

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 3rd January 2017

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

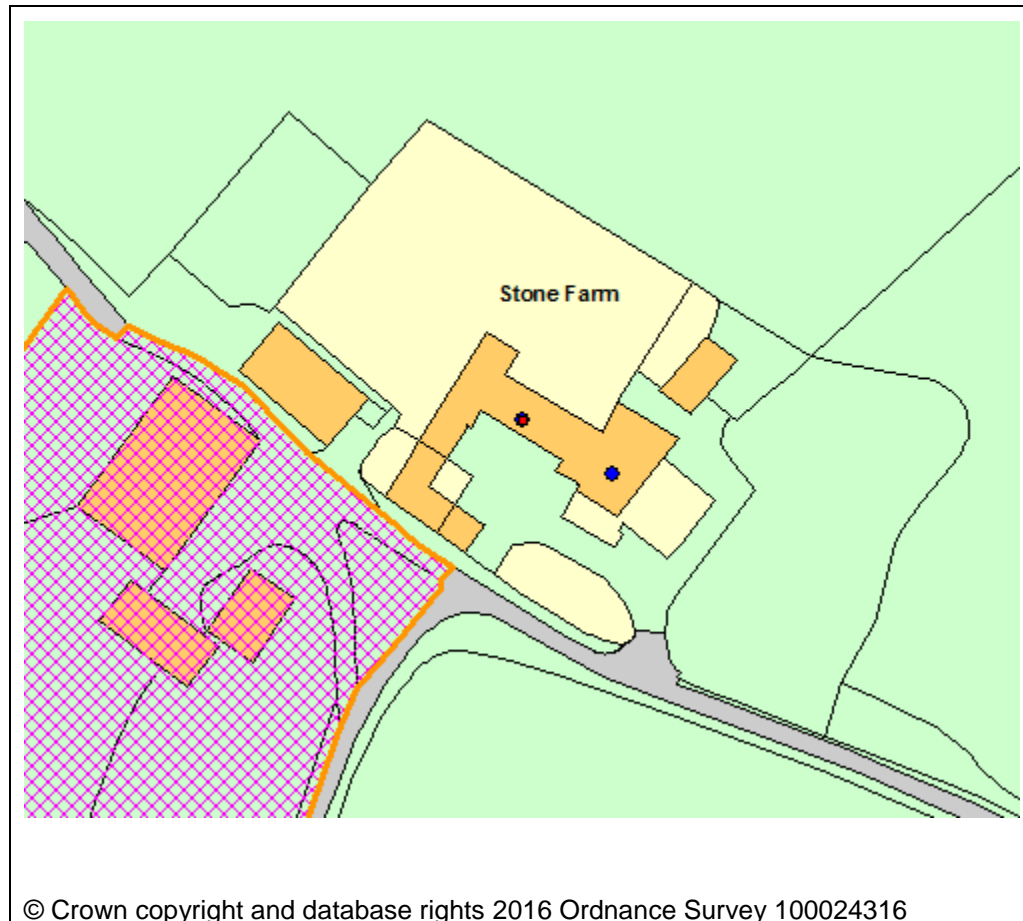
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

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Application Number	16/02695/FUL
Site Address	Stone Farm Lidstone Chipping Norton Oxfordshire OX7 4HL
Date	19th December 2016
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	435257 E 224811 N
Committee Date	3rd January 2017

Location Map



Application Details:

Demolition of existing agricultural buildings and the erection of office buildings and ancillary pavilion building plus associated landscaping, car parking and access.

Applicant Details:

Mr Nicholas Bolton

C/O Agent

I CONSULTATIONS

I.1 OCC Highways Recommendation: No objection subject to conditions.

I find the proposals unlikely to have a detrimental impact on traffic and/or highway safety. Oxfordshire County Council as Highway Authority hereby make no objection to the grant of planning permission hereby sought.

Looking at the revised access arrangement I notice that from Lidstone Road the access width is only 4.5m for the first 10m (which was my error in the judgement at the previous consultation). An access serving such a development requires a 5.5m wide access for the same length.

Lidstone Road is a narrow carriageway leading up to Charlbury Road from the site. It is considered that the development traffic is likely to be felt along this section of carriageway. It is envisaged that conflicts may arise from vehicles passing each other. In order to mitigate this, it is my recommendation that the applicant provides a number of passing places (about 6) along Lidstone Road to ensure there is not any significant impact upon the safety or convenience currently enjoyed by highway users. The applicant should be minded that a S278 agreement for the provision of hardstanding to form passing along Lidstone Road shall be sought.

I.2 ERS Env Health - Uplands I have reviewed the documentation and can confirm that I have no Objection and no conditions or Informatives to recommend.

I.3 Ecologist It appears that several revisions have been made to the proposed development, particularly with regard to the proposed access, which involves the removal of part of the existing roadside hedgerow and the apparent loss of the existing semi-improved grassland alongside the existing driveway, since you sent me a copy of the ecological assessment report. The Arboricultural Survey identifies the removal of a section of hedgerow, a "dog-leg" in the access drive from east to west, which may affect the existing semi-improved grassland with potential for reptiles, and the loss of tree T1. The access drawings show the roadside hedgerow as being moved back from its current position rather than its total loss. No drawing showing the re-planting of the roadside hedgerow or the planting of a new hedgerow elsewhere within the site has been submitted. The ecological assessment does not mention the existence of solar panels in the southwestern corner of the building complex area.

Although the submitted ecological assessment is dated August 2016 on the front cover, the phase I survey/walkover survey was actually conducted in August 2015.

There appears to be a significant increase in lighting, as shown on the lighting plan, which should be revised to limit the impact of lighting in a rural area, particularly on foraging/commuting bats, and to the north and west elevations of the buildings.

I recommend that an updated Ecological Assessment is prepared and submitted to ensure that the ecological value of the site, including potential for protected species (particularly reptiles), and the impact of the proposed development has been fully taken into account.

The landscaping scheme should be amended to include compensatory hedgerow planting.

I.4 WODC Drainage Engineers No Comment Received.

I.5 WODC Architect No Comment Received.

I.6 OCC Rights Of Way Field Officer No objections raised to the amended plans.

I.7 Parish Council This is a large development in this part of the county and it is a matter of considerable concern to the Parish Council and our residents that such important information can be submitted without reference back to all interested parties. Sixteen additional documents amounts, in our opinion, to a substantial change to the original application and it is a weakness of the system that such information can be submitted and accepted after the deadline. No doubt you will say we should constantly check back on every application, but this is completely impractical.

There are many concerns regarding the report from Rashid Bbosa, Transport Engineer, Oxfordshire County Council. It is questionable whether Mr Bbosa has visited the surroundings of this application and we fear his comments emanate from a desk top review, which cannot give any understanding of the nature of the Lidstone Road and the dangers it presents to road users of all types.

(a) It is proposed that six passing bays will be placed between the entrance to Stone Farm, along the Lidstone Road, up to the Charlbury Road junction. Our feeling is that this would create even more traffic. There is no mention of who owns the relevant land that is required for the introduction of these passing places in the documentation. We assume the costs of providing such places will fall to the developer? Also, what material will be used for these passing places?

- (b) The report does not mention the increased housing in Chipping Norton with the Belway Development and a further proposed 1400 homes over the next 15 years - the Lidstone Road will be one of the main routes south and east for many commuters.
- (c) The Lidstone Road is the prescribed bus route for Chipping Norton School - the sixth form is currently being expanded so creating a further increase in traffic along the Lidstone Road.
- (d) It is entirely inappropriate to expect people to cycle or walk to Stone Farm - the report from Rural Solutions suggests this but the road is far too dangerous.
- (e) With the proposed six passing bays, more lorries will begin to use the Lidstone Road as a preferred route and a shortcut.
- (f) In the proposed application, the function building could be used for events in the evening and at weekends, so creating a further increase in traffic and disruption to the residents of Lidstone.
- (g) There is concern regarding the construction traffic during the building work and deliveries to the proposed offices - this rural location is totally unsuitable for business use.
- (h) The amended plan is for a smaller building but still retains 40 parking places.
- (i) The junction of Coxs Lane/Lidstone Road is already very dangerous and this development will, worryingly, increase the severity of the problem. Many cars park at this junction during the daily school run and during rush hour, increased traffic would also become a danger to the school children. The primary school is situated near to this junction and the school run consists of many parents and children with buggies and prams where there is no pedestrian pavement but they have to walk along the Lidstone Road. The entrance to the school car park is off the Lidstone Road as well.
- (j) If travelling from the north, a satnav will direct cars directly through Lidstone - this is such a narrow road where houses' entrances face straight onto the road.
- (k) The revised access for the office and function room now takes all of the traffic along a bridleway which is totally unsuitable.

Enstone Parish Council is of the strong opinion that this application should be declined. In saying this, we hope that the planners will agree with us. However, should it be approved then we would like it clearly stipulated in the conditions that all matters related to the road, i.e. the access way and the passing places are in place AHEAD of any permitted development commencing.

In addition to the concerns raised above, the issue regarding all the lighting that will be used will also greatly affect the residents of Lidstone.

Enstone Parish Council unanimously objects to this planning application and is concerned that the County Council has not taken into consideration the effect of the increase in traffic with all the new homes being built in Chipping Norton and would appreciate if you could take this into serious consideration. Lidstone Road is already a very dangerous narrow route.

2 REPRESENTATIONS

2.1 13 letters of objection have been received in relation to the application the objections raised these are summarised below:

Principle

- Lidstone is not classed as a growth village within the WOLP and there would be no economic benefit to the village.
- The loss of the agricultural buildings would be in contravention to the agricultural tie that the property is subjected to.
- The Prior Approval justification for the development is not relevant as the barns would be removed. The buildings would be new build and the footprint would also be 10 times the amount claimed under Class R.
- The proposals contain an ancillary pavilion which could be rented out in the evenings and at weekends.

Design and Visual Impact

- The site may not fall into a SSSI area but the SSSI will be affected by the proposed lighting.
- The scale of the building is out of proportion to its surroundings and it is not sympathetic to the local environment.
- The scale of development is out of proportion to the small settlement of Lidstone.
- The LVIA states that the proposed development could be integrated into the location, which would not be the case.
- The development would be materially higher than the existing agricultural buildings.
- The design and form would be alien to the local vernacular.

Transport, Highways and access

- The development would adversely impact on the well used bridleways.
- There would be an increase in the number of car movements through Lidstone.
- The assertion that workers would use the S3 bus is unrealistic.
- It is unlikely that workers would cycle as the existing roads leading to the site are unsafe.
- The proposed access road is narrow and unsuitable and does not account for other road users including farm vehicles, walkers and horse riders.

- The road through the village of Lidstone is single track without provision of dedicated passing places, without a pavement, includes considerable gradients, has verges in a poor state of repair and most significantly has a dangerous blind bend at each end of the village. Furthermore, a number of the properties in the village have blind access onto this road. Any increase in traffic will lead to an increased risk of accidents.
- The extra journeys forecast in the Traffic Statement are arithmetically incorrect.
- The size of the parking area is not explicitly shown but we understand it to be for 30 vehicles which is actually more vehicles than there are currently in Lidstone Village. It is difficult to believe that this increase would have "no material impact". Entry to the Office Development is shown on to Lidstone Road as adjacent to the present driveway to Stone Farm is contrary to Highway regulations whereby separate accesses to a road have to be a minimum 50 metres apart.
- The proposed access road onto the Charlbury/Enstone road is insufficiently wide for two cars. The access would be non-compliant with DFT Manual For Streets guidance that any road access should not be within 60 metres of an existing road access and would therefore increase the risk of accidents.
- Visibility would be non-compliant with DMRB visibility guidelines.
- On site parking would be insufficient.
- The transport assessment does not account for the impact of increased vehicular traffic on the settlement of Enstone and the safety implications for local residents.

3 APPLICANT'S CASE

3.1 In accordance with paragraph 14 of the NPPF, where the saved policies are out of date the proposal should be considered against the presumption in favour of sustainable development. Section 4 of this statement has demonstrated that the proposed development is sustainably located. This section demonstrates that the proposed development is socially, environmentally and economically sustainable. In addition to this, there are a number of material benefits that weight in favour of the development in the planning balance.

Social Benefits

- 3.2 The proposal offers a new location in which local businesses or home workers from the local area (or new businesses) can locate (or relocate from other less suitable facilities) both within and outside of the District. The proposal will, therefore, allow people to live and work closer together enhancing the quality of life.
- 3.3 Many employers are seeking to consciously invest in their employees including their working environment. Taking employees out of the urban congestion and placing them in open and green workspaces is of benefit to their well-being.
- 3.4 Workspaces in a rural context typically produce a range of additional services which include:
- Securing local staff and suppliers to meet occupiers needs thereby promoting sustainability in the local economy.
 - Benefits of new digital connectivity and services.
 - Businesses can arrange services and products for occupiers such as transport, dry cleaning, car valeting, pick up and drop off facilities, secretarial resources, deliveries and catering.

- The creation of jobs, take up of local services, improved community access, support for local suppliers and enhancement of the environmental all constitute sustainable development.

Economic Benefits

- 3.5 There is known unmet demand for office space in Chipping Norton and West Oxon and the proposal will deliver new floor space within a short timeframe.
- 3.6 The proposal will result in a capital investment in the District of approximately £2.4million. This is a significant level of investment. The proposal will generate new business rates for the Local Authority.
- 3.7 A new development will allow West Oxfordshire to remain competitive in the employment sector by allowing SMEs and small businesses to remain within the District.
- 3.8 The proposal will encourage the promotion of a strong rural economy and enhance the contributions the rural economy makes to West Oxfordshire district.
- 3.9 The location of a number of complementary rural businesses in one place is likely to enhance the District's performance and enable it to grow and strengthen its business offering.

Environmental Benefits

- 3.10 The proposed development will physically enhance the appearance of the site by replacing utilitarian, modern agricultural buildings with a high quality, sustainably designed office space which is attractive and pleasing to the eye.
- 3.11 New landscaping and trees will allow the site to complement rather than detract from its setting which at the present is unkempt and whose appearance adds nothing to the surrounding landscape quality.
- 3.12 New trees and planting will provide new habitats for flora and fauna and enhance the ecological interest of the site.
- 3.13 The proposed development promotes the use of non-car borne modes of commuting to work and facilities are proposed to support this such as showers and cycle storage.
- 3.14 A Green Travel Plan is proposed to encourage other ways of travelling more sustainably.
- 3.15 The proposed development will offer new office facilities to people and businesses in the surrounding rural area and therefore reduce the need to travel longer distance elsewhere.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 NE1 Safeguarding the Countryside
 NE3 Local Landscape Character
 E3 Individual Premises

E7 Existing Businesses

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1NEW Landscape character

E1NEW Land for employment

E2NEW Supporting the rural economy

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the erection of a new build office development on a farm site known as Stone Farm, located on the edge of Lidstone a small settlement located around 1.5 miles to the west of Enstone. The development comprises principally of a large L shaped building, housing offices, alongside a small 'pavilion' outbuilding which would comprise of a social and meeting space associated with the main office building. An area of parking would be located to the south of the offices.
- 5.2 The site presently comprises of three modern utilitarian agricultural barns, comprising of a large barn and two smaller buildings. There is an existing Solar Array to the south west of the site serving the existing buildings on the Stone Farm site, which would be retained. Existing development to the north of the site comprises of a range of vernacular former agricultural buildings which presently function as holiday let accommodation. The site is accessed by a private gravel track leading to Lidstone and a further surfaced access road to the south. Both access points also function as public rights of way.
- 5.3 Under the proposals the existing utilitarian barns would be removed with the modern office buildings developed in their place. The plans have been amended to reduce the scale of the main office building in terms of footprint. Whereas two means of access were previously proposed via the existing gravel track leading from Lidstone Road in Lidstone as well as an access to the south this has since been amended to a single point of access to the south. The amendments were made following officers concerns about the suitability of the gravel access track leading from Lidstone.
- 5.4 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 of development

Design, scale and siting of the development

Impact on residential amenity

Highways and access considerations

Landscape and visual impact

Principle

- 5.5 Paragraph 14 requires that all applications should be determined in accordance with a presumption in favour of sustainable development; this means approving development proposals

that accord with the development plan and where the development plan is considered absent or out of date the adverse impacts of the development should significantly and demonstrably outweigh the benefits.

- 5.6 Policy OS2 of the Emerging Local Plan specifies that the majority of new build employment based development should be located within the larger settlements in the district with smaller scale development located within or on the edge of villages. Policy E1 of the Emerging Local Plan similarly applies the same locational based criteria to the provision of new employment sites within the district. The employment policies of the Existing Local Plan allow for the commensurate expansion of existing employment sites within Policy E7. Policy E3 of the Existing Local Plan is also permissive of the development, where appropriate of new individual premises within or adjacent to larger and medium sized settlements for a single employment use where this is commensurate with the scale and character of the locality. Lidstone is a very small settlement with no local service provision and is isolated in relation to neighbouring larger settlements, the site would by definition be considered to be within the open countryside. Whilst the policy provisions of Policy E1 of the emerging Local Plan allow for the development of small scale offices (up to 500 sqm, gross internal space) it is expected that that all new development would be commensurate with the scale and character of the locality and would not adversely impact on the character of the countryside.
- 5.7 Policy E2 of the Emerging Local Plan and Policy E3 of the Existing Local Plan allow for the development of single use employment space in areas of open countryside where this would be part of a farm diversification scheme. The proposed employment use would be unconnected with the existing agricultural operations on the site and would operate as an employment use independent to the existing agricultural unit and could not therefore be considered as part of a farm diversification scheme.
- 5.8 In relation to the schemes compliance with the provisions of the Existing and Emerging Local Plans Officers consider that the proposed development would be clearly contrary to Policy E1 of the Emerging Local Plan and Policy E3 of the Emerging Local Plan. The site is remote, isolated and lies within an area of open countryside, a distance of around 1.5 miles from the nearest settlement of any significant size, this being Enstone. The site is poorly accessible by means of public transport with the nearest bus stop located around 1 mile to the north of the site and the majority of this distance is not covered by public footpaths. Vehicular accessibility on the roads approaching the site is poor in particular the road leading to Lidstone from the A44 to the North. Officers consider that the remoteness of the site would mean that the vast majority of employees would be dependent on private means of transport and it is considered unlikely that employees would utilise public transport or use other sustainable modes of transport such as cycling as a means of commuting.
- 5.9 Elements of the Councils relevant Existing Local Plan employment Policies including E3 and E7 could be deemed out of date and officers give relevant weight to the fact that the Emerging Local Plan is not at present adopted policy. In relation to the consistency of the relevant Local Policy with the NPPF, Paragraph 24 of the Framework states the requirement to apply a sequential test in determining applications for main town centre uses, which includes new office space. In circumstances where appropriate town centre sites are not available, employment uses should be sited on appropriate edge of centre sites. If such sites are similarly not available in edge of centre locations consideration should be given to out of centre sites that are accessible and well connected. The hierarchal approach outlined in Paragraph 24 of the NPPF is largely

reflected in Policy OS2 of the Emerging Local Plan and to a degree in Policy E3 of the Existing Local Plan.

- 5.10 Officers give due weight to Paragraph 25 of the NPPF which specifies that the sequential approach should not be applied to small scale rural offices. Policy E1 of the Existing Local Plan defines small scale employment sites as comprising of up to 500 square metres of floor space, although it is noted that as the local plan is out of date and this is not an adopted threshold. Officers note that the provisions of Paragraph 26 of the NPPF set a default threshold of 2500 square metres for development which requires an impact assessment where there is not a locally adopted threshold. Whilst due weight should be attributed to the fact that the 500 square metre threshold for new office development as referenced within Policy E1 of the Emerging Local Plan is not an adopted figure, it would still be expected that the development is compliant with wider sustainability criteria outlined within the Existing and Emerging Local Plans as well as the relevant Paragraphs of the NPPF. Officers also note that whilst there is consent for the conversion of one of the existing barns to an employment use under Class R of the General Permitted Development Order 2015, this is not acceptance of the principle of a new build office development on this site as the sustainability tests applied to planning applications in terms of Local and National Planning Policy are not applied to applications for prior approval. Furthermore the scale of development consented under prior approval is limited to 500 square metres, substantially less than what is proposed within this application.
- 5.11 Officers note that whilst the provisions of Paragraph 25 allow for the development of smaller scale rural offices, it would still be expected that the location of new buildings should be suitably accessible and well connected in order for the proposed development to be considered sustainable. Officers consider that the development site in contrast is isolated and distant from any settlements of a reasonable scale and employees and other users of the site would be entirely dependent on private means of transport, given the sites distance from nearby public transport links. Officers consider this should be contrary to the aims of Paragraph 17 of the NPPF which specifies that fullest use should be made of public transport, walking and cycling and development should be focussed in areas which are or can be made sustainable. The development would also be contrary to Policy T1 of the Emerging Local Plan which states that development should maximise opportunities for walking, cycling and the use of public transport.

Siting, Design, Form, Landscape and Visual Impact

- 5.12 Employment Policies E1 of the Emerging Local Plan and Policy E3 of the Emerging Local Plan specify that the development of new employment sites should be commensurate with the scale and character of the locality. In addition the general development Policies BE2 of the Existing Local Plan and OS2 of the Emerging Local Plan specify the basic requirement that all new development should respect the scale and character of the surrounding area.
- 5.13 The adjacent land, which is part of Stone Farm presently, consists of a range of modest, low lying former agricultural buildings. The site in question consists of modern barns, which are utilitarian in design and are of no architectural merit, however equally such modern buildings would not be considered particularly incongruous within a rural setting where such buildings are fairly commonplace. Whilst there may be some limited benefits to removing these buildings in a visual sense, the buildings do not have any major impact on the adjacent landscape and the replacement of these barns with a building of a larger scale would not be considered an improvement in this regard and would to the contrary be of greater harm. The proposed buildings would be of a contemporary rural design reflecting the appearance of a Dutch Barn.

The general design characteristics are not reflective of the existing vernacular agricultural buildings on the Stone Farm site, however the general design approach would probably not be considered inappropriate if the buildings were of a more modest scale. Officers are however of the opinion that the scale of development proposed is inappropriate and highly inconsistent with the character of the immediate area and the nature of the existing relatively limited built form on the Stone Farm site.

- 5.14 The proposals have been amended, with a reduction in the footprint, scale and mass of the proposed office building. Even accounting for the reduction in the scale of the building, this would still be of a noticeably greater scale, mass and volume than the adjacent, modestly sized vernacular holiday cottage buildings on the Stone Farm site and of a larger scale compared with the existing agricultural buildings. The main office building covers an area similar to the existing buildings at Stone Farm, however the proposed building, would be two storeys and of a substantially greater mass and volume and would extend to a height of 8.2 metres to the roof ridge. The roof ridge of the proposed office building would sit substantially above the roof ridge of the adjacent farm buildings and consequently would appear overbearing.
- 5.15 Officers consider that the scale of the building in terms of its height and footprint would fail to be commensurate with the existing relatively modest scale of development on this farm site. The site has a distinctively rural character and lies within the open countryside. Officers consider that the development of what is a large office building, alongside associated development including parking would be of substantial detriment to the character and appearance of the area and would visibly urbanise what is presently an attractive and tranquil area of open countryside.
- 5.16 Officers consider that the proposed development would be unlikely to appear prominent in wider landscape views; however the impact on the immediate setting would be substantially detrimental. A public right of way is located to the north of the site, with further rights of way running to the south and east of the site leading to Lidstone. Officers consider that the rural character of the area as experienced by users of the existing rights of way would be substantially eroded by the scale and nature of development proposed. Presently there is a characteristic transition experienced by users of this right of way between the small settlement of Lidstone, through the existing rural farm site towards the area of open countryside to the west of the site. Officers consider that the proposed development would have a significantly negative impact on the character of the area as experienced by users of the existing public rights of way. The cumulative scale of development would have an undoubtedly urbanising impact on what is presently a distinctively rural farm site comprising of an arrangement of modestly sized agricultural buildings. Officers consider that the building would fail to preserve the character of the countryside and would adversely affect the immediate landscape setting. The development would therefore be non-compliant with Policies BE2, NE1 and NE3 of the Existing Local Plan and Policies OS2 and EH1 of the Emerging Local Plan.

Highways

- 5.17 The site is presently accessed via two access roads, the first of which is a gravel track to the east of the site leading from Lidstone, the second of which is a surfaced access leading from the south. It is noted that the roads leading to the site are minor single track roads, although access is notably better from the south in the direction of the B4026 Charlbury Road when compared to the access to the north leading to the A44, which is single track, narrow and unsuitable for taking any substantial volume of traffic. Whilst the roads leading to the site are narrow and an

increase in the use of these roads would not be preferable and indicative the general unsustainability of the location, officers consider that in relation to Paragraph 32 of the NPPF, the cumulative residual impact on the adjacent roads would not be regarded as severe. Officers note that OCC Highways Officers have not objected to the development on the basis of the cumulative impact of increased traffic on the surrounding road network. OCC Highways officers have recommended the addition of 6 passing bays along Lidstone Road, leading from Charlbury Road given the narrow nature of the road which is single track at present.

Residential Amenities

- 5.18 The adjacent buildings closest to the proposed office building are used as holiday cottages. The scale of the proposed office building and subsequent position of the proposed building in relation to these cottages has been amended; therefore increasing the distance between the proposed office building and the existing holiday lets. Officers consider that given the proposed separation distance it would be unlikely that the development would have a demonstrably adverse impact on the amenity of the holiday let buildings and any overlooking is unlikely to be substantial.

Conclusion

- 5.19 The application proposes the development of what is a relatively large office building on a remote farm site adjacent to a very small settlement within the district. The site is isolated in relation to neighbouring settlements of any significant size and would not be easily accessible by sustainable means of transport and users of the office building would be almost wholly dependent on private modes of transport. Furthermore officers feel that the scale of the building would not be commensurate with the relatively modestly scale of the former agricultural buildings on the site and the development would have a clear unduly urbanising impact on the distinctly rural character of the immediate area.
- 5.20 Officers consider that whilst the development would have economic benefits in terms of the provision of additional employment space, the location is fundamentally unsuitable for development of the scale proposed. Owing to the geographical location of the site in terms of its remote proximity to existing settlements and the impact of the development on the character of the area and open countryside, the proposals would fail to demonstrate the social and economic dimensions of sustainable development and would therefore be contrary to the Provisions of the Existing and Emerging Local Plans as well as the relevant Provisions of the NPPF.

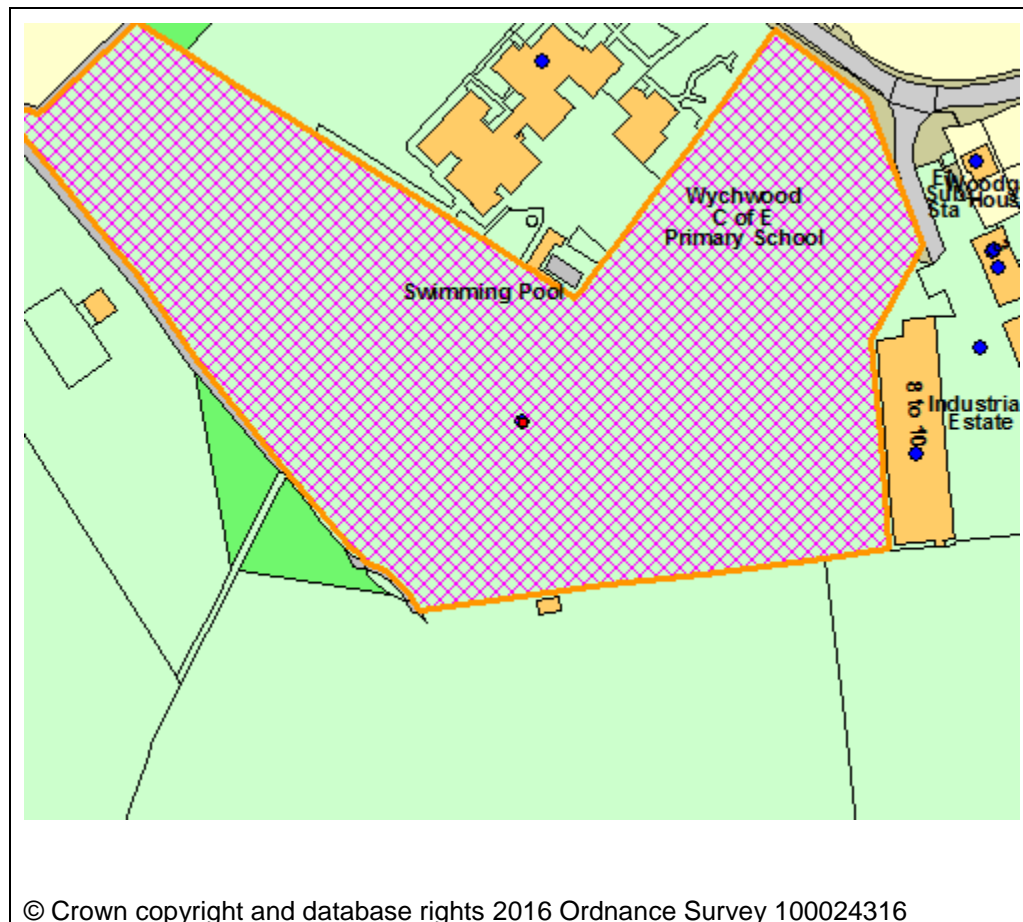
6 REASONS FOR REFUSAL

- I The development as proposed would be sited within a remote and isolated location within the open countryside, which would be distant from neighbouring settlements of any substantial scale. The combination of the scale of development proposed, the isolated location of the site and its poor accessibility and the subsequent dependence on private means of transport would fail to represent sustainable development and would be contrary to the aims of Existing Local Plan Policy E3; Emerging Local Plan Policies OS2, E1 and T1; and Paragraphs 17 and 24 of the NPPF.

- 2 The cumulative scale, mass and volume of the proposed development would be overbearing, excessive and insufficiently commensurate with the scale and character of the immediate built form and the rural character of the site and adjacent open countryside. The development would have an unduly urbanising influence on the rural character of the area in particular how this is experienced by users of the adjacent public rights of way. The development as proposed would be contrary to Policies BE2, E1, NE1 and NE3 of the Existing West Oxfordshire Local Plan; Policies OS2, OS4, E1 and EH1 of the Emerging West Oxfordshire Local Plan; and Paragraphs 17, 58, 64 and 109 of the NPPF.

Application Number	16/02851/OUT
Site Address	Land South of Milton Road Shipton Under Wychwood Oxfordshire
Date	19th December 2016
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427281 E 217897 N
Committee Date	3rd January 2017

Location Map



Application Details:

Erection of up to 44 dwellings and a school car park with associated access and landscaping

Applicant Details:

Mrs J Stevenson
C/O Agent

I CONSULTATIONS

I.1 Parish Council

Overall response.

The Parish Council wishes to object to this application in its present form for the reasons set out below. The Parish Council is responding on behalf of comments made by residents of the village regarding the size of the development. The PC believes that a site visit is essential. It will also wish to make representations when this application goes to Committee.

Background

The Parish Council has for many years welcomed suitable development on this site as part of its commitment to ensure that Shipton remains a rural living village with housing and employment for young people and smaller accommodation for older residents wishing to downsize. A figure of about 25 dwellings has always been thought appropriate. This is incorporated in the SMAA and represents a positive contribution to the required five year housing supply. To this end the Parish Council has openly engaged with the planning consultants in the hope and expectation that they would make some effort to allay the concerns of the village which are reflected in the objections below. The Parish Council is disappointed to see that no attempt has been made to modify the proposal which has been put forward unamended.

Objections:

Firstly the access to the site and the nature of its use give rise to grave safety concerns. The applicant's Transport Statement incorporates statements that are either factually incorrect or extremely fanciful or both. Milton Road is a narrow minor road which is already congested, with a significant bend just to the east of the proposed entrance. The school of 286 pupils does not have a bus service and therefore already generates very significant parent traffic at the morning and afternoon peaks. OCC makes the observation that in practice there could be up to 180 vehicle movements during the peak AM period. The school catchment area includes many of the local villages and not just Shipton-under-Wychwood. Near the proposed entrance to the development is a business park with approximately eleven HGVs delivering daily, ten van movements, other traffic intensive business units and a child nursery. The vehicle movements associated with an extra 44 dwellings, conventionally estimated at 8 per dwelling would significantly add to the current overload and increase the accident risk beyond what is reasonably tolerable. The steps suggested by the consultants to mitigate these concerns consist of car sharing, footpath widening, cycling and a currently non-existent bus service. They are ill thought out and impractical and would do little to alleviate the problem. OCC Highways have based their comment on these suggestions on a more practical 35 houses and have commented 'This site is not a transport sustainable location since it will not have access to public transport and therefore travel mode choice will be severely limited'. The

Council's Local Plan states "that it has policies promoting choice of transport mode for journeys to work in particular, to mitigate the impact of new development on the congested strategic road network. Development is not supported where these choices of modes of travel are not available."

Secondly the parking provision for the school is tokenistic in nature and in our opinion inadequate in relation to the likely demand. It is also laid out in a manner likely to increase vehicle conflict and accident risk as the fixed timetable of the school day means several parents will be seeking to parallel park simultaneously. We strongly argue for chevron parking which we believe will be more suited to a car park environment than a through road. More parking should be provided at the expense of some of the proposed housing development.

Thirdly the topography of the site presents particular drainage problems that the application fails to address. A site visit would help to clarify this. July 2007 saw significant floodwater inundation in many houses in the area and while prevention schemes have been put in place there remains a credible threat to properties from water flowing into and from the River Evenlode. High water levels are common and the whole area is riddled with natural springs. The proposed 44 houses will create runoff that the current bare terrain now absorbs. The proposed holding pond appears inadequate to cope with the likely peak volumes and will require pumping if its integrity is to be maintained. We would also argue that new development in an area which has suffered from surface water inundation should have underground water storage facilities for each property. Additionally no detail is provided regarding ownership, and hence maintenance, of the pond and Wild Flower Meadow. If the application is approved then ownership and responsibility for the pond and meadow should be clarified.

Fourthly the application severely limits any future expansion of potential beneficial use to the village. In particular, we are mindful of the need for future expansion of the school.

If the Committee is minded to approve the application the Parish Council wishes to claim a Sec 106 contribution of £250,000 in relation to improvement of village facilities. In addition the Parish Council believes that all traffic measures required to minimise the hazards inherent in this development should be imposed as a condition and not financed out of Sec 106 contributions.

I.2 Major Planning
Applications Team

Highways -

Archaeology - no objection subject to condition.

Education - no contributions required.

Property - library contribution required.

1.3	WODC - Arts	A S106 contribution of £5,670 to enhance public spaces by creating artist-led bespoke features.
1.4	Ecologist	No objection subject to conditions.
1.5	WODC Community Safety	No Comment Received.
1.6	WODC Architect	No Comment Received.
1.7	ERS Env Health - Uplands	No objection subject to condition.
1.8	WODC Head Of Housing	<p>At the date of the last housing need update, there were more than 94 households who would qualify for affordable housing in Shipton Under Wychwood. Of these, 9 households had a local domiciliary connection.</p> <p>It is my experience that more households with a local connection come forward once a development becomes a reality. This would be one of the very few opportunities to meet affordable housing need locally.</p> <p>The policy requirement is for 70 to 30% of the affordable homes be for affordable rent / shared ownership.</p> <p>The affordable mix should as closely as possible be;:</p> <p>65% smaller homes for, singles, couples, small families, older people and those requiring level access accommodation.</p> <p>The remaining 35% be for larger families, specifically two bedroom houses, three bedroom houses and a very small number of four bedroom houses.</p> <p>If this application can meet the above policy requirements, then I would be pleased to support it.</p>
1.9	WODC Landscape And Forestry Officer	No Comment Received.
1.10	Natural England	<p>Landscape advice</p> <p>The proposed development is for a site within or close to a nationally designated landscape namely Cotswolds AONB. Natural England does not object, however we advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.</p> <p>Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.</p> <p>Alongside national policy you should also apply landscape policies set</p>

out in your development plan, or appropriate saved policies. We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

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| I.11 | WODC Planning Policy Manager | No Comment Received. |
| I.12 | WODC - Sports | <p>£1,088 x 44 = £47,872 off site contribution towards sport/recreation facilities within the catchment.</p> <p>£818 x 44 = £35,992 for the enhancement and maintenance of play/recreation areas within the catchment.</p> |
| I.13 | TV Police - Crime Prevention Design Advisor | No Comment Received. |
| I.14 | Thames Water | <p>Waste Comments</p> <p>With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning</p> |

Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

Thames Water recommend the following informative 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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development

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| 1.15 | WODC Env Services - Waste Officer | No Comment Received. |
| 1.16 | Historic England | The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. |

2 REPRESENTATIONS

2.1 Twenty four objections have been received referring to the following matters:

- Impact on infrastructure capacity.
- Increase in traffic, parking congestion and effect on highway safety.
- More housing not wanted in Shipton/Milton. Consented Sharba Homes site is enough.
- Impact on the character of the area, conservation area, registered park and AONB.
- Limited public transport.
- Disturbance, disruption and pollution will be caused to primary school. Loss of countryside setting for school.
- Effect on sewerage capacity and drainage.
- Scheme should include more low cost homes.
- Too many houses for the site/density too high.
- Most residents will need to commute to work.
- Mini roundabout should be introduced to serve site and industrial area.
- Development not needed to meet WODC housing targets.
- The site should be reserved for future expansion of the school.
- Water pollution levels will be illegal.

- Erosion of village life.
- Development will lead to joining to two distinct villages.
- Proposed school parking to small and will not be sufficient to overcome existing congestion. The layout of the car park should be amended.

2.2 The Cotswolds Conservation Board comments as follows:

- The SHLAA description does not recognise the constraints on this site.
- It is difficult to argue that a development on a greenfield site outside a settlement boundary would be an enhancement, particularly as the AONB is the highest status of protection.
- The 44 dwellings is over 50% of the SHLAA allocation for the sub-area.
- The sustainability appraisal does not even attempt to define the issues in terms of the scale of developments that this part of the AONB could absorb and how it might be dispersed.

3 APPLICANT'S CASE

- 3.1 The proposal has been subject to extensive pre-application consultation with Planning and Highway officers, the Wychwood CE Primary School, Parish Councils, local people and businesses. The design has evolved having regard to these discussions, the site constraints and opportunities.
- 3.2 The principle of the development of the site has been accepted in the Draft Local Plan and by the Parish Council and some local people. However, it has been necessary to find a balance between the provision of car parking for the school, integration of this within a high quality residential development and the significant local need for housing.
- 3.3 The applicant considers that, where possible, the proposal has responded to the comments raised in the consultation whilst achieving an appropriate balance between these competing demands. The design strategy also received a number of positive comments through the public consultation.
- 3.4 The submitted layout plan and accompanying documents demonstrated that 44 dwellings can be accommodated on the site with a 24 space car park and within landscape setting.
- 3.5 Although the Parish Council and some local people indicate a preference for fewer dwellings, planning policies require efficient use of sites - and this is particularly relevant where there are significant housing needs as in West Oxfordshire generally and Shipton under Wychwood specifically.
- 3.6 The proposed 44 dwellings is less than a 10% increase to the village and as such similar in scale to several recent developments at other villages of a similar size.
- 3.7 At the current time the existing Local Plan 2011 is now out of date with regard to the provision for housing and significant shortfalls in housing supply have been identified. In such circumstances, the NPPF paragraph 14 dictates that the proposal be considered against the presumption in favour of sustainable development. This requires an assessment of planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits.

- 3.8 In accordance with paragraph 7 of the NPPF there are three dimensions to sustainable development: and economic role; a social role and an environmental role.
- 3.9 The proposal will provide additional housing where there is an identified requirement to increase housing targets and boost housing supply. The associated construction jobs and will be of economic benefit to the local area. The proposal has economic benefits and no significant and demonstrable adverse impacts.
- 3.10 The development will provide high quality housing in a sustainable location where there is an identified requirement to increase housing targets and boost housing supply. The need for housing on the site is already accepted in principle in the Draft Local Plan.
- 3.11 There is a significant unmet need for affordable housing in the area including 94 households who qualify for affordable housing in Shipton under Wychwood. The proposal will help to address this need by providing up to 40% affordable housing (17 units).
- 3.12 The proposal will facilitate an improved highway conditions along the Milton Road and a 24 space purpose built parent parking and drop off area for which there is currently none. The land for this parking area is being offered to the school so that it can be secured in perpetuity. These are significant social benefits with no significant and demonstrable adverse impacts.
- 3.13 In developing the design strategy, particular regard has been given to the setting of the site within the Conservation Area and CAONB.
- 3.14 Lying between the business centre and school, in the context of modern development, the site is not a prominent open space or of significance to the historic setting of the village Conservation Area. The development is a logical complement to the settlement pattern in location and scale.
- 3.15 Existing mature trees and landscaping of significance will be retained and enhanced with landscape buffers and provision of a wildflower meadow. The ecological value of the site will be enhanced.
- 3.16 The layout has taken account of significant views, notably from the Milton Road and countryside to the south. These views have been addressed through high quality design, landscaping and open spaces and the proposal will enhance the streetscape. The landscape and visual quality of the wider AONB landscape will not be significantly affected, whilst it has been accepted that the need for housing in this part of the AONB is necessary and in the public interest.
- 3.17 Safe and suitable access, appropriate drainage and acceptable levels of amenity can be achieved.
- 3.18 The proposal will lead to environmental benefits, notably as a result of the ecological enhancements, high quality design and landscaping and removal of on-street parking from the Milton Road. There are no significant and adverse environmental impacts.
- 3.19 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.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
BE5 Conservation Areas
BE11 Historic Parks and Gardens
BE13 Archaeological Assessments
BE18 Pollution
BE19 Noise
BE21 Light Pollution
H2 General residential development standards
H6 Medium-sized villages
H11 Affordable housing on allocated and previously unidentified sites
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
NE13 Biodiversity Conservation
NE15 Protected Species
T1 Traffic Generation
TLC7 Provision for Public Art
BC1NEW Burford-Charlbury sub-area
EH1NEW Landscape character
EH2NEW Biodiversity
EH5NEW Flood risk
EH6NEW Environmental protection
EH7NEW Historic Environment
H2 General residential development standards
H3NEW Affordable Housing
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
NE6 Retention of Trees, Woodlands and Hedgerows
OS5NEW Supporting infrastructure
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is an outline application for the erection of up to 44 dwellings on 3.35 ha of land with only access to be considered at this stage. A significant portion of the site would be given over to landscaping. The proposal also includes a school car park in recognition of problems with on-street parking associated with the school. A range of supporting information and an indicative layout have been provided. It is envisaged that the development would be predominantly 2 storey, with an apartment building being 2.5 storey. The vehicular access would be from Milton Road.

- 5.2 The site is a grassed field, currently used for grazing, that lies to the western edge of the village of Shipton under Wychwood. It adjoins the primary school to the northern boundary and a small industrial area to the east. To the south and south west there is open countryside.
- 5.3 The site is within the Shipton Conservation Area and the AONB.
- 5.4 There is no relevant planning history on the site.
- 5.5 The site has been identified in the review of the SHLAA as a suitable site for housing development and it is allocated in the published modifications to the emerging Local Plan as site BC1d.
- 5.6 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
- Siting, design and form
- Heritage and landscape
- Highways
- Trees, landscaping and ecology
- Drainage
- Residential amenity
- S106 matters

Principle

- 5.7 Shipton is classified in the Local Plan 2011 as a medium sized, group B settlement. Based on the settlement sustainability assessment (Dec 2013) the village is the most sustainable of the Group B villages assessed in terms of services and facilities available.
- 5.8 The village benefits from a range of services, including a primary school, food shop, community building, sports facilities, pub and railway station. Therefore, on the basis of its location and facilities, it is considered to be a suitable location for some new housing development.
- 5.9 The Local Plan 2011 is time expired and subject to a saving direction. The extent to which its policies can be considered up to date, and the weight to be attached to them, will depend on the degree to which they are consistent with the NPPF. Policies for the supply of housing cannot be considered up to date if the Council cannot demonstrate a 5 year supply of land for housing.
- 5.10 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, 1836 dwellings. In order to maintain an annual requirement that is realistically achievable, Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times, and the accumulated shortfall will be spread over the plan period using the "Liverpool"

calculation. The supply includes commitments, small sites and allocations which total 4,514 dwellings. This gives rise to a 5.5 year supply. However, the convention is to use the "Sedgefield" method of calculation where the shortfall is dealt with in the next 5 year period rather than being spread over the entire plan period. Using this calculation, the 5 year supply is 4.18 years. The Council will be making a case for "Liverpool" at the resumed Examination, but accepts that this is currently untested and not endorsed by the EiP Inspector. Accordingly, prior to further monitoring information becoming available and the outcome of the Examination, it remains appropriate to apply "Sedgefield" and therefore it is acknowledged that the Council cannot currently demonstrate a 5 year supply. In this context paragraphs 14 and 49 of the NPPF are engaged.

- 5.11 Local Plan 2011 Policy H6 would not allow for the development of the application site under a strict interpretation of the definitions of infilling and rounding off contained therein. However, in the context of the Council currently being unable to demonstrate a 5 year supply of land for housing, this policy is considered out of date with reference to paragraph 49 of the NPPF.
- 5.12 Emerging Local Plan 2031 Policy OS2 allows for limited development in villages which respects the village character and would help to maintain the vitality of these communities. Emerging Policy H2 allows for housing development on undeveloped land within or adjoining the built up area where the proposal is necessary to meet housing needs, is consistent with a number of criteria in Policy OS2, and is consistent with other policies in the plan.
- 5.13 The site adjoins the existing built up area of the village and therefore, on the basis of emerging policies for the supply of housing, the development proposed would be acceptable in principle. In addition, it has the policy presumption in favour of housing development arising from its proposed allocation.
- 5.14 The concerns expressed by objectors about the scale of development in the area arising from the High Street, Milton appeal decision are noted. However, this permission does not preclude further applications being considered favourably on their merits, and the amount of development envisaged across the two villages is not considered excessive or disproportionate.

Siting, Design and Form

- 5.15 An indicative layout has been provided, and this indicates that a scheme of 44 dwellings can readily be accommodated within the site area.
- 5.16 The layout shows an intention to avoid built form on western part of the site, as well as along the southern boundary, which would be open space with public access provided. All around the periphery of the site existing planting would be retained, and new landscaping provided.
- 5.17 It is understood that the houses would be predominantly 2 storey although the house types are for future consideration as part of a subsequent reserved matters application. The design is likely to be inspired by vernacular forms and proportion, as indicated in the submitted Design and Access Statement but no detailed elevations are available as part of the application.
- 5.18 The indicative layout shows that buildings would be set back from the road frontage with the development arranged around cul de sacs. No buildings would be sited close to the school or share a boundary with it.

Heritage and landscape

- 5.19 The site is within the Shipton Conservation Area, the boundary of which follows the south and south western site boundary. There are no listed buildings in close proximity, but there is a Grade II registered park and garden approximately 150m to the south, known as the Wild Garden, which was historically associated with Shipton Court and forms part of its listing.
- 5.20 Historic England was consulted on the application but they did not wish to offer any comments or observations.
- 5.21 The Conservation Officer does not object to the proposal, but would wish to see buildings on the southern fringe of the site kept as low as possible and advises that the form of the apartment block should be broken up to reduce prominence in longer views.
- 5.22 Local Plan Policy BE5 states that the character and appearance of Conservation Areas should not be eroded by the introduction of unsympathetic development proposals within or affecting their setting. Policy BE4 refers to open spaces within and adjoining settlements and seeks to resist their loss or erosion where they make an important contribution to the distinctiveness of a settlement, and/or the visual amenity or character of the locality.
- 5.23 Section 12 of the NPPF deals with the historic environment and addresses the impact of development on heritage assets. Emerging Local Plan Policy EH7 has been drafted in the light of the NPPF and promotes the conservation and enhancement of West Oxfordshire's historic environment.
- 5.24 The application site is a substantial area of open space which sits between existing, modern development to the west of the historic core of the village. It is noted that the site lies in the vicinity of the location where the villages of Shipton and Milton sit alongside on another. However, the point at which this meeting takes place is in the minor valley to the west of the school. The Council has been successful in resisting development there that would close the gap between the villages. However, it is considered that the location of the development that is the subject of this application would not contribute to a coalescence of the settlements.
- 5.25 The application site undoubtedly forms a substantial part of the Conservation Area and its openness makes a positive contribution to the character of the village. However, to a significant extent, the visual merits of the site are influenced by modern, utilitarian buildings to each side. There is nothing remarkable or particularly attractive about the site. In addition, the site is not close to or adjacent to a listed building or other heritage asset.
- 5.26 Although it is acknowledged that there would be some harm to the Conservation Area, this is judged less than substantial with regard to paragraph 134 of the NPPF. In this context it is necessary to weigh this harm against the public benefits of the proposal. In this case the main public benefit would be the provision of housing to meet housing needs, and in particular the provision of 40% affordable housing.
- 5.27 The proposal would have some effect on the Conservation Area, but with regard to Local Plan Policy BE5 it is considered on balance that the character would not be significantly harmed.
- 5.28 Not all of the site would be developed and significant areas would be left as open space. Nevertheless, there would be some erosion of openness on this site, that is acknowledged to

make a contribution to the character of the area, and to that extent the proposal would be contrary to Policy BE4. However, because the application of this policy can have a bearing on housing land supply, it is not up to date in the context of paragraph 49 of the NPPF and its weight is accordingly reduced.

- 5.29 The site is not considered to be archaeologically sensitive and no objection is raised by OCC Archaeologist subject to conditions.
- 5.30 The land is classified as semi-enclosed clay wolds (large scale) within Upper Evenlode Character Area, as identified in the West Oxfordshire Landscape Assessment. The assessment notes that in this particular landscape type, any development would need to be closely integrated with existing buildings or within a strong landscape structure. It is considered that the intention to retain the land at the western end of the site as landscaped open space and the adjacency of existing buildings responds to this requirement. The proposal would comply with Policy NE3 in that the local landscape character would be respected.
- 5.31 Paragraph 115 of the NPPF and Local Plan Policy NE4 refer to the conservation of the AONB. As a major application, it is necessary that the proposal is assessed against paragraph 116 of the NPPF, which allows for major developments in designated areas in exceptional circumstances and where it can be demonstrated they are in the public interest. In this regard, there is a need for the development to contribute to housing land supply and deliver the economic and social benefits that arise from it, particularly affordable housing. Although the delivery by sub-area is not set in stone as a target to be met, there is an assumption that some supply will come forward in suitable locations within the AONB. The overall supply requirement is such that it is not necessarily realistic to expect all housing need to be met outside the AONB. The location and characteristics of the site are such that detriment to the environment and landscape can be mitigated effectively.
- 5.32 The proposal would respect the pattern of development in this location and would be compatible with its character. Although there would be some erosion of private open space, on balance, the proposal is considered to comply with Local Plan Policies BE2 and H2, and emerging Policy OS2 insofar as the matters addressed by this outline application.

Highways

- 5.33 The OCC Highways Officer in his initial response identified a number of key issues:
- 1) The site is not in a transport sustainable location since its access to public transport has been drastically reduced and therefore travel mode choice will be severely limited.
 - 2) Significant improvements to the transport sustainability of the site have not been demonstrated.
 - 3) The site access junction with Milton Road will require detailed junction capacity assessment.
 - 4) Details of the extent of the parking survey are required.
 - 5) The parallel parking arrangement at the school drop-off and pick-up point is acceptable.
 - 6) Minor improvements to the existing Villager bus service could be made by the developer in consultation with the District council.
 - 7) A residential travel information pack will be required.
 - 8) A car park management plan will be required.
 - 9) A Traffic Regulation Order will be required for the proposed parking restriction of Milton Road.

- 5.34 In response to these observations, the applicant has set out the following:
- 1) An intention to make a contribution to a bus service between Shipton and Witney. The amount suggested by the Parish Council of £46,484.00 is not objected to by the applicant and this could form part of a legal agreement. Other contributions to pedestrian crossings could be made if deemed necessary and appropriate in connection with the proposed scheme. The OCC Highways Officer has questioned whether the sum to be provided would be sufficient to provide the bus service and it is unlikely to come to fruition without significant additional funds being found. On this basis OCC concerns about transport sustainability remain.
 - 2) The applicant's transport consultant has liaised with OCC and further junction assessment information has been provided. On the basis of the information provided, OCC has withdrawn its objection relating to junction assessment.
 - 3) The extent of the parking survey has been confirmed and OCC withdraws its objection in relation to this matter.
- 5.35 A Travel information pack and car park management plan can be addressed by condition. The imposition of a Traffic Regulation Order on Milton Road is a separate matter under separate legislation.
- 5.36 Overall, Officers consider that the means of access will be acceptable and the measures proposed should result in no detriment in highway safety terms. There remains some concern from OCC about pedestrian accessibility in this locality, rather than in relation to the site itself, and further advice from OCC will be provided at the meeting if available as regards off-site highways works.

Trees, landscaping and ecology

- 5.37 There are a significant number of trees on the boundaries of the site. The submitted Tree Report indicates that these will be retained. There are also other trees just outside the boundary which contribute to the existing screening.
- 5.38 A tree protection plan has been provided, but tree protection measures will be the subject of a condition. It is considered that there would be no detriment in landscape terms arising from the treatment of trees on and adjoining the site. The proposal therefore complies with Local Plan Policy NE6.
- 5.39 A reserved matters submission would include a landscaping scheme, and the illustrative plan indicates an intention to provide significant additional planting.
- 5.40 An ecological report was submitted with the application. This has been considered by the Council's Ecologist and no objection is raised subject to conditions.

Drainage

- 5.41 The site is within Flood Zone 1 and therefore at low risk of flooding. Although concern has been expressed locally about flooding and drainage, subject to a sustainable drainage scheme being agreed, there is no reason to believe that the development would result in detriment as regards increased flood risk. New drainage features such as a pond are shown on the indicative

plan. The site is not considered at high risk from any other sources of flooding. The proposed surface water drainage system will replicate the current greenfield conditions found on site.

- 5.42 The submitted Flood Risk Assessment conclusions note the following:
- Surface water runoff from the development will not increase flood risk to the development or third parties.
 - Sustainable Drainage Systems (SuDS) have been explored and used to attenuate to at least pre-development discharge rates.
 - An allowance for climate change has been incorporated, which means adding an extra amount to peak rainfall, which relates to the life time of the development.
 - The residual risk of flooding has been addressed should failure or exceedance of the drainage system occur. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.
- 5.43 There is no reason to believe that the development will increase the incidence of waterlogging of the school playing field.
- 5.44 Thames Water, has been unable to determine the waste water infrastructure needs of this application and therefore a condition is recommended regarding submission of a drainage strategy.

Residential amenity

- 5.45 The indicative layout shows that a development of 44 units can be accommodated on the site without causing impacts on privacy, light or general amenity to neighbouring property. The detailed arrangement of buildings would be addressed at the reserved matters stage in any event.
- 5.46 There would be separation between dwellings and the industrial building to the east.
- 5.47 Although it is acknowledged that the outlook from the primary school will be changed as a result of the development, this is not material to the decision. The detailed layout will address any overlooking between dwellings and the school. Some disturbance during construction is inevitable but the operation of the site would be subject to a construction management plan, secured by condition.

SI06 matters

- 5.48 The applicant has referred to the provision of 40% affordable housing which is a policy compliant contribution.
- 5.49 A contribution of £5,670.00 is required towards public art.
- 5.50 A contribution of £47,872.00 off site contribution towards community/sport/recreation facilities within the catchment is required. It is intended that this will go towards the provision of a floodlit MUGA at the Primary school. In addition, £35,992.00 is required for the enhancement and maintenance of existing play/recreation areas within the catchment. This is intended to go towards enhancement of existing play provision at Beaconsfield Hall.

- 5.51 Contributions are not required towards education. The capacity of schools in the area is considered adequate to accommodate the development.
- 5.52 A contribution of £12,228.40 is required towards local library provision.
- 5.53 There is an intention to make a contribution to a bus service between Shipton and Witney. The amount suggested by the Parish Council is £46,484.00.
- 5.54 The Parish has suggested a number of other projects that could be funded by the developer. However, at the time of writing, their proposals were not in a form that could be properly assessed as regards compliance with NPPF paragraph 204 or the CIL regulations. Some monies are sought for highways works in the form of pedestrian crossings, but this is the remit of OCC and further advice is being sought from them which will be reported at the meeting. Contributions to sport/play facilities are covered in the WODC requirements. The contributions set out above are the ones currently identified as necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and in kind to the development. It is a matter for the Parish whether they wish to continue to liaise with the applicant on further projects and contributions.

Conclusion

- 5.55 The site is considered to be in a generally sustainable location, in a medium sized village and it relates well to existing development. However, OCC maintains its concern about transport sustainability because of the withdrawal of the bus service. There is also some concern about pedestrian accessibility in the locality, but at the time of writing it was not clear how this might be addressed by way of off-site works.
- 5.56 Although there would be some loss of open space in a prominent location in the village, part of the site would remain undeveloped and would be landscaped. The limited harm arising from loss of open space is, in this case, outweighed by the benefit of providing new housing in a suitable location.
- 5.57 The site lies within the Shipton Conservation Area. Although there would be some effect in terms of replacing open space with built form, the impact on the Conservation Area would be less than substantial. The provision of new housing in a suitable location is considered to outweigh this limited harm.
- 5.58 Existing trees and hedgerow would be retained, save for limited removal to facilitate the development. The development would therefore sit within an established landscape setting, and additional landscaping would be provided as part of any future scheme.
- 5.59 The access to the site is acceptable in highways terms.
- 5.60 The site is at low risk of flooding and a sustainable drainage scheme can be secured by condition.
- 5.61 There would be no impact on protected species and mitigation and enhancements for wildlife can be secured by condition.
- 5.62 There is no reason to believe that residential amenity would be adversely affected and detailed layout and design will be considered at reserved matters in this regard.

- 5.63 Having taken into account material planning matters, the acceptability in principle of the site, and balancing the harm arising with the benefits, it is recommended that the application is approved subject to completion of a legal agreement.

6 CONDITIONS

- 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 the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the scale, layout, appearance and landscaping (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 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 4 **A. Site Characterisation**
No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site.
Moreover, it must include:
(i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages
(ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
(iii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems.
- B. Submission of Remediation Scheme**
No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

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".

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with part C.

REASON: To ensure any contamination of the site is identified and appropriately remediated

- 5 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
REASON: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.
- 6 Prior to commencement of the development, including any demolition and site clearance, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).
- 7 Following the approval of the Written Scheme of Investigation referred to in condition 6, and prior to commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation 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 identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

- 8 No development, including site clearance and demolition, shall commence until all existing trees shown to be retained within the submitted "Tree Survey Report" by Venners Arboriculture dated August 2016 have been protected in accordance with a tree protection plan which complies with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction'. The tree protection plan shall have been first submitted to and approved in writing by the local planning authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

- 9 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

- 10 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.

NB Council will be able to advise developers of known network operators in the area.

- 11 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- 12 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - VII Hours of operation.
- REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.
- 13 The works shall be completed in accordance with the recommendations laid out in:
- i. Section 5 of the Extended Phase I Habitat Survey report by Lockhart Garrett dated March 2016;
 - ii. Sections 5.6 to 5.9 inclusive of the Badger Activity Survey report by Lockhart Garrett dated August 2016; and
 - iii. Sections 5.3 to 5.5 inclusive of the Bat Activity Survey report by Lockhart Garrett dated August 2016
- All the recommendations shall be implemented in full according to the recommended timescales, unless otherwise agreed in writing by the Local Planning Authority and thereafter permanently maintained.
- REASON: To ensure that the species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 14 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP 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 shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. A report prepared by a professional ecologist or the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP 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 adequate protection, mitigation and compensation for protected species, priority species and priority habitats, to ensure that approved mitigation and compensation works are carried out and completed as approved and in line with current best practice guidelines, and to ensure adequate professional ecological expertise is available to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licence, during construction.

- 15 Prior to commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- i. Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
 - ii. Full details of features to be created for species, including bats, nesting birds, hedgehogs and reptiles;
 - iii. Description and evaluation of features to be managed; including location(s) shown on a site map;
 - iv. Landscape and ecological trends and constraints on site that might influence management;
 - v. Aims and objectives of management;
 - vi. Appropriate management options for achieving aims and objectives;
 - vii. Prescriptions for management actions;
 - viii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period);
 - ix. Details of the body or organisation responsible for implementation of the plan;
 - x. Ongoing monitoring and remedial measures;
 - xi. Timeframe for reviewing the plan; and
 - xii. 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 long-term 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 ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

- 16 Prior to occupation, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- i. identify those areas/features on site that are particularly sensitive for bats and badgers, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - ii. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- REASON: To minimise light spillage and to ensure no illumination of sensitive areas for protected species, including foraging/commuting bats and badgers.
- 17 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway on Milton Road, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the dwellings, the means of access shall be constructed and retained in accordance with the approved details.
- REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
- 18 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.
- REASON: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.
- 19 No dwelling shall be occupied until car parking space(s) to serve that dwelling have been provided according to plans showing parking and the necessary manoeuvring and turning to be submitted and agreed by the Local Planning Authority. All car parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. Car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- REASON: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 20 Prior to the first occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided for each phase of the development prior to first occupation of that phase of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

REASON: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

- 21 Prior to the occupation of any of the approved dwellings, the school parking area shall have been constructed, laid out, surfaced and lit in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Prior to the school parking area being brought into use, it shall have been completed in accordance with the approved details, and shall be subject to a car park management plan which has also first been submitted to and approved in writing by the Local Planning Authority. The school car park shall be retained thereafter and managed in accordance with the approved details.

REASON: To ensure safe and appropriate operation of the car park.

- 22 Prior to first occupation of any of the dwellings, a residential travel plan shall be submitted to and approved by the local planning authority in consultation with the local highway authority. The plan shall incorporate details of the means of regulating the use of private cars at the development in favour of other modes of transport and the means of implementation and methods of monitoring.

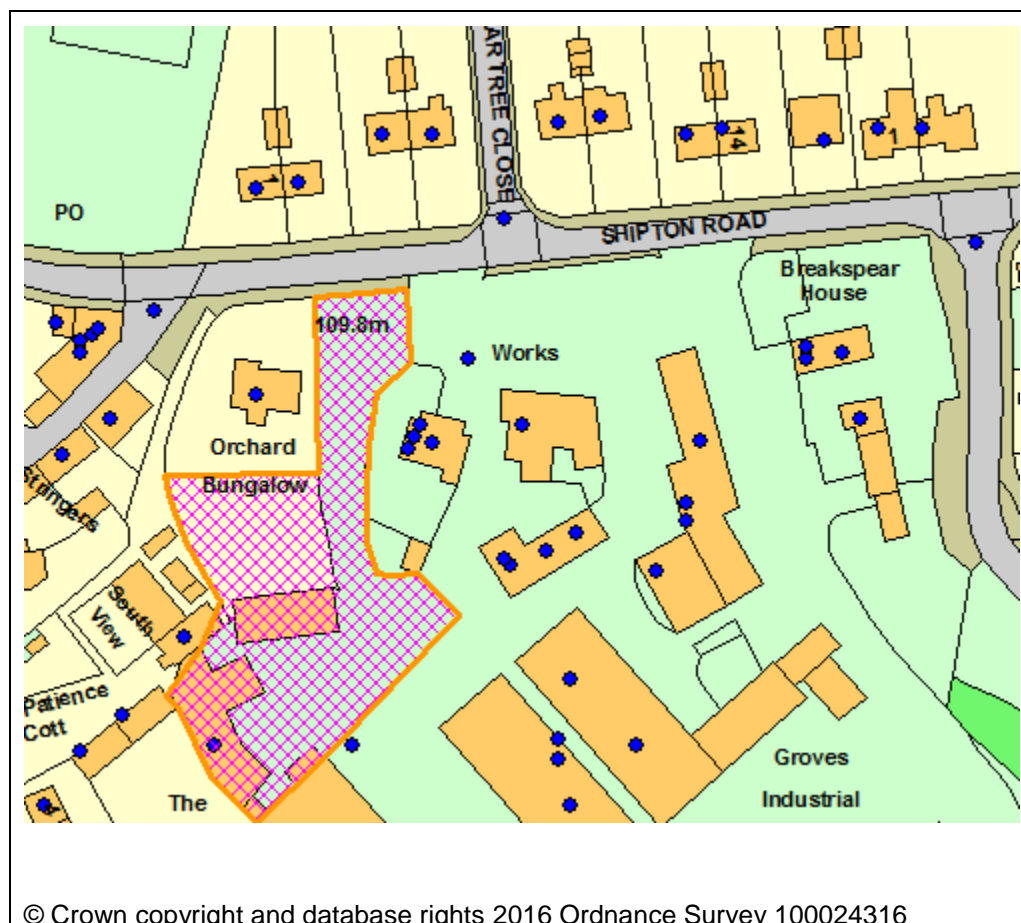
REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT

- 1 Thames Water recommend the following informative 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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the following websites:
Biodiversity Planning toolkit:
http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621_what_are_nationally_protected_species
Bat Conservation Trust: <http://www.bats.org.uk/>
Natural England: <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

Application Number	16/03411/FUL
Site Address	Alfred Groves And Sons Ltd Groves Business Centre Shipton Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JP
Date	19th December 2016
Officer	Hannah Wiseman
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426714 E 218227 N
Committee Date	3rd January 2017

Location Map



Application Details:

Erection of five dwellings and associated infrastructure.

Applicant Details:

Alfred Groves & Sons Limited,
Groves Business Centre
Shipton Road
MILTON UNDER WYCHWOOD
OX7 6JP

I CONSULTATIONS

- I.1 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
No objection subject to
- G36 parking as plan
- G31 drive etc specification
- G47 SUDS sustainable surface water drainage details
- I.2 WODC Drainage Engineers I agree with the outline strategy proposed in TN002 for the disposal of surface water. Please note that any layout must allow for clear and defined surface water exceedance pathways to allow water to flow from the site to the public highway to the North of the site. Additionally, if the site is classed as a brownfield site, then WODC would seek a reduction in the rate and volume of surface water that will be evacuated from the site, especially as it appears that there is not currently a positive connection from the site to an existing system. WODC must also be informed of who the landowners will be where any communal SUDS assets are to be constructed/laid. This would include the communal private access road if it was to be laid using permeable paving, which would be feasible if the infiltration is as expected and it is to remain a private road. Please attach a standard surface water disposal scheme pre-commencement condition to the consent, if granted.
The proposed strategy, if proven to be feasible after further site investigations, is a strategy that could be replicated if further development was proposed on another part of the site.
- I.3 WODC Architect No Comment Received.
- I.4 ERS Env Health - Uplands The proposed residential use is for sensitive use and therefore the site should be investigated for potential contaminated land to ensure that the land is suitable for the proposed use. Should approval be granted I recommend the following condition for your consideration:-

1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not is originates on site, the report must include a risk assessment of potential source pathway receptor linkages. If potential pollutant linkages have been identified a site investigation assessing the nature and extent of contamination will be 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

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 a verification report confirming 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.

I.5 Parish Council

Mrs J Miller The Parish Council have no objection in principle to this brownfield, infill development, although it must be noted that the Councillors were extremely divided about the conclusion. It improves a semi-derelict industrial area and features houses that are small scale enough to be affordable.

However, we have some important points that do not appear to be properly addressed in the application.

1. Patience Cottage in The Square, is an old house and shares a party wall with an existing building on this site. There is an important risk of structural damage when the building is demolished. Patience Cottage is at a significantly lower level (about a metre) than the proposed development site. From the plan, the Cottage looks in great danger of overshadowing from the adjacent house, depriving it of natural light.

2. Poppy Row in The Square, is also attached to an existing building although to a lesser extent. The risk of damage to the property remains, but is less severe. To gain access to the site it would be necessary to use the rear garden of Poppy Row. The inevitable damage must be fully addressed.

3. There is an existing business trading from the proposed site, PH Upholstery. This business provides much needed employment in the village. We believe it is crucial that suitable alternative premises are provided by Groves in the remaining industrial site.

4. There is a joinery workshop is adjacent to this site, It creates a significant amount of noise. We estimate that the 3 houses at the South of the development would be impacted by nuisance noise. A mitigation plan should be part of this proposal.

5. The adjacent wall of the joinery workshop appears to be asbestos. We expect a safety inspection of this wall.

6. There should be a substantial physical barrier between the industrial site and the residential area. We propose a stone wall in keeping with the Cotswolds AONB.

7. An existing residential building, Elms Cottage is not included within the curtilage of this scheme. We believe the scheme boundary should be extended to include this building thus creating a coherent residential area which is clearly separate from the existing industrial area.

- I.6 WODC Planning Policy Manager
- The planning statement submitted by the applicant's agent downplays the economic significance of the Business Centre. One of West Oxfordshire's strengths is its diverse rural economy and the fact that sites such as the Alfred Groves Business Centre exist in villages. These sites are really important for retaining vibrant and sustainable rural communities. While accepting that the buildings to be removed to make way for the proposed development are coming to the end of their useful life, I am concerned that dwellings should not be allowed so close to the business part of the site that they start to hinder the business use. I hope that this is taken into account when assessing the application and that planning decisions acknowledge the site's primary use as an important business site in the village.

2 REPRESENTATIONS

2.1 Three neighbour comments have been received, copied below;

2.2 We currently reside at Patience Cottage, the Square, Milton under Wychwood. Having recently moved into the village, we bought the cottage due to its quite, picturesque and private location. We are not against the plans on the whole, but do feel that in their existing state, they would have a sizeable impact on our property.

Our concerns for the planned development are listed below:

- We are concerned that the development will have an overbearing impact on our house. The plans don't currently state how our property would sit with the planned properties in situ. The land is considerable higher than ours and even if this was excavated we feel that the planned properties would tower over ours. We would like to, if possible, have a street view of the planned properties with ours featured.

- As per the plans, if a fence/wall is constructed we would lose light from both the bathroom and the kitchen windows. Then we would also lose a large amount of privacy from both the front and back garden.
 - We do have a concern of the adjoining wall that is currently attached to ours and to how we can be assured that all efforts will be made to preserve our existing wall.
- 2.3 If possible, we would really like to discuss the plans further with the architect.
- 2.4 We are directly affected as the buildings to be demolished form our boundary. Our main concern is that the ground level is substantially lower on our side at the end of house number unit 3 garden. One of the buildings to be demolished is attached to our 250 year old cottage by one corner. We feel the buildings will be imposing and our garden will be looked down upon by the upper floor of the new build. We would ask that you recommend that like the height of the buildings be lowered nearer to the level of the existing buildings. None of the plans showing elevations appear to take into account the different levels from our side.
- 2.5 At the present time our garden is completely secure, and once the buildings are demolished we would hope that our garden is made secure as a priority. We have a dog so this is imperative. Once the buildings are demolished we need assurances that the gable end of our cottage where the old workshops are attached at the corner be restored and made good.
- 2.6 We are obliged to object to this planning application because we are the previous owners of Patience Cottage (we sold it to the current owner in October 2016) and because we held negotiations with the architect / planner and land owner the first time this application was submitted (October 2015).
- 2.7 I am extremely disappointed that these previous negotiations, and our objection on the WODC planning portal regarding the previous application, have not been taken in to account. Negotiations we had regarded the boundaries of the proposed properties closest to Patience Cottage to the North East and to the South East, and verbal agreement was reached whereby the proposed boundaries would be changed. The architect was surprised to find that Patience Cottage is around 4 feet lower than the surrounding land. A 6 feet high fence at the boundary will be 10 feet high from within Patience Cottage.
- 2.8 Patience Cottage has 2 windows on the ground floor (kitchen and bathroom) that are directly on the proposed South East boundary. We would not be able to open the windows! As any cottage owner knows, natural light is precious. There is absolutely no way I would allow the light to be blocked through these windows.
- 2.9 The business unit to the South East which will require demolition, is built on to around 50% of the South East wall of Patience Cottage. This will require very careful removal and remediation of Patience Cottage outer wall. Patience Cottage is approaching 300 years old.
- 2.10 I am not in objection to the development of the proposed area for new housing, as long as it is affordable to our local residents. I condone "in-fill" development rather than monstrous estates being built on our precious Cotswold AONB countryside. However, I also need to state that the removal of the current industrial buildings will leave local workers without suitable premises, and we need to be supporting our local businesses.

3 APPLICANT'S CASE

- 3.1 The applicant has submitted a planning statement which can be read in full on the Councils' Website, but is summarised with the conclusion copied below:

"SUMMARY AND CONCLUSIONS

Paragraph 14 of the NPPF states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits, when assessed against the policies of the NPPF or specific policies in the NPPF indicate development should be restricted.

The Council cannot demonstrate a five-year supply of deliverable housing sites as required by Paragraph 47 of the NPPF. The proposed site is available now and can assist in making up the current shortfall.

The principle of residential development on the site, given the earlier permissions and the opportunities presented via the permitted development prior approval process, has been established.

Furthermore, no specific policies in the NPPF indicate that development should be restricted on the application site and this statement demonstrates that the proposal would not give rise to any significant adverse impacts which would outweigh the benefits of providing additional housing in a sustainable location.

The proposal would also accord with housing strategy within the emerging Local Plan.

In light of the forgoing, and having regard to the planning policy considerations set out above, the weight of evidence lies with a decision to approve the planning application."

After further requests for information regarding the uses of the units, the applicant supplied the following supporting information:

"Following numbering taken from plan 1426 - 202, I can confirm that:

-Units 11a, 11b and 11c are currently vacant as the condition of the building is such that it is unsuitable for letting. It is used for occasional storage by Alfred Groves.

-Units 11 & 12 are occupied by an upholstery business on a month to month basis. The applicant has had discussions with the occupier regarding the current proposals and this dialogue will continue. The applicant is hoping that he will be able to agree terms with the occupants regarding alternative accommodation within the Alfred Groves site.

-Unit 13 is occupied by a local farrier however the premises are not used as part of his daily business but offer storage and occasional use only. There is no formal occupation agreement in place. "

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
NE4 Cotswolds Area of Outstanding Natural Beauty
H6 Medium-sized villages
H2 General residential development standards
E6 Change of Use of Existing Employment Sites
NE13 Biodiversity Conservation
OS1NEW Presumption in favour of sustainable development
OS4NEW High quality design
OS2NEW Locating development in the right places
H2NEW Delivery of new homes
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T4NEW Parking provision
EH1NEW Landscape character
EH2NEW Biodiversity
E1NEW Land for employment
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is on the southern side of the Shipton Road in Milton under Wychwood, outside of the conservation area, but is within the Cotswolds Area of Outstanding Natural beauty. The proposal seeks consent for the erection of 5 no. three bed dwellings on a former light industrial site. It is adjacent to other residential properties and the remaining industrial site.
- 5.2 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
 - Loss of Employment
 - Siting Design and form
 - Residential Amenities
 - Highways

Principle

- 5.3 The proposal will involve the removal of two vacant industrial units on the western edge of the Builders yard employment site, and the erection of 5 x 3 bed, two storey dwellings with associated parking and landscaping.
- 5.4 Milton Under Wychwood has historically fallen under policy H6 of the WOLP 2011 which allows for new dwellings under the circumstances of infilling or 'rounding off' within the existing built up area on previously developed land. The proposal is therefore considered compliant with H6 although it is noted that the housing Policies of the WOLP 2011 are no longer considered

up to date as the Council has not been able to demonstrate a 5 year supply of deliverable housing. As such housing applications within the District need to be considered within the presumption in favour of sustainable development. Paragraph 14 of the NPPF states that where relevant policies are out of date, planning permission should be granted for sustainable development, providing it does not cause any adverse impacts that would significantly and demonstrably outweigh the benefits, when taking the policies within the framework as a whole. In light of the above and that the site is within the built up limits of the village, on previously developed land and within close distance to the amenities Milton has to offer, the redevelopment of the site for 5 houses is considered acceptable in principle.

- 5.5 As the proposal is only for 5 dwellings, applying emerging policy H3, there would be no contribution to affordable housing.

Loss of Employment Site

- 5.6 It is noted that the proposal would result in a loss of two light industrial units. Policy E6 of the WOLP 2011 resists the change of use of employment sites where possible unless the site is demonstrated as no longer viable, the premises are considered unsuitable on amenity grounds, or that substantial planning benefits would arise as a result of the change of use. As above, it is noted that these policies could now be considered out of date, considering the NPPF at paragraph 22 states where there is no reasonable prospect for the site being used for that (B1) use, applications for alternative uses of land or building should be treated on their merits with regard to market signals and the relative need for different land uses to support local communities. Paragraph 51 states that empty buildings should be brought back in to use and applications for a change of use to residential use should normally be approved where there is an identified need for additional housing in that area, providing there are not strong economic reasons why such development would be inappropriate. Your officers also note that with the most recent changes to the General Permitted Development Order, B1 units can now change to residential under a process of prior approval. It is considered there is a clear will from Government to ensure that redundant sites are put to a residential use providing there are no clear planning reasons why they should not.
- 5.7 Emerging policy E1 is similar to E6 in its aims but includes the potential change to community uses or where substantial community benefits would be achieved by allowing alternative forms of development. Given that the emerging plan is still draft and not yet at examination stage officers consider little weight can be attributed to this policy and that the potential 'fall back' of the Permitted Development rights should be considered material.
- 5.8 It is noted that the loss of these two units are regrettable and that the Alfred Groves site is a significant business centre for rural employment, however given that the buildings are redundant and coming to the end of any useful purpose, in applying a 'planning balance' the proposal is considered to provide an overall wider benefit with the addition of 5 smaller scale residential units in an area of housing need, and is therefore, on balance, acceptable.

Siting, Design and Form

- 5.9 The proposal is for a terrace of 3 no. three bed two storey dwellings on the south west corner of the site with the rear gardens backing on to The Square, with 2 no. three bed two storey semi-detached properties, north of the terrace with west facing rear gardens. Direct access will

be maintained from the existing access from the Shipton Road, leading to the parking spaces primarily in front of each property with visitor spaces in the eastern corner of the site.

- 5.10 The dwellings are proposed in a fairly vernacular form with natural stone and slate materials which are considered appropriate to their setting and the immediate locale. The layout is considered logical and of a fairly low density, contained within the visibly 'residential' section of the Groves site. The proposal is therefore considered to be in accordance with policy.

Highways

- 5.11 Highway officers have been consulted on the application and have no objections to the scheme subject to conditions that the parking spaces are laid out prior to occupation and that SUDS methods are used to drain and lay the spaces. Two spaces per property are provided along with 4 visitor spaces which meets standards and should not lead to any unacceptable impact on the local highway network. On this basis the proposals are considered to be in accordance with policy.

Residential Amenities

- 5.12 The proposal is noted to affect the two adjacent properties, Poppy Row and Patience Cottage as the existing buildings are attached to them. The applicants have submitted a plan detailing how they intend to treat the boundaries between the properties and make good the external walls and fences/ retaining walls where necessary. These details indicate a mix of closed board fencing and/or walling in stone at varying heights to reflect the varying land levels. At the time of writing section drawings have been also been requested but not yet received. This will be reported in the late representations report.
- 5.13 Officers have sought amended plans to Plot 3 which removes the first floor rear bedroom window, due to the concern regarding potential overlooking in to the rear garden of Poppy Row. The amended plans now include a side facing window on the North West elevation instead of the rear, which will allow sufficient light and circulation for the potential occupiers, whilst still maintaining privacy and amenity for neighbouring properties. Plots 4 and 5 have a distance of 12m from the rear elevation to the boundary which is considered sufficient distance to not result in any harmful overlooking.
- 5.14 As the proposal will result in the rear wall of the existing buildings being moved away from the boundary of Poppy Row and Patience Cottage, the proposal is not going to result in any loss of light due to the properties benefiting from south facing gardens and as a result of the bulk of the built form being moved away from the boundary.
- 5.15 Officers note that the proposed dwellings would be in close proximity to the remaining active BI uses on the adjacent site which may result in occasional disturbance in terms of noise or disruption. However there are many existing properties nearby within similar distances to the proposed dwellings, indeed they will be set further away than the existing arrangement between the existing workshops and Poppy Row. In any event the uses on the adjacent site are light industrial in nature and are not considered to result in any anti- social smells, noises or operating hours, to the detriment of any residential amenity.

Conclusion

- 5.16 The proposal is considered to result in an appropriate and logical form of development, designed to take account of the local form and character of the area which will provide small scale housing on a brownfield site, in a sustainable area. It is considered the proposal will make a positive use of a more neglected part of the site, which, on balance, is considered to improve both visual and neighbouring amenity. As such your officers consider the proposal is acceptable on its merits and should be approved in line with the conditions suggested.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
- REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Classes A, B, C, D, E, and G of Schedule 2, Part 1 and Classes A and C of Schedule 2, Part 2 shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to maintain the character and appearance of the buildings and the wider area and to protect neighbouring amenities.
- 6 No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originates on site, the report must include a risk assessment of potential source pathway receptor linkages. If potential pollutant linkages have been identified a site investigation assessing the nature and extent of contamination will be

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.

REASON: To ensure the means to prevent pollution and secure a safe environment for the development of and future occupiers of the site.

- 7 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 a verification report confirming 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 the means to prevent pollution and secure a safe environment for the development of and future occupiers of the site.

- 8 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- 9 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

- 10 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

- 11 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.
- 12 The recommendations and mitigation measures as set out in Section 7 the submitted Bat Survey Report by Lockhart Garratt dated August 2016, should be adhered to and implemented in full, prior to, and throughout the commencement of the development hereby permitted.
REASON: To safeguard and enhance biodiversity.
- 13 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity.
- 14 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.
REASON: To safeguard the character and appearance of the area.
- 15 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

NOTE TO APPLICANT

The grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.

Application Number	16/03601/FUL
Site Address	Land West Of Witney Road Finstock Oxfordshire
Date	19th December 2016
Officer	Kim Smith
Officer Recommendations	Defer
Parish	Cornbury And Wychwood Parish Council
Grid Reference	435118 E 216252 N
Committee Date	3rd January 2017

Application Details:

Erection of seven tree house cabins for holiday lets and new store, creation of car park and extension of existing track.

Applicant Details:

Mr Nicholas House
Cerbid
Solva
Haverfordwest
SA62 6YE

I CONSULTATIONS

- I.1 Adjacent Parish Council No reply at the time of writing
- I.2 Parish Council No reply at the time of writing.
- I.3 Adjacent Parish Council Finstock Parish Council has commented in a precised form as follows:

The access and egress from the site is off the B4022. There will be limited visibility and this stretch of road is extremely dangerous as cars more often than not exceed the 40mph speed limit sometimes travelling at 50-60mph on this stretch of road;

This is a site with historical interest. The land was used during the Second World War as a hospital for wounded army personnel. Before Planning Permission is given the members request that a condition be made that proper archaeological survey is undertaken and published.

The Parish Council considers this is a further incursion into the AONB.

Members would also like to register their disappointment that the development in and around the Estate appears to be giving priority to visitor accommodation over residential homes, particularly affordable

homes for local people.

The members would like to remind WODC that the sewage management system serving Leaffield and Finstock appears to have limited capacity with the result that Dark Lane Pumping Station is occasionally flooded, resulting in leaks of raw sewage which gives local residents public health concerns.

Members are most concerned that this might not be the extent of the development.

- | | | |
|-----|-------------------------------------|----------------------------------|
| 1.4 | OCC Highways | No reply at the time of writing. |
| 1.5 | WODC Landscape And Forestry Officer | No reply at the time of writing. |
| 1.6 | Thames Water | No reply at the time of writing. |
| 1.7 | Biodiversity Officer | No reply at the time of writing. |

2 REPRESENTATIONS

2.1 William Franklin of 37 Buchanan Drive Luton has commented as follows:

- I am writing on behalf of Mrs Pamela Hutchings of 'Juniper', Witney Road, Finstock, Oxfordshire, OX7 3DF who is my wife's aunt.
- Mrs Hutchings is very concerned about the erection of the tree houses in the forest opposite her property. Her concerns lie mainly with the B4022 road and the speed of vehicles that use it. Even though there is a speed limit through the village many vehicles are still above the speed limit particularly coming from the Witney direction.
- Both Mrs Hutchings, my wife and I are concerned that the entrance to the site adds to the risks of an accident occurring as visitors slow down as they look for the entrance to the site. Also there is a very real risk to children and pets who are exploring the area and wander out of the woods onto the road.
- Has the possibility of putting the entrance on the Leaffield Road been explored? Although we would still oppose the tree houses as we do not believe that they will bring much in the way of financial benefit to the village.

2.2 Mr and Mrs C Turner of Wychgate House have written a five page letter of representation which can be viewed in full on line. In a précised form the comments made in the letter are as follows:

- We have reviewed the amendments made to the original plan but see no reason to change our strong opposition to this development.
- Notes regarding the new application plans

- Due to the resiting of the main development location ,some of the various ground and other surveys submitted with the original application do not appear to have been updated to cover the revised locations that are now applicable to the development;
- The new plans have covering comments that mention the distances from our property .If these distances are based on the plan layout diagram showing the position of our property they will be incorrect as the diagram has shortened our boundary by 20 to 25 metres;
- The comments made in this letter highlight our major objections. They are not intended to fully replace objections and comments submitted previously against proposal 16/01113/FUL. Therefore the previous submissions, in the possession of WODC, should now be taken as applicable to amended proposal 16/03601/FUL. (The representation received in respect of 16/01113/FUL can be viewed on line).

Proposed Development

- The proposed development stretches in a 100degree arc around our property from the site entrance, 50m from our boundary, a waste storage area 40m, car park for 15 cars 75m, a store 150m, then 7 accommodation modules, mostly on 3m stilts, at an average distance of 180m.
- The positioning of the accommodation is such that either the very large windows or raised viewing platform will directly face our property.
- The intervening planting does not present a viable screen.
- There is no public pathway serving the entrance.
- We strongly object to this development because it will:-
 - a) overlook our property, cause additional noise, disturbance , security issues and other nuisance problems that will have a strongly adverse impact on our present amenity;
 - b) add to current problems and introduce new safety concerns with the B4022;
- Is in conflict with the area, the AONB and past planning decisions and it may create a precedent for future piecemeal planning decisions in the area;
- There is no critical need for a holiday letting business in the area;

Impact on present amenity

- Visual intrusion. The modules will face directly in to our property and the screening whilst it exists in summer is minimal at other times. Future felling of trees will further decrease screening. By its nature the type of holiday offered by the modules will mean that visitors are likely to use binoculars, high resolution cameras and other HR equipment which could enhance visual intrusion of our property.

- Noise and disturbance. With up to 28 holiday visitors on site a significant increase in noise level from zero will occur. Whilst trees may give some screening they will have little impact on noise.
- The site has no supervision to enforce any regulation of activities such as parties, games, BBQ's etc.
- Intrusion. With no barriers and no supervision and with limited recreational space some intrusion into the surrounding forest is likely, by both visitors and especially dogs. The open space beyond our boundary will be an obvious recreational area for ball games.
- With only moderate occupation levels there are likely to be over 1,000 different people using the site each year. They will wish to observe wildlife, explore and relax. It is difficult to believe that none will stray from designated paths and areas causing noise, disturbance, fair and in some cases security issues.
- Waste and storage area. They should be sited close to the accommodation and taken to the site entrance only on the day of collection.
- Car Park. Noise will be a problem, particularly at night.
- Lighting. Finstock does not have street lighting. There is constant animal movement in the forest which will trigger the proposed lighting arrangement constantly causing light pollution.
- Road Safety. The access arrangements are hazardous for vehicles and pedestrians.
- Fire Risk. Visitors may be inclined to have BBQ's at some time, either within the leisure area or on the fringe. We note the fire arrangements on site but to minimise the chance of fire spreading to our property, a cleared band should be created, meeting fire safety guidance, between the site and our property.

3 APPLICANT'S CASE

- 3.1 In 2009 the Cornbury Park Estate prepared an Estate Development and Management Plan EDMP. This was submitted to West Oxfordshire District Council Planners to provide comprehensive information regarding the ownership of the estate, current property and enterprises and possible future projects and development opportunities.
- 3.2 It was intended that this document would inform WODC of the Estate's requirements and likely projects. It could also be used as a guide to inform planning applications and decisions.
- 3.3 Since the plan was written the Estate has continued to pursue diversification opportunities to enhance their income and to derive from sources apart from agriculture. For example, this has included converting a further agricultural barn at Southill Business Park to provide office accommodation for approximately 40 people. Additionally, the conversion of the traditional barns at Kingstanding Farm is currently underway to provide a manufacturing facility for an existing local business to enable them to have their manufacturing, office, and storage areas all on one site and remain within WODCs area.

- 3.4 In addition to diversification projects involving the conversion of buildings the Estate has grown revenue from events, educational and leisure uses. For example, the previous Cornbury Festival (having gone into administration) was replaced by the Wilderness Festival. This has been very successful, has won numerous awards, and is now nationally recognised. It has grown to now host 30,000 people per year.
- 3.5 There have been other events in the Park, such as the Caravan Club's National Rally in 2015 and this year the Field and Country Fair. It is hoped the latter will be repeated in 2017 and become a permanent fixture.
- 3.6 Educational and leisure uses have developed within the woodlands and Bushcraft run children's camps from May to October every year. Cornbury remains their original site and core base for its business educating children on outdoor activities in a forest environment. It also provides the Estate with an additional revenue stream from the woodlands.

Ecolodge proposal

- 3.7 The Estate has been looking for some time to develop a further tourism and leisure based business on the Estate. In 2011 planning permission was obtained for eight glamping tents on part of the Estate known as Stockfield Brake.
- 3.8 Unfortunately, the operator of that business died shortly after planning permission was obtained and the development did not progress.
- 3.9 That site was considered initially by Quality Unearthed as a possible location.
- 3.10 As part of its due diligence it commissioned an independent tree survey which showed that the trees on the site were too unstable and at severe risk of falling over or being blown down. The site was therefore dismissed for health and safety reasons.
- 3.11 Quality Unearthed then considered all the other possible woodland sites on the estate where it could develop its treehouses. This led to the current application site being chosen as it is the most appropriate site on the Estate.
- 3.12 This development is important to the Estate as it will provide another source of diversified income. In addition, and more importantly, the rent paid for the site will have required limited investment by the Estate. This is in contrast to other property development schemes which have required significant capital investment up front.
- 3.13 As an added benefit, the development will help to provide accommodation for visitors to events on the Estate or taking part in other activities.
- 3.14 The diversified revenue from this development, albeit quite small in the context of the overall Estate revenues, helps to build resilience.
- 3.15 From the Estate's side it is far better to have a more diverse income base from a variety of sources rather than rely on a significant income from one or two projects or enterprises.
- 3.16 This resilience will help the Estate plan forward and continue to invest in repairing and restoring many of its listed and heritage assets.

- 3.17 There has been significant expenditure on these assets over the last five years and a continued programme of works.
- 3.18 We have reviewed the current proposals against the development guidelines set out in section 7 of the EDMP. We wanted to highlight the following points.
- 3.19 The proposed development will not impact on the integrity of the Estate as the site will be leased to the operator and not sold. The Estate will therefore maintain strict control of the use during the 20- year lease. The development should pose no financial risk to the estate as the Ecolodges are being developed and operated by a third party tenant.
- 3.20 The Estate feels that the development is a sustainable development of what is a very small area of forest in comparison to the overall woodland area on the Estate. This will enable the area to generate an income, which it currently does not do. The buildings will be largely made from timber sourced from the UK, which is a sustainable resource.
- 3.21 As highlighted above this project will help improve the financial viability and resilience of the Estate.
- 3.22 It will provide a risk-free income without diverting requiring significant capital investment up front.
- 3.23 The project is planning policy compliant as part of a farm/estate diversification project. The Estate currently has no tourism or holiday let accommodation and the lodges will provide this. This also ties in with the wider WODC policies to promote tourism within the region with consequent economic benefits.
- 3.24 The proposals should benefit the local businesses, particularly in the local village of Finstock as well as businesses in the wider area.
- 3.25 The proposed development has been designed carefully and in fact the latest proposals represent a redesign to account for comments received from consultees. In particular, the site should not be visible from the nearest local residents nor from any public roads or rights of way.

Conclusion

- 3.26 The Cornbury Park Estate is keen to support this Ecolodge development as part of its ongoing estate diversification process.

4 PLANNING POLICIES

TLC1 New Tourism, Leisure and Community Facilities

TLC3 New Build Tourist Accommodation

E4NEW Sustainable tourism

BE2 General Development Standards

BE3 Provision for Movement and Parking

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

NE6 Retention of Trees, Woodlands and Hedgerows

NE4 Cotswolds Area of Outstanding Natural Beauty
NE13 Biodiversity Conservation
NE15 Protected Species
T1NEW Sustainable transport
T4NEW Parking provision
EH1NEW Landscape character
EH2NEW Biodiversity
EH6NEW Environmental protection
BC1NEW Burford-Charlbury sub-area
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

Planning History

- 5.1 06/1042/P/OP- Construction of 90 holiday lodges, reception lodge, tennis courts, children's play area and access with parking and associated landscaping - Withdrawn
- 5.2 16/01113/FUL -Erection of seven holiday lets and storage building, extension to track - Withdrawn
- 5.3 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

Principle of development

- 5.4 In terms of considering the principle of the proposal, the key policies in the adopted Local Plan (WOLP 2011) are considered to be TLC1 and TLC3. These policies remain in compliance with the NPPF and therefore these can be given significant weight. In addition policy E4 of the emerging local plan is of relevance.
- 5.5 Policy TLC1 (New Tourism, Leisure and Community Facilities) states under criteria a) that visitor related proposals will be granted which respect and enhance the intrinsic qualities of the District. As such, to comply with this, the proposal needs to demonstrate how it will not only respect but also enhance the 'intrinsic qualities' of the District. Given the sensitive location of the proposal within the AONB and in close proximity to Ancient Woodland and the Conservation Area, the application needs to demonstrate that the proposal (and all ancillary works including services and car parking) will not harm the qualities of the surroundings and further that opportunities for environmental enhancements within close proximity to the application site are fully explored.
- 5.6 Policy TLC3 (New Build Tourist Accommodation) states under criteria b) that visitor accommodation in the open countryside should be part of a diversification project where the visitor accommodation will remain ancillary to the farm business, will be small in scale and will be integrated within a group of farm buildings which are being converted.

5.7 Policy E4 (Sustainable Tourism). This policy states that tourism and leisure development which utilises and enriches the natural built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities will be supported. In small villages, hamlets and the open countryside, new tourism and visitor facilities may be justified where there is a functional linkage with a particular countryside attraction or to secure the diversification of a farm enterprise or country estate in accordance with Policy E2. This policy also requires proposals in the Cotswold AONB (in which this site falls) to conserve the landscape quality and biodiversity of the area.

5.8 In light of the applicants case it appears that the principle of the use may have some merit, however there are other matters for consideration in respect of the application are as follows:

5.9 The impact on loss of trees resulting from the proposal including the supports on which the accommodation will stand and ancillary development including the car parking area, solar panels and services etc;

Impact on protected species (bats etc.);

Visual impact of the proposal;

Impact on highway safety;

Impact of lighting in the open countryside

Potential for noise and disturbance of the development given the open countryside location and the proximity of existing residential uses.

Conclusion

5.10 At the time of writing the report there are a number of important consultation responses that remain outstanding and which are fundamental to any Officer recommendation in respect of the above issues. These include OCC Highways, Ecology Officer, Forestry Officer and Thames Water. Given that the report is being prepared over the Christmas break Officers consider that it is unlikely that the outstanding consultation responses will have been received by the date of the Sub Committee. Bearing this in mind the application is unusually recommended for deferral, with a view to allowing Members an opportunity to visit the site in order to consider the impact of the ecopods within the woodland context prior to determining the application in February, by which time it is anticipated that the outstanding consultation responses will have been received.

6 RECOMMENDATION

Deferred in light of outstanding key consultation responses.