arrangements to drive as much as possible of the traffic away from car borne modes. In this regard your officer assessment is that, reflective of the rural character/nature of the area they have in the words of the NPPF sought to maximise sustainable transport solutions. It is noteworthy in this regard that OCC as part of its response advises that "The site is not considered to be located in a sustainable location in terms of current options for sustainable transport. It is therefore vital that a robust travel plan, including innovative measures, is implemented to reduce the number of single occupancy vehicle trips to the site." i.e. that with the collection of origin/destination data collected at the point of booking in order to tailor the operation of the shuttle bus and with the operation and monitoring of a Travel Plan the scheme is considered acceptable by them in their capacity as Highway Authority.

Dealing with the highway capacity issues OCC is content that if the predicted traffic volumes are controlled by way of the pre booking system in order to spread traffic loads through the day that so long as these volumes are delivered the scheme is acceptable. They are therefore requiring that the traffic using the access is monitored by way of fixed traffic counters to ensure that the development is managed such that the traffic levels do not exceed the predicted acceptable levels.

Dealing with the specific highway works required OCC is looking for the developer to improve Green Lane, improve its junction with the B4022, provide for right of way improvements along Green Lane and across the B4022, improve signage at the B4022/4030 junction, create traffic calming build outs for Westcote and Middle Barton and vehicle activated signs for Gaginwell, Westcote and Middle Barton and upgrade the road surface at the west end of Middle Barton. These works will assist in mitigating the impacts of the development but will additionally improve the pedestrian and highway infrastructure for the wider population

Whilst it has been the subject of extensive comment your Officers are satisfied that with the key consultee Oxfordshire County Council in its capacity as Highway Authority raising no objections subject to conditions that highway related matters do not preclude the development proposed

Visual Impacts

This is another key issue which (along with the ability for Members to assess the road network) was why officers suggested that Members undertake a site visit before consideration of the application. The airfield was functionally located on a plateau top position in the landscape and as such there is the potential for tall developments to have visual impacts over a wide area. The wider site already features tall buildings particularly in the form of the existing grey grain store but also some fairly sizeable structures in a series of hangers located around the airfield- not all of which have the necessary permissions. What is particularly useful in assessing the likely visual impacts of the proposals is that there is an existing telecommunication mast located on site in very close proximity to the proposed location of the main museum building. Whilst this mast is to be removed as part of the development it provides a useful proxy for assessing the visibility of the proposed museum from the wider area. The mast is approx. 36.5 metres tall whereas the tallest building on site (the museum) is proposed to be a maximum of 22m, with the lodges associated with it at up to 15m and all other structures at no more than 10 height. An adjustment thus needs to be made when using the mast as a proxy.

The West Oxfordshire Landscape Assessment identifies the site as forming part of Airfield/MOD land within the Enstone Uplands. The adjoining character typologies are noted for moderate and high inter visibility with the site itself noted inter alia for its exposed and prominent location, bleak character, weak landscape structure, prominent buildings and air of dereliction. In that context the assessment notes the need to "plant large blocks and belts of broadleaved woodland to link with existing woodlands, to generally avoid high buildings but that the brownfield site of Enstone airfield is potentially more tolerant of development with the development to be set within a strong landscape infrastructure. This assessment is useful as it was prepared in advance of any development schemes being tabled and as such might be seen as an objective assessment of the issues and potential benefits associated with developing the site.

The applicant has employed a very well respected practice who have undertaken a thorough analysis of the development and its landscape context by way of a Landscape and Visual Impact Assessment. In that this is supported by extensive photographic material it is very difficult to summarise in a meaningful form and members are therefore advised to view it on line. The conclusions are that the site has an industrial character within a generally good framework of mature woodland and is isolated away from residential

neighbours. They consider that the extensive landscaping proposed would substantially enhance the landscape setting and biodiversity value of the site adding substantial areas of new trees and managing the open land for flora and fauna generating significant ecological gains. They conclude that this is a medium scale positive benefit of development. As regards the landscape impacts they have assessed the scheme in its worst case scenario of winter year one and found that over half of the vantage points assessed have neutral or low effects.

Moderate/high impacts would however be discerned from 6 locations with moderate high impacts from the bridleway running through the site. They note that most viewpoints are 1km or more from the site such that the museum would be seen as a building within the wider landscape and where it is seen that will be with the context of the existing structures on site. With time for the landscaping to mature they conclude that within 15-20 years all impacts will be reduced to negligible.

Your Officers assessment is that initially and from a limited number of vantage points the visual impacts of the proposed development could be significant. However in the longer term the creation of the parkland and screening associated with the development and the restoration of a brownfield site will substantially reduce the impacts and will additionally help to screen wider intrusive activity associated with the airfield but not part of the application site. In that the site is not formally protected and is already despoiled by development this does, as the WOLA sets out, offer an opportunity to actually enhance the area. With careful attention to such matters as the boundary enclosures to the footpath, use of low level bollard lighting wherever possible and a high quality architectural form such that when it is seen the scheme will not of necessity be considered as having a harmful impact, your officers are satisfied that in time the proposals will respect the wider landscape and the setting of the right of way network with a parallel benefit of screening airfield retained activities. As such any residual landscape harms are not considered sufficient to justify refusal of consent

Neighbour Impacts

The key neighbour impacts will arise from traffic accessing the site and from noise and activity on site. However it must be remembered that any assessment of these impacts is in the context of the impacts from three operational runways on site and consented motor sports use. The traffic accessing the site will clearly increase but in the context of the right to use the highway network to travel this is not considered sufficient to justify withholding consent. The exercising of the cars on site will have far less noise impact than the racing of cars that is consented and it is considered that any noise issues can be addressed by way of conditions

Impact on Heritage Assets

Members will be familiar with their legal duties as regards the setting of heritage assets. As outlined at the commencement of this report your officers assessment is that the scheduled assets on land surrounding the site are so far away as not to be materially affected and to the extent that they may be affected this is likely to be positive in that the urban/desolate character of the airfield will be replaced by blocks of peripheral planting replicating the likely landscape characteristics as would have existed before the airfield was imposed on the landscape

The existing buildings/structures dating back to the war time use of the site are non designated heritage assets which are not of such significance as would preclude their removal and their recording can be secured by condition. The County Archaeologist notes that the trial pits undertaken as part of the applicants assessment revealed a series of pits, gullies and ditches dating to the later Iron Age and suggests that the features form part of a small rural settlement. He suggests that further archaeological work is undertaken and that this is secured by condition

Contamination

Given the former use of the site there is the potential for the site to be contaminated. However reports accompanying the application suggest that this matter can be addressed and no technical objections have been received in respect of this aspect

Drainage

As with the contamination section above there is nothing to suggest that it will not be possible to adequately drain the site, it is at no risk of flooding and drainage can be satisfactorily addressed by condition. The Environment Agency has confirmed that it has no objections subject to conditions

Ecology

The ecological reports accompanying the proposals were updated following the last application and the Councils Ecologist is recommending that conditions are imposed to ensure that the development is undertaken in accordance with the revised details along with conditions requiring Construction and Landscape and Ecology management Plans (CEMP, LEMP) as well as a condition regarding lighting

Natural England has confirmed that it does not object on the basis of impacts on statutorily protected sites

Airfield Use

Officers raised concerns in regard to the layout proposed as part of the last scheme with particular regard to some of the buildings being located on the direct flight path and the preponderance of open ponds proposed which could have led to issues with birdstrike. This matter was later brought into sharp focus in that a light aircraft using the site crashed into the chicken farm at the other end of the runway when it ran into difficulties

This scheme has been substantially amended such that ponds no longer form part of the illustrative layout and the location of the buildings is now such that they are largely clear of the flight path with open land under the take off/landing corridor. It is also noteworthy that a number of users of the airfield have written in support of the amended scheme with Enstone Microlights believing it will be beneficial to the existing businesses on the airfield and should enhance the airfield site. The crossover between aviation and motoring should be a mutual benefit and local businesses should benefit. Oxfordshire Sport Flying Limited has written to advise that they do not consider the proposals would hinder operations at the aerodrome and that with the pressure on General Aviation and on airfields in general they believe such a development will have the effect of going some way to ensure continued aviation at Enstone. This latter matter is important because as advised by the Economic Development Officer in his response supporting the scheme, "Enstone Airfield is the only active General Aviation (GA) airfield in West Oxfordshire and is home to four flying clubs and an aircraft maintenance organisation. There are in the region of 12,000 movements on the main and south grass runways with further number of unrecorded movements on the north side grass runway.

The aviation businesses employ an estimated 20 full time and part time instructors, 6 administrative staff and 6 engineering / maintenance staff covering all forms of GA, motor-gliding and microlight aviation. The clubs have an estimated 250 members and, as well as the direct income to these businesses, the knock on benefits to the local economy - pubs, hotels, B&Bs are really important.

The application site covers a relatively small part of the airfield at its eastern extremity...The economic importance of general aviation as a sector is now well recognised with the All Party Parliamentary Group (APPG) for General Aviation leading the support. The APPG has recognised that GA directly provides £3bn of Gross Value Added (GVA) to the UK economy every year. It also employs more than 38,000 people largely in Science, Technology, Engineering and Mathematics (STEM) roles, and it provides the foundation for the much broader £60.6bn UK aviation sector. The APPG is also very clear that no aviation sector can exist without a network of airfields and virtually every airfield, including Enstone, was a product of wartime Britain. When airfields are closed and built on, they are never replaced. I would therefore like the potential impacts on the retained aviation function to be recognised as part of the decision making process and, in that regard, the applicants and future residents of the automotive park (if approved) need to recognise that the active airfield is important in its own right and needs to be safeguarded. Some of the residential lodges are located very close to the flightpath and the noise of low flying aircraft will come with the territory"

In your officers assessment the support from the users of the facility is a very good indication that the airfield will not be impacted to the extent that were this scheme to be approved the operations would be materially affected. It is also clear that any potential purchaser of one of the lodges would be abundantly clear that it was situated in close proximity to an airfield and where there were also likely to be elements of disturbance associated with visitor numbers and exercising of the cars. The proximity of these evident

uses would no doubt be factored in to the decision as to whether to spend what will be considerable sums of money on purchasing the lodges. Non the less it is considered prudent that a note be appended to the decision notice specifically advising of the proximity of the two uses such that potential purchasers are aware and can factor that in to their purchasing decision

Other Matters

The site has been designed to accommodate concourse events where visiting classic cars are displayed in a countryside/staged setting. These events often feature Country House estate locations such as Blenheim Palace, Hampton Court Palace, Heveningham Hall etc and as a complement to the operation of the main museum your Officers have no particular issue with these events taking place on a limited number of occasions and controlled by Traffic Management Plans etc. However whilst this matter is acceptable in principle, the detail of the number, size and duration of the events is as yet somewhat sparse. This matter will need to be controlled by condition.

The site was the subject of a revised screening opinion advising that EIA was not considered to be required and which has addressed the concerns raised with the first proposal about the adequacy or otherwise of the first response

An issue raised in the context of the assessment by Uplands sub committee of the previous proposals was the potential visual coalescence along the line of the footpath that links the Soho House development and this scheme. The plans do have two lodges illustrated in the area at issue but the more obtrusive lodge locations have been omitted such that there is no direct inter visibility. Similarly the extent of development in proximity to the footpath is much reduced so that the overall experience of using it will be much less urbanised than before. This aspect is no longer considered such as to preclude development.

Benefits Package

In addition to the benefits arising from the scheme itself the applicants have also tabled a package of measures aimed at mitigating the impacts of the development. These comprise:

£1,250,000 towards off site affordable housing ring fenced initially for Gt Tew but if a scheme does not secure consent within 36 months of planning permission being granted to then be available to adjoining Parishes

The provision of a car park to serve the village/school (subject to securing planning permission) and to the value of £200K with the land being provided on a 99 year lease at peppercorn rates

Highway Improvements in the vicinity of the site (additional to the £1.7m)

Provision of a travel plan and monitoring £1,240

Traffic calming in surrounding villages to the value of £200k

Improvements to the rights of way network to the value of £39k

Bus Contribution to Middle Barton Community Bus £50k

These measures total in the order of £1.743 m worth of mitigation plus the costs of the road works. In your officers assessment the measures offered meet the tests of Regulation 122 of the CIL Regulations 2010 in that they are i) necessary to make the development acceptable in planning terms, ii) are directly related to the development and iii) are fairly and reasonably related in scale and kind to the development.

In addition to the financial contributions any 106 would also need to address such matters as the maintenance of the strategic landscaping, tying occupation of the lodges to persons who can display cars in the museum, requiring that the said cars are displayed in the museum, requiring ticket only entry, discounted tickets for those using public transport, free shuttle bus to nearby stations, public access to Parkland, education-related and local community subsidised entry, etc

UPDATE

Additionally the 106 will need to ensure that the exhibits are reserved for use at this site in perpetuity and that the Community Forum is established and maintained).

In terms of the quantum of the offer this has been the subject of criticism that in the context of the overall scheme costs it is insufficient. Your officers would counter this assertion by stating that 106

monies are legally limited as to what they can be put towards and are intended as a means to mitigate the harms of a development rather than as a 'cash cow' to provide unrelated benefits to surrounding communities. It is however instructive that when comparing this scheme with two housing schemes that have recently been approved in the vicinity of the site at Oxford Road Enstone it was £6,183.30 per unit exclusive of affordable housing and at Little Leys Charlbury it was £5,492 per unit. Were the scheme to be subject to CIL contributions (CIL is not as yet in place in WODC but the draft charging schedule has been prepared) it is anticipated that the combined AH and infrastructure contribution will be approx. 20k per plot. This scheme in comparison will result in a contribution of approx. £62k per plot such that in comparison with those recently approved schemes (or likely contributions that will be generated by CIL) Officers are satisfied that it is bearing its fair share of mitigation

The Tew Park Contribution- what weight to give it if any?

Additional to the above mitigation package the current landowner (as opposed to the applicant) has made a separate unconditional offer to hypothecate £11m of the capital receipts from the land sale such that this will be spent upon the restoration of Tew Park, which is a Grade II listed building owned by Gt Tew Estate and which is currently in a parlous condition. This aspect of the scheme has also been the subject of much adverse public comment to the effect that 'public money should not be spent subsidising a wealthy landowner', that the monies should be put to community use instead etc. It is however the case that this is not public money. Rather it is the capital receipt from the land sale which under normal circumstances the landowner could spend as he or she wished. Similarly, and as advised above, the tests of what can and cannot be incorporated into a legal agreement is subject to tight legal control and as such providing new classrooms for the school (which is one of the many potential uses for additional community funding that has been sought by third parties) would not be legal as it does not relate to the development and so fails the test of the Regulations.

What is also clear however is that a "planning benefit" can not be used to effectively 'buy a planning permission' as that would also be illegal. Great care and judgement thus needs to be exercised by Members in deciding what weight, if any, to give to the offer of hypothecating the land receipt towards the restoration of Tew Park.

In making a judgement on this matter there are two alternate scenarios. If Members consider that the scheme is, when taken as a whole, essentially policy compliant and that any harms can be mitigated by the above £1.7m mitigation package, then the offer of the restoration of Tew Park should be given no weight in the Planning balance. Whilst the offer can legally be secured by way of a 106 agreement to ensure that the planning benefit of restoring Tew Park is actually delivered it must not be given weight as a positive factor when assessing the pros and cons of the development and it should not influence the decision making process.

Alternatively, were Members to reach the conclusion that the overall scheme has residual policy or other (e.g. landscape) harms that weigh against the scheme, then it would in those circumstances become legal to weigh the positive benefit of restoring Tew Park in the planning balance as being required to make the development acceptable. That is not your officers assessment of the situation in that the scale of benefit is considered to be beyond what is fairly and reasonably required.

Your Officers have, therefore, come to the first conclusion and consider that the restoration of Tew Park is not required to make the scheme acceptable on its merits and would thus advise that if Members share that judgement that whilst the unconditional offer should be captured in the 106, it should non the less be given no weight in the decision making process. Members are of course at liberty to reach a different judgement as to the need or otherwise for this matter to be given weight dependant on whether they consider the scheme policy compliant and fully mitigated by the £ 1.7m package, but if that is the case great care will be needed when opining on this matter to ensure that immaterial matters are not used to justify a decision one way or the other and which may then be subject to legal challenge.

Conclusion and Planning Balance

This is a major development proposal and has attracted considerable public interest with strongly held opinions on either side of the argument as to whether the scheme should be approved or refused.

Those against the scheme cite the traffic consequences, the landscape impacts, the lack of on-site affordable housing, the housing development in the open countryside and the unsustainability of the location as key reasons why in their view the scheme is contrary to policy and should be refused. If it is considered that the housing element of the scheme is not sufficiently integrated with the museum element (ie that the museum is effectively a 'fig leaf' to allow an inappropriate housing development) then these arguments have some merit and would point towards a refusal of consent.

However to set against these concerns the traffic will be controlled by a ticket entry system and has not been the subject of objection from OCC as Highway Authority, considerable landscape mitigation is being proposed that will in time help to restore a site currently harmed by the airfield and associated activities, a considerable sum has been made available to deliver off site affordable housing, the applicants are prepared to accept conditions/restrictions that tie the housing to the museum use and the location could effectively be anywhere in Europe and in that context helping to restore part of a despoiled brownfield site and with a mitigation package and incentives to encourage non car modes of access can be considered to have elements of sustainable development

Those in support of the development cite the economic and tourism benefits of providing a world class tourism facility which will help to underpin the already economically important tourism offer of West Oxfordshire and of the region/country generally. The scheme has been comprehensively reviewed with a view to addressing the issues raised in the context of the first application and will help to restore a site that is blighted by its former use as a WWII airfield and subsequent activities. There are no technical objections from the relevant consultees and a comprehensive benefits package has been negotiated that in conjunction with the suggested conditions will ensure that the site is developed and operated as intended. Matters such as the detailed design etc of the specific elements is reserved for future determination but the parameter plans will set a context limiting the impacts to those assessed as part of this proposal. Officers consider that the unconditional offer to hypothecate the capital receipt to put towards the restoration of Tew Park should be afforded no weight in the decision making process

The application has been through thorough and detailed analysis and due regard has been had to the views of the many respondents and consultees. On balance your Officers have concluded that this is essentially a tourism redevelopment of a brownfield site where there are no technical objections from consultees and where the harms have been mitigated by way of the details provided(or as will be secured by condition) and by the benefits package such that approval should be recommended.

It is separately considered that the 106 should capture the unconditional offer of putting the land value to restoration of Tew Park but that as the scheme is acceptable in the absence of this, that this element should not be afforded weight in the decision balance

Your Officer recommendation is thus for Approval subject to conditions and to a legal agreement the Heads of Terms of which are as generally set out in the "Benefits Package" element of the report.

6 RECOMMENDATION

NB: Members are asked to note that the detailed wording of these conditions are subject to change as the negotiations continue and in that context Officers request delegated authority to deal with those changes provided that the intent of the condition is maintained.

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
And;
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. Details of the scale, landscape, appearance and layout, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

3. In the submission of reserved matters it is anticipated that the development will closely follow the design principles and parameter plans set out in the information accompanying the application as clarified and amended by the revised material submitted

REASON: To ensure that the scheme follows the principles set out in this application

4. Prior to the commencement of development, plans showing how the means of access to the development between the land and the existing highway boundary will be constructed, laid out, surfaced, lit and drained, shall be submitted to the approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the proposed development, construction of these accesses shall commence only in accordance with the approved details.

REASON: To enable safe and suitable access to the development for all road users in accordance with the National Planning Policy Framework.

5. Prior to the commencement of development, a plan showing that a refuse vehicle of not less than 11.4m in length can enter, turn in, and exit the development safely in forward gear shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

REASON: In the interests of highway safety in accordance with the National Planning Policy Framework.

6. No building shall be occupied until space has been laid out within the site in accordance with details first agreed in writing by the LPA to accommodate cars generated by the development and such space shall be retained solely for parking purposes thereafter. Once the site is operational, there shall be no increase in the amount of car parking approved, without approval from the Local Planning Authority.

REASON: To ensure adequate car parking provision is made, but that does not cause an increase in the trip rate approved as part of the planning permission.

7. No more than 334 one-way vehicle movements shall arrive / depart from the site per visitor session. For the purpose of this condition visitor sessions are defined as a period of at least two hours. Once the site is operational, there shall be no increase in the number of two-way trips per visitor session, without approval from the Local Planning Authority.

REASON: In the interest of highway safety and to ensure the site does not lead to a severe traffic impact.

8. A Framework Travel Plan (providing information about and targets and measures) is required for this site. This should include details of how the site will operate on a pre-booking system, so that visitors will not arrive without booking. This should be produced prior to first occupation and then be updated within 3 months of full occupation of the site and be maintained in place thereafter.

REASON: In the interests of maximising the opportunities for sustainable travel in accordance with the National Planning Policy Framework.

9. Information on public transport services and routes, including maps and timetables, as well as walking and cycling routes within the local area, must be made available to all residents of the lodges. This should first be submitted and approved by the Local Planning Authority and thereafter be provided in accordance with the details approved.

REASON: In the interests of maximising the opportunities for sustainable travel in accordance with the National Planning Policy Framework.

10. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details. Where applicable, the CTMP must include the following:
- The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities - to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - The erection and maintenance of security hoarding / scaffolding if required.
 - A regime to inspect and maintain all signing, barriers etc.
 - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
 - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

REASON: In the interests of highway safety in accordance with the National Planning Policy Framework.

11. 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
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - Permeable Paving, Rainwater Harvesting, Green Roof
- Network drainage calculations
- Phasing
- The plans must show that there will be no private drainage into the existing public highway drainage system.

REASON: In the interests of highway safety in accordance with the National Planning Policy Framework.

12. The width, routing, fencing, drainage, surfacing, furniture, signing etc of the diverted and retained length of bridleway needs to be agreed by OCC Countryside Access prior to any works that affect the right of way so it forms a year-round safe and attractive route for walkers, cyclists and

equestrians. This should include works to appropriate shared use standards and low visual impact fencing where appropriate.

REASON: to ensure that the bridleway is a safe and convenient route for all users with a continuity of experience and quality along its length.

13. With regard to the public right of way:

- a) Temporary obstructions. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.
- b) Route alterations. The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council.
- c) Vehicle access (construction): No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.
- d) Vehicle access (Occupation): No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.
- e) Gates / right of way: Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.
- f) Improvements to routes: Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. Proposed improvements should be discussed and agreed with Oxfordshire County Council.

REASON: To ensure the legal public right of way remains available, safe and convenient for public use.

14. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

15. A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over a 5-10 year period);
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

16. Before the commencement of any works of tree or hedge removal or of ground clearance, a landscaping scheme shall be submitted and approved in writing by the Local Planning Authority, including full details of all the measures in an approved Biodiversity Mitigation and Enhancement and a 5-year establishment phase maintenance plan . The scheme shall incorporate the planting of native trees to become new standards of appropriate species and at appropriate locations. The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved.

REASON: To provide full details of landscaping within the development and to enhance the site for biodiversity in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

17. A Biodiversity Mitigation and Enhancement Strategy shall be submitted for the approval of the local planning authority as part of a reserved matters application for this development. The strategy shall be in accordance with the recommendations in sections 5.3 and 5.4 of the Preliminary Ecological Appraisal dated November 2018 (12.11.18) prepared by Windrush Ecology Ltd and shall include specifications for the installation of natural wildflower/grass roofs, a lighting strategy that minimises impact on foraging/commuting bats (based on a bat activity survey) and specific mitigation for ground-nesting birds (if required, based on a breeding bird survey). The approved strategy shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and all mitigation and enhancement features shall thereafter be permanently retained.

REASON: To ensure that hedgerows, woodlands, grasslands, bats, birds and other biodiversity features are protected and enhanced 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 Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

18. Prior to the commencement of above ground works, a Construction Environmental Management Plan - Biodiversity (CEMP-B) shall be submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- v. The times during construction when specialists ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);

- viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that all protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

19. A report prepared by a professional ecologist or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP-B have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that protected and priority species and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 20 1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To ensure any contamination of the site is identified and appropriately remediated, in accordance with West Oxfordshire Local Planning Policy BE18 and Section 15 of the NPPF.

21. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

22. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

23. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

24. The development hereby permitted may not commence until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

REASON: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the NPPF.

25. Prior to the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 26, a staged programme of archaeological investigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2018).

26. The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological investigation, to be undertaken prior to development commencing. The investigation shall be carried out by a professional archaeological organisation in accordance with

a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2018)

27. No more than 5 concourse events shall take place within any one calendar year and any such event shall not be open to the public for more than 2 days at a time

REASON: To ensure that the impacts of concourse events upon the wider area in terms of traffic and activity are mitigated

28. As part of the delivery of the project the developer shall be responsible for submitting a phasing plan indicating the delivery of the key elements of the scheme including the structural landscaping in sequential order and once agreed by the LPA the development shall only be implemented in accordance with the said agreed phasing plan

REASON: To ensure that the houses are not developed separately from the museum and other public benefits

29. As an integral part of the landscaping details to be submitted as a part of the reserved matters application full details of the boundary treatments, the use of the open areas not to be incorporated as part of the parkland and the lighting shall be submitted for agreement

REASON: To ensure that the impacts of lighting, landscaping and boundary/security fencing is properly considered

30. All the buildings, lodges and other structures and uses shall only be operated in conjunction with and ancillary to the operation of the museum facility as the primary use on site and not separately therefrom or as separate planning units

REASON: To prevent a proliferation of inappropriate retail/exhibition/workshop/residential uses unrelated to the host tourism use

31. The car exercise track shall only be used for the exercising/display of classic/vintage cars associated with the use of the site as a car museum and not for any racing or trials of speed or for vehicles that are not either classic or vintage or that are not road legal in terms of their exhaust systems and the said use of the track shall only take place between the hours of 0900 and 1800 on days that the museum is open to the public

REASON: To limit potential noise impacts

32. No use of any of the buildings or land hereby approved shall take place other than for the primary purposes set out in the parameter plans approved as part of this application other than as may have been agreed in writing by the LPA prior to that alternate use taking place.

REASON: To ensure that the impacts of the development is properly controlled in the interests of highway safety and amenity

INFORMATIVES:-

Additional information in respect of the Environment Agency conditions:

Please note, having reviewed the Geo-Environmental Report, prepared by Enzygo Geo Environment, reference CRM.1463.001. GE.R.001.D, revision D, dated October 2018, we are satisfied that part 1 of this condition has been fulfilled.

We note that no evidence was found during the site walk over of ducts that could contain fuel pipe lines or evidence of bulk fuel storage associated with the historic use of this site as a World War II Airfield. We note that the Geo-Environmental Report, prepared by Enzygo Geo Environment, reference

CRM.1463.001. GE.R.001.D, revision D, states that the purpose of the proposed additional site investigation is to confirm the absence of the Petrol, Oil and Lubricants (POL) infrastructure. We agree with the findings of this report that supplementary site investigation is necessary to ensure that hidden structures do not become ruptured during enabling works and potentially release fuels that could impact on the underlying Principal Aquifer.

We would like to see results of groundwater monitoring carried out at an early stage in the investigation process. We would also like to see the depth of these rotary boreholes (and their locations) be assessed from the location of the springs in the area.

We note that the drillers' logs for the window sampler holes and trial pits show that bands of clay have been encountered within the limestone on the southern part of the site with seepages recorded. This suggests that shallow perched groundwater may have been encountered. The contaminative status of this perched groundwater should also be explored in the investigation.

We are pleased to see that in the potential event that tanks and pipework are encountered, these will be removed together with any impacted soils, and that pipework will be sealed; de-watered and/or removed as appropriate using a specialist contractor. We recommend that as a precaution (watching brief) that a qualified remediation specialist be present on site during the drilling of wells and excavation of trial pits. Until we know the contaminative status of the underlying soils and groundwater, the surface water drainage plans for this site should not include the use of soakaways.

This site is located over a Principal Aquifer that feeds springs and streams in the locality. The classification of this aquifer under WFD is of poor status with respect to nitrate and therefore the treatment of foul sewage should be of a standard suitable for this location.

We are pleased to see that a package sewage treatment plant will be used for this development. We need reassurance that this non-mains drainage system will be of suitable capacity to deal with the output of the museum and that there will be a formal scheme in place for the on-going maintenance and management of this treatment plant.

New development should be connected to the public mains (with the prior written approval of the statutory undertaker) where possible. Proliferation of individual treatment plants can cause deterioration in local water quality (ground and surface water). This would be contrary to the principles of the EU Water Framework Directive 1) and is supported by paragraph 170 of the National Planning Policy Framework which requires the planning system to ensure the environment is not adversely affected by water pollution.

If it is shown not to be feasible to connect to the public foul sewer, you may need an Environmental Permit from the Environment Agency.

The diversion application, construction and certification of the bridleway should be completed before the development is implemented, to ensure that the bridleway is available to the public throughout the construction period.

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for all works on and immediately adjacent to the highway under S278 of the Highway Act. Contact: 01865 815700: RoadAgreements@oxfordshire.gov.uk

The reserved matters application will include details of landscaping proposals and these must incorporate the biodiversity enhancements recommended in sections 5.3 and 5.4 of the Preliminary Ecological Appraisal and the comments of the Biodiversity Officer (in order that the proposed development complies with the biodiversity mitigation and enhancement recommendations to deliver a biodiversity net gain in accordance with the NPPF and Local Plan Policy EH3).

You are reminded of the terms of the parallel legal agreement which has obligations regarding the operation of the main site and the occupation of the lodges

You are advised of the presence of an active airfield and motor car exercise facility within close proximity of the site which may generate noise impacts at certain times

WEST OXFORDSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

4 JUNE 2019

NOTICE OF MOTION - ENVIRONMENTAL PROBLEMS DURING DEVELOPMENT

REPORT OF THE BUSINESS MANAGER - DEVELOPMENT MANAGEMENT

(Contact: Phil Shaw Tel: (01993) 861687)

I. PURPOSE

To consider the Notice of Motion regarding environmental problems encountered during development referred to the Committee by the Council and to make recommendations accordingly.

2. RECOMMENDATION

That consideration be given to the Notice of Motion and the information provided as set out below.

3. BACKGROUND

3.1. At the meeting of the Council held 24 April 2019, the following motion was proposed Councillor Harry St. John and seconded by Councillor Ted Fenton, namely:-

“That this Council asks the Development Control Committee to investigate and report back on how the use of clear and enforceable planning conditions and the imposition of monitoring fees might enable the better and more effective control of mainly environmental problems (e.g. dust, mud on roads, noise etc) during the construction period on larger development sites in our towns and villages; and charging of monitoring fees would help to offset some or ideally all of the cost of additional staff time in the enforcement team needed to enforce such conditions”.

3.2. In accordance with paragraph 11(e) of the Council Procedure Rules, it was resolved that the motion should stand referred without discussion to this Committee.

3.3. With the threefold increase in the rates of housing delivery required in the District arising from the desire by Government to make a step change in housing delivery there is a consequent increase in the number of building sites and the complaints arising from the operation of those sites has also increased accordingly. Adverse weather conditions in terms of the very dry summer last year gave rise to many complaints regarding dust and the desire by the housebuilding sector to build as many units as possible before the uncertainties of Brexit meant that activity over the winter period meant that mud was carried out onto the highway network in many locations.

3.4. Historically the position was that if the harms arising from development sites were a statutory nuisance (noise, dust, smell, antisocial hours etc) then this was dealt with by Environmental Health officers as a breach of the Environmental Protection regime, if it caused danger (mud, inconsiderate parking near junctions) it was a breach of the highway code and a matter for the police and if it resulted in damage to the highway, vehicle routing etc. then it was a matter for OCC. The control of the planning regime was restricted to the granting of the permission rather than enforcing “non-planning” matters.

Planning control is expressly prohibited from covering matters addressed by other legislative regimes.

- 3.5. In more recent years the ability and willingness of these third parties to enforce the legislation for which they are responsible has apparently diminished somewhat and of course there are occasions where the level of harm is not such as would constitute a Statutory Nuisance/criminal offence/harm to the highway but where there are still some residual harms that the Planning system can properly deal with. The consultees are now routinely seeking to have construction traffic management plans (CTMP) and routing agreements etc imposed as a means to try to persuade developers to address the concerns before they arise. This has however had a presumably unintended consequence in that it has raised expectations amongst residents that every impact of a development being implemented can be controlled (whereas all building operations cause a degree of harm and action could only reasonably be taken against harms over and above 'normal' levels) and where there is a breach of a CTMP condition residents have been advised to the effect that 'it is a District condition and so is up to the District to monitor and enforce it' when perhaps other legislation/landownership etc powers held by the third party organisation would be more effective. The workloads and ability of the Planning Enforcement team and those officers in ERS who are assisting has become excessive to the extent that more problematic enforcement issues are taking second place to managing the CTMP. Officers were thus on the point of advising third parties that they were minded to recommend members not to impose the CTMP condition even were it requested by OCC etc. In that regard the resolution has come at an opportune time.

3.6. Use of Planning Conditions

It is a legal requirement of a Planning condition that it is, inter alia, precise and enforceable and to that extent the element of the motion concerned with "the use of clear and enforceable planning conditions" is not considered to be a particular issue. There is however an issue as to the public expectation of what can reasonably be done if there is a breach of a CTMP condition. Before enforcement action can be taken the test of the expediency of taking action must be passed - rather than merely identifying that there is a breach, but this is the case with most Planning enforcement matters. It does however leave the public dissatisfied that "nothing is being done" whereas the legal position is that the situation is different to what was approved but the harms are insufficient to justify action.

3.7. Use of a developer levy

It is the responsibility of any developer to ensure that they comply with the plans and conditions. It is not however a criminal offence not to comply with them. There may therefore be some legal issues in imposing a levy if framed in the terms set out - as 'law abiding' developers could rightly state that they were paying for a service that was not required for their development and this would sit outside of what it is possible/legal for a 106 agreement to require, as it would not be necessary. However, given that developers often seek minor variations to schemes as they are under the course of implementation to reflect changed market conditions, shortages of particular materials, market taste etc. there may be a case to ask them to contribute to a liaison officer. Given existing workloads and the need to meet statutory deadlines for determining applications it can be that such requests for variations to approved schemes from developers may not have the same urgency for a Planning Officer as for a live application. It is considered that developers may be prepared to pay for a service where there was a dedicated officer assigned to their site whose responsibilities involved handling the variations requested by

them, but who could also handle any variations/breach of conditions as they arose also. Clearly however this cannot be applied retrospectively and would only be applicable (if imposed) on any I06 agreement negotiated from now on

3.8. This report provides an overview of the position. In formulating any recommendations to Council it is suggested that consideration be given to requesting Officers to test the legality and propensity of the development industry to recognise the merits of such an approach as part of any resolution on forthcoming applications and that, if there are reasons why it cannot be imposed, that a further report be prepared for Members' consideration.

4. ALTERNATIVES/OPTIONS

4.1. None

5. FINANCIAL IMPLICATIONS

5.1. None arising directly from this report

6. RISKS

There are risks in seeking funding from developers that does not meet the statutory tests but there is also a reputational risk if it is perceived, albeit erroneously, that a lack of action is a result of a lack of will rather than because the legal tests have not been met.

7. REASONS

To ensure that any decisions issued are subject to the appropriate monitoring and to support the Council's aim to maintain West Oxfordshire as one of the best places to live, work and visit in Great Britain.

Phil Shaw
Business Manager Development Management

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Date: 21/05/2019

Background Papers:
None