

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 20th September 2021

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



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.

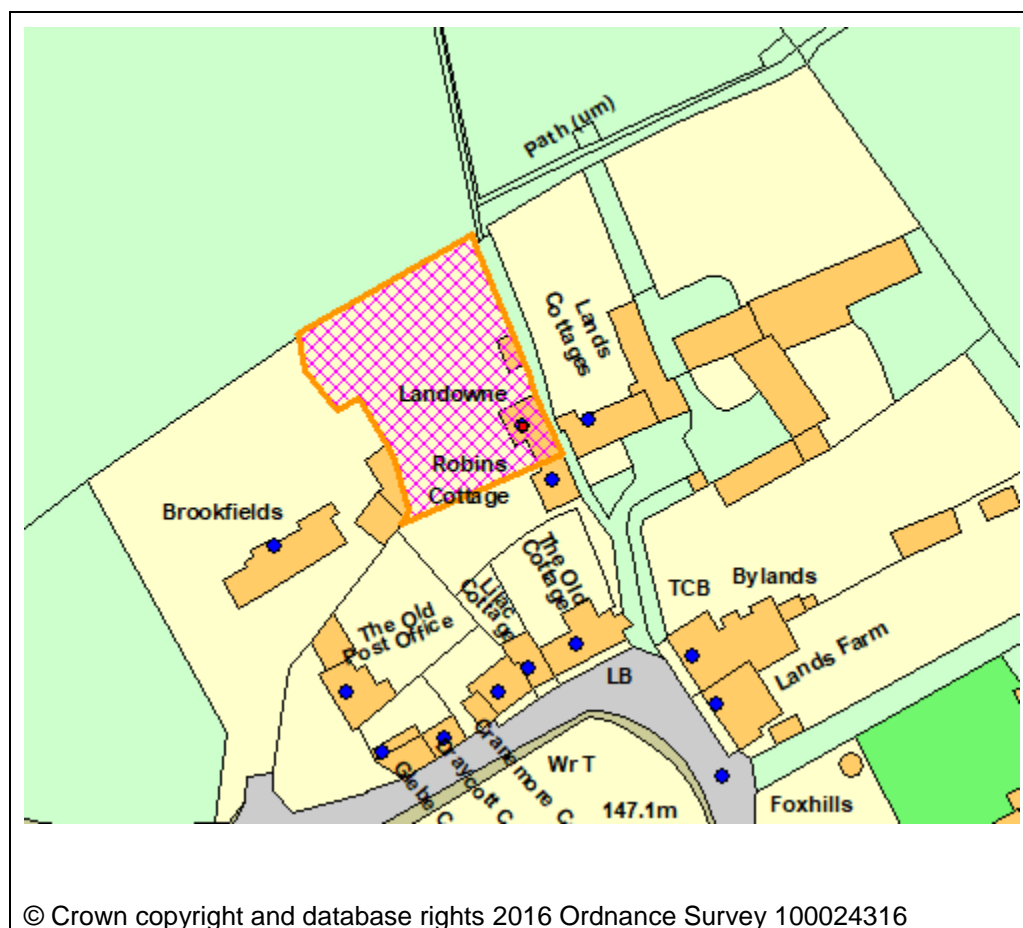
Please note that:

1. 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

Page	Application Number	Address	Officer
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Application Number	21/01126/HHD
Site Address	Lansdowne Cottage East End Swerford Chipping Norton Oxfordshire OX7 4BG
Date	8th September 2021
Officer	William Hayes
Officer Recommendations	Approve
Parish	Swerford Parish Council
Grid Reference	437734 E 231308 N
Committee Date	20th September 2021

Location Map



Application Details:

Erection of rear conservatory and detached greenhouse (part retrospective).

Applicant Details:

Mr Guy Wengraf
12 Dorncliffe Road
London
SW6 5LF

I CONSULTATIONS

Parish Council No Comment Received.

Conservation Officer No Comment Received.

No third party representations received to date.

4 PLANNING POLICIES

EH9 Historic environment
EH10 Conservation Areas
EH16 Non designated heritage assets
DESGUI West Oxfordshire Design Guide
NPPF 2021
OS2NEW Locating development in the right places
OS4NEW High quality design
H6NEW Existing housing
EH1 Cotswolds AONB
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 Background Information

This application seeks planning permission for the erection of a single storey extension to the rear of the main dwelling house and an outbuilding to be used as a domestic greenhouse.

The application site relates to Lansdowne Cottage, East End, Swerford. The site comprises a non-designated heritage asset located within the Swerford Conservation Area. The proposal is part retrospective, as works have begun on the proposed conservatory.

The application is before Members of the Uplands Planning Sub-committee as Cllr Beaney has called it in due to concerns on the impact of the proposal on the conservation area.

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:

- o Principle;
- o Siting, Design and Form;
- o Impact on Heritage Assets;
- o Residential Amenity

Principle

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the West Oxfordshire Local Plan 2031 adopted in September 2018.

The proposed greenhouse and conservatory are to be located within the residential curtilage of Lansdowne Cottage. Therefore, the principle of development is considered acceptable subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031.

Siting, Design and Form

The proposal forms two elements: the development of a detached greenhouse to the rear of the property and a single storey conservatory also located to the rear.

The proposed greenhouse comprises a modern pitched roof, single-storey structure to the north of the site measuring approximately 1.6 metres to the eaves, and 3 metres to the ridge. The greenhouse would measure approximately 2.6 metres in width by 4 metres in length creating a floor space of 10.4m². The freestanding greenhouse will be predominantly glazed and will be supported by stone plinth walls to match the existing house with aluminium-framed glazing in the colour 'bronze manganese'. These materials are considered visually appropriate as they are in keeping with the existing dwellinghouse.

The second aspect of this application is the development of a single storey conservatory to the rear of the property. The conservatory is small in size and comprises a single storey lean-to roof extending approximately 1.4 metres at a width of 4.7 metres across the rear elevation. The conservatory will be built with materials such as untreated oak framing, beneath a timber framed glazed roof with glazed timber doors. The timber elements will be in the colour of F+B 'studio'. Officers are of the opinion that these materials would be in keeping with the host dwelling.

Impact on Heritage Assets

Within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location in a well-screened area to the rear of Lansdowne Cottage. Officers do not consider that the proposed greenhouse would have a detrimental impact on views into and out of the conservation area predominantly due to the planting on the northern boundary of the site and also due to the single storey nature of the outbuilding.

With regard to the impact on the Locally Listed building, the proposed extension is not considered to obscure any historical architecture of the host dwelling given its scale, design and proposed materials. The proposed development is considered to conform to policies EH10, EH12 and EH16 of the Local

Plan. Furthermore, the WODC Listed Building and Conservation Officer was consulted on this application and raised no objections.

Residential Amenities

In terms of the impact on neighbouring amenity, this has been carefully assessed.

In regards to the conservatory to the rear of the main house, given the single storey nature development and that the proposal extends no further than the extension on the adjacent property, your officers are of the opinion that the proposed would not be overbearing or likely to result in any overlooking, loss of light or loss of privacy to the detriment of the neighbouring dwelling.

In regards to the proposed greenhouse to the rear of the site, due to its siting away from any neighbouring properties, your officers are of the opinion that the proposed outbuilding would not result in any levels of overlooking, overshadowing or loss of sunlight to the detriment of any neighbouring dwellings.

In addition to this, no comments have been made objecting to the proposal, nor has the Parish Council made an objection.

Conclusion

In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS4, H6, EH9, EH10, and EH16 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the relevant provisions of the NPPF and the Listed Buildings and Conservation Areas Act 1990.

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 Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of 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.

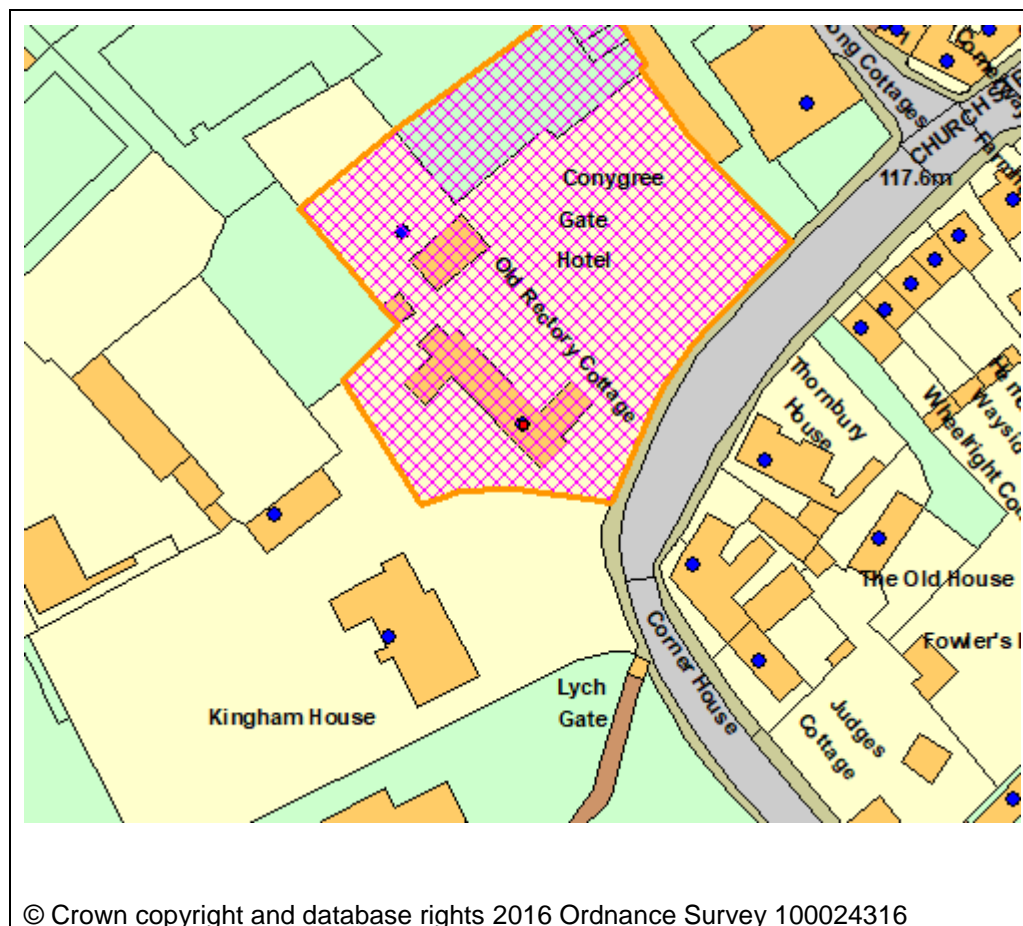
Contact Officer: William Hayes

Telephone Number:

Date: 8th September 2021

Application Number	21/01189/FUL
Site Address	Old Rectory Cottage Church Street Kingham Chipping Norton Oxfordshire OX7 6YA
Date	8th September 2021
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Kingham Parish Council
Grid Reference	425856 E 223797 N
Committee Date	20th September 2021

Location Map



Application Details:

Change of use of land to increase the domestic curtilage, removal of garden structures and walls.
Erection of a pool house and gym, garden store, greenhouse, art studio and an outdoor pool along with associated landscaping.

Applicant Details:

D Harrison
Old Rectory Cottage
Church Street
Kingham
Chipping Norton
Oxfordshire
OX7 6YA

I CONSULTATIONS

Parish Council

Kingham Parish Council wish to object to this application.

1. The land is currently classed as agricultural and a change of use would further reduce the limited amount of open land in this part of the village.

2. Even if the land was to be used as garden land, the proposal is inappropriate. It involves a large amount of building - a pool, a conservatory and a very large pool house and store, which is the same size as some of the cottages in the village. Overall, this proposal represents undue urbanisation of a sensitive area within the village, since it lies within close proximity to several listed buildings and is within the Kingham Conservation Area.

Conservation Officer

As per the pre-app, I think that this is generally supportable from our point of view - the new buildings are not of huge volume and the forms are all traditional and tidy. We also note that the outbuildings of the Wild Rabbit will tend to cloak or frame the development from the road.

WODC Landscape And
Forestry Officer

No objection.

Biodiversity Officer

No objection subject to condition.

OCC Archaeological Services

No objection subject to condition.

OCC Archaeological Services

No Comment Received.

2 REPRESENTATIONS

2.1 Three objection comments have been received. Comments can be viewed in full on the Council's website, but for the purpose of this report have been summarised below:

- Impact of the proposed development on the Conservation Area
- Impact of the proposed development on archaeology and the historic landscape of the village

- The proposed development will result in the loss of open greenspace
- The scale of the proposed development
- Change of use of land from agricultural to domestic
- Part of the land has already been turned into garden
- Loss of a number of mature trees
- Impact of the proposed development on noise and light

3 APPLICANT'S CASE

3.1 Planning and design and access statements have been submitted. A full version of these are available on the Council's website. The statements have been summarised and concluded as follows:

3.2 A pre-application enquiry was made to West Oxfordshire District Council in December 2020, and a meeting took place in January 2021. At the meeting the representatives of WODC were positive to the scheme, raised no concerns and made no further suggestions to the design of the proposed development. The written pre-application response was received on 12th March 2021 and reflected the meeting's positive assessment of the scheme.

3.3 The application itself seeks permission for the demolition of garden structures, walls and the erection of a pool house and gym, pool and art studio with associated landscaping.

3.4 The proposal respects and reinforces the positive characters of the locale and represents an incidental residential development with uses which are compatible with their surroundings and does not harm the amenity for neighbouring properties. The scale, siting, form and materials of the proposed development are in keeping with the character and appearance of the Conservation Area and Cotswold National Landscape, and does not harm the setting of the nearby Listed Buildings. The proposed landscaping scheme and proposed provision of bat and bird boxes provides a net gain in biodiversity.

3.5 In light of above, the proposed development complies with the relevant policies of the adopted West Oxfordshire Local Plan 2031 and national legislation.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH12 Traditional Buildings

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 The proposal seeks consent for change of use of land to increase the domestic curtilage, removal of garden structures and walls, erection of a pool house and gym, garden store, greenhouse, art studio and an outdoor pool along with associated landscaping.

5.2 The application relates to Old Rectory Cottage, a traditional detached Grade II listed dwelling located within the built up area of Kingham. The dwelling is set back from the road and the application site is within the Kingham Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

5.3 Relevant planning history:

15/04135/HHD - Construction of greenhouse and drystone wall - Approved.

13/0458/P/FP - Extension to garage under construction to form annex - Approved.

11/1672/P/FP - Erection of single storey side extension, replacement chimneys and insertion of one front, one side and two rear dormer windows, construction of detached garage outbuilding and installation of new oil tank in revised position, provision of underground rainwater harvesting tank together with associated works and landscaping - Approved.

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
- Siting, Scale and Design
- Visual Amenity
- Heritage Assets
- Residential Amenity
- Trees and Biodiversity

Principle

5.5 Kingham is defined as a village in the West Oxfordshire Local Plan 2031. Policy H6 of the WOLP states that alterations and extensions of existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living or visiting that area. Further, any proposal should comply with the general principles set out in Policy OS2. As such, the proposed change of use of land to increase the domestic curtilage, removal of garden structures and walls, erection of a pool house and gym, garden store, greenhouse, art studio and an outdoor pool along with associated landscaping is considered acceptable in principle subject to consideration of the matters below.

Siting, Scale and Design

5.6 In terms of the scale, whilst the proposed development will represent a material increase in built form at the application site, your officers consider that there is ample space within the plot to accommodate the additional buildings without resulting in overdevelopment. The pool house is the most significant of the proposed buildings, however it is still a low-lying single storey structure that can be clearly read as a smaller secondary building in comparison to Old Rectory Cottage.

5.7. Your officers consider that the location of the proposed buildings is such that they gather to create an informal farmyard. The proposed traditional dry stone walling contains this space and creates a 2 metre high boundary that forms the southeastern walls of the conservatory and the garden store.

5.8 The proposed buildings illustrate traditional pitched roof forms, and the proposed use of materials including Cotswold stone, Welsh slate and metal crittal windows are considered in keeping with the immediate and wider surrounding area.

Visual Amenity

5.9 Within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

5.10 The Council's Conservation Officer was consulted as part of the planning process and raised no objection to the proposal. By virtue of their siting within the application site, away from the street scene, and their low-lying single storey height, the proposed buildings are not considered to be highly visible to public views. From Church Street the proposed development would be largely screened by the existing outbuildings of the adjacent Wild Rabbit public house.

5.11 Whilst the proposed change of use of land would result in an increase in domestic garden, the increase itself is minor given the context of the site and the surrounding area and is considered to form a logical compliment to the existing residential curtilage of Old Rectory Cottage.

5.12 In light of above, the proposed alterations are not considered to have a detrimental impact to the character and appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is preserved.

5.13 Paragraph 172 of the NPPF 2019 requires great weight to be given to conserving landscape beauty in Areas of Outstanding Natural Beauty. Your officers consider that in this instance, given the siting, scale and design of the proposed development, it would not be visible beyond its immediate setting within the built up area of the village, and will therefore conserve the wider landscape and scenic beauty of the Cotswold AONB.

Heritage Assets

5.14 As the site contains a Grade II listed building, your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.

5.15. Given their scale, design and siting, the separation distance from the proposed development to the Grade II listed main dwelling and surrounding listed buildings is considered sufficient to ensure that their character and setting are preserved and the proposal will not have a harmful impact on any features of special architectural or historic interest.

5.16 In terms of archaeological considerations, Oxfordshire County Council Archaeological Services were consulted as part of the planning process and noted that the application site is located in an area of archaeological interest within the medieval core of the settlement. As such, they recommended that

should planning permission be granted the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This would be ensured through pre-commencement conditions including the submission of an Archaeological Written Scheme of Investigation. However, the applicant wants to avoid the use of pre-commencement conditions, and as such will submit this information as part of the application prior to determination. At the time of writing this information is still outstanding, however I will update Members regarding this process during Planning Committee.

Residential Amenity

5.17 Given the location of the application site, the siting of the proposed development, set away from surrounding properties and the low-lying single storey height of the proposed buildings, your officers consider that they would not have a detrimental impact on neighbouring amenity. The separation distance from the proposed development to surrounding properties, and the nature and proposed use of the buildings is such that they would not be considered to have an adverse impact on noise or light.

Trees and Biodiversity

5.18 As the proposal will result in the loss of some trees on site, the Council's Landscape and Forestry Officer was consulted as part of the planning process and has raised no objection to the proposal. In summary, the trees that are to be removed are set back well within the application site, away from Church Street, and as such are not prominent from public views within the Conservation Area. As such, and whilst the new tree planting scheme includes smaller specimen trees, the proposal is not considered to have a detrimental impact on the landscape or wider public views.

5.19 The Council's Biodiversity Officer has raised no objections to the additional information submitted within the proposal subject to a number of conditions and an informative which will ensure that the species and habitats are protected, and that a number of biodiversity enhancements on the site are secured. The proposed conditions include a replanting scheme which will ensure the effective delivery of approved landscaping on the site and to secure enhancements for biodiversity. Your officers consider this to be a positive benefit, in accordance with Policy EH3, and therefore acceptable in these terms.

Conclusion

5.20 In light of the above assessment, the application is recommended for approval as your officers consider that it complies with the provisions of policies OS2, OS4, H6, EH1, EH2, EH3, EH9, EH10, EH11 and EH12 of the adopted Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

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 Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of 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. The proposed pool house, garden store, and art studio hereby permitted shall be used as accommodation ancillary to the existing dwelling on site (Old Rectory Cottage) and shall not be occupied as separate dwellings.

REASON: Separate dwellings in this location would not provide sufficient private amenity areas for the existing and proposed occupiers and would adversely affect the residential amenities of adjacent occupiers.

5. The development shall be completed in accordance with the following documents, as submitted with the planning application:

- The recommendations in Section 6 and Appendix 6 of the Preliminary Ecological Appraisal, dated 16th March 2021 and prepared by Windrush Ecology. This includes the careful removal of the dry stone walls by hand;
- The Proposed Lighting Plan (drawing no. 495);
- The Proposed Sections and the Ecology Strategy (drawing nos. 495.PL.005_REV P2 and 20031-305); and
- The Proposed Site Plan (drawing no. 495.PL.003) and the 5 Year Landscape Maintenance Plan (dated 28/04/2021).

All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that bats, birds, reptiles, amphibians, badgers and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

6. Notwithstanding the details of the bird boxes already submitted (drawing no. 20031-305), further details shall be submitted before the erection of any external walls. The further details shall include the following:

- The provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) either integrated into or mounted onto the external walls of the buildings; and
- The provision of additional bird nesting features, such as 3 no. swift bricks, on the north or east-facing elevations of the buildings.

The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

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

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

INFORMATIVES:-

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

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

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then 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 (with regard to bats).

Notes to applicant

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

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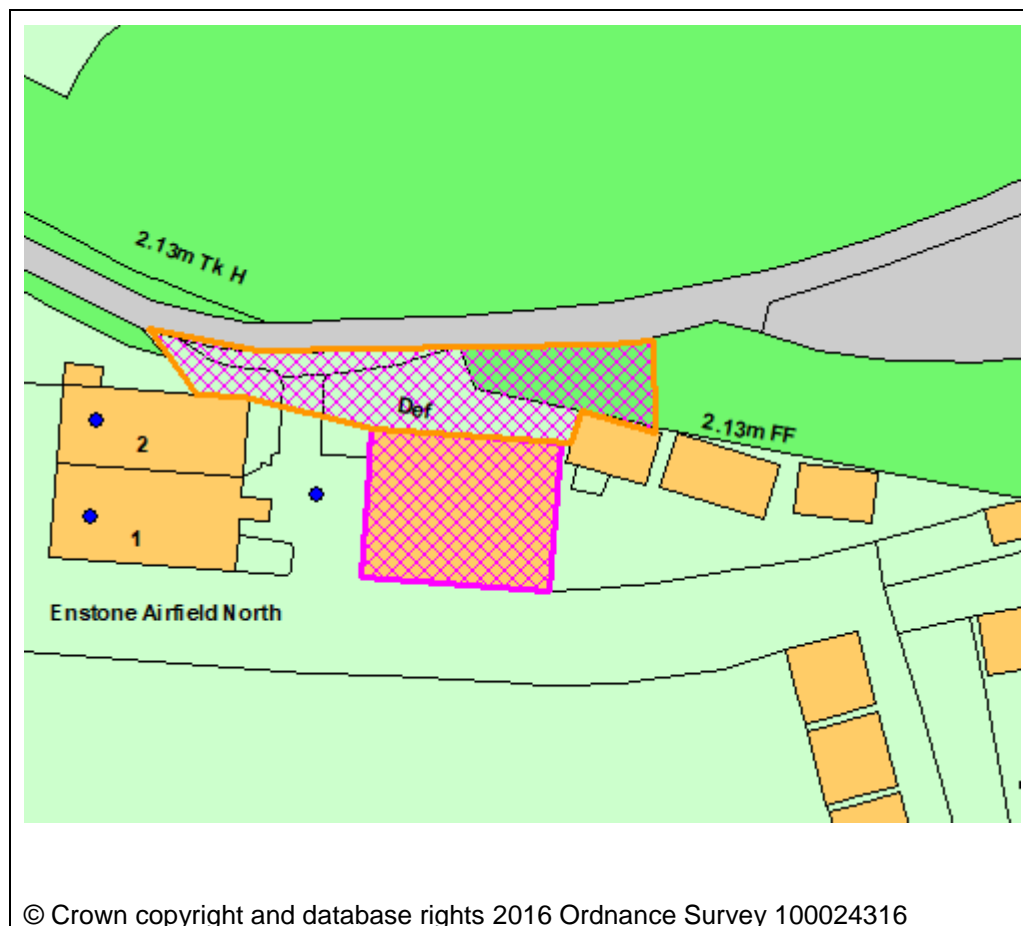
Contact Officer: Stuart McIver

Telephone Number: 01993 861663

Date: 8th September 2021

Application Number	21/02022/FUL
Site Address	Enstone Airline Hangars Enstone Airfield North Banbury Road Enstone Oxfordshire
Date	8th September 2021
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	439582 E 226177 N
Committee Date	20th September 2021

Location Map



Application Details:

Provision of car park to the North side of maintenance hangar accessed from 'Green Lane' part retrospective.

Applicant Details:

Mr Steve Gilbert
Enstone Airfield North
Enstone Airline Hangars
Banbury Road
Enstone
OX7 4NS

I CONSULTATIONS**OCC Highways**

Part of the application area is shown on records to be public highway. Works without a licence from OCC to erect part of the fence, landscaping and access in the highway may be considered to be an encroachment.

Notwithstanding the above the proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety) on the adjacent highway network

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.

INFORMATIVE

Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council

Parish Council

Mrs B Sinclair Enstone Parish Council recommends that a site visit is undertaken by the Highways' Department. County Cllr. Geoff Saul fully supports this proposal.

Enstone Parish Council received five further objections regarding this planning application with regards to noise, pollution and highways' issues.

2 2 REPRESENTATIONS

2.1 Three letters of objection have been received in respect of the application. The comments are summarised as follows:

Object to this retrospective planning permission on the grounds of safety. Enstone Airlines / North Side already have access to their site as stated in the design access statement via Enstone Driveway. This has been satisfactory to date and the above mentioned parties have sought no co operation with neighbours or the local community.

Increasing traffic onto Green Lane poses a high safety risk for a road that is already at maximum capacity from Soho Farmhouse traffic, Quarry activities and another flying operator as well as numerous other users.

The exit from their retrospective car park is on a blind bend also compounding the risk factor. Sub-standard speed bumps have had to be installed due to several collisions that have occurred.

The car park has been created due to an increase in vehicular traffic from the arrival of Takeflight Aviation who are tenants of Enstone North Side. Previous to this there was no requirement for the car park.

The car park construction is sub-standard with inadequate drainage. In periods of persistent rainfall the water is channelled to run off the car park and onto Green Lane causing a skid risk from Mud and excess water. This dirt from not only the car park but contaminated areas of oil and fuel from aircraft maintenance then carry onto the surrounding ecological areas causing harm to the local environment.

The installed fencing and planned vegetation also compounds the risk of inadequate vision onto the green lane and increase the risk of collision.

As a local and site user I strongly object on the grounds of safety and suggest all car parking activities and access continue via the Driveway that has ample space and facilities on surrounding peri tracks that are outside of the airside operation.

Object against this application against the design statement. This carpark is not required and a direct result of increased operations by Enstone north side and the new flying school they have encouraged to grow unlicensed from the site.

The car park has poor access that is not to professional standard onto Green lane. A Lane that is supposed to have been a bridle way. With the exit on a bad corner onto a speed bump it is unsafe to accommodate traffic horses and pedestrians onto such a junction.

I see little need for this with the applicant having already much car parking facility and space on the airfield. It is about time WODC as our local council took action on this operator who operates in a bad manner persistently.

Not only is it unsafe for pedestrians but the exit and entry is on a blind bend of which two accidents have already taken place.

I have almost been hit by one vehicle pulling out of their facility.

This company has ample space on the airfield complex for a car park which was suitable before the addition of what looks like further units and aircraft.

I strongly object and ask our local planners to apply a common sense ruling against this un need and unsafe retrospective proposal. It should be turned back into woodland!!

3 APPLICANT'S CASE

3.1 Enstone Airfield is a former world war 2 RAF aerodrome built in 1942.

3.2 Enstone airfield is currently occupied by a variety of businesses both commercial and flying oriented.

3.3 The applicant owns and runs an aircraft maintenance and flying business based on the North-side of Enstone Airfield. The business is a CAA (Civil Aviation Authority) Continuing Airworthiness Management Organisation which maintains a wide variety of aircraft across the UK and also rebuilds and restores historic aircraft. The business also leases hangar space to private pilots and operates the grass runway 'North-side Grass' for incoming and outgoing aircraft of maintenance clients and the private pilots based in the hangars.

3.4 Existing Access The business is accessed via what was the North side perimeter track, which is concrete track in a poor state of repair which links to the B4022 at the Western end of the airfield.

3.5 There is also an entrance to the business from the more recently upgraded and adopted 'Green Lane' which also runs from the B4022 to the North of the airfield also serving Soho Farmhouse deliveries.

3.6 Reasons for the Development - Control of traffic movement and management of 'airside' operations

3.7 The existing hangar maintenance hangar is sited immediately North of the former perimeter track of Enstone Airfield (called Enstone Airfield Driveway). This 'peri' track forms one of the main access routes businesses from the B4022 at the western end of the runways. This concrete roadway is used by multiple businesses both at the North West side of the airfield and along the northern edge of the airfield.

3.8 The Enstone Airfield Driveway is privately owned and extends into Mr Gilberts ownership. Whilst the track did extend onward to premises operated by 'Oxfordshire Sport Flying' it is not their legal access, which is actually via the industrial estate to the South. The access has recently been fenced, gated and locked by the owners.

3.9 To the North of the hangars the upgraded and adopted 'Green Lane' also provides access to Mr Gilberts premises. Vehicles had been accessing the airfield using 'Green Lane' and driving through and in front of the maintenance hangars whilst aircraft were being worked on. This creates safety issues and a need for better traffic management.

3.10 Preventing & discouraging unauthorised vehicles accessing maintenance and 'airside' areas is therefore a strategic objective and the proposals have been designed to progress towards this. (airside' - an area trafficked by aircraft, where access is prohibited by unauthorised persons or vehicles).

3.11 Create a better environment

3.12 The applicant's team have a strategy to create a better environment for clients, pilots, employees and visitors. This will promote a more professional approach, a safer airfield and a visually pleasing environment.

3.13 Over many years there has been an accumulation of eyesores, including damaged and decaying aircraft, 2 double decker busses, scrap metal, scrap cars and various porta cabins.

3.14 During 2019 much of this has been removed and the site is now much improved.

3.15 The area behind the North Elevation of the maintenance hangar, was originally a flat area of 'made up' ground (fill) created when the airfield and original hangars were built many years ago. This was used to store large aircraft parts and other materials for the maintenance business. Over the years the larger parts (e.g. Bristol Freighter wings and parts) remained and the ground self-seeded with shrubs and saplings which grew to the height of the hangar.

3.16 As part of the clear up operation this area was cleared of scrap and vegetation and stoned over so it could be used again.

3.17 Existing site access arrangements will remain unchanged. The prime access to Mr Gilberts premises is from the Enstone Airfield Driveway for public, clients, and deliveries. The access from Green Lane remains for staff only and resident pilots who access 'airside' areas.

3.18 As mentioned above the route in front of the maintenance hangar extension will be for 'airside' authorised vehicles only and not a through route.

3.19 Existing parking on the site is largely along the 'peri' track roadside and is generally wide enough to allow parking at the side, it is however not sufficient for current uses particularly when taking account of public visitors (plane spotters etc) which is why a private car park is required for staff and existing pilots using the airfield.

3.20 Private pilots with hangared or 'tied down' aircraft can be allowed to take their vehicles into the 'airside' areas as they are briefed on safe operations. However, this is only in exceptional circumstances with permission, generally parking in designated areas is encouraged.

3.21 In order to avoid traffic through the workshop apron area (via Green Lane) it is proposed to create a car park behind the main maintenance hangar on the North Side as shown on the drawings. This allows pilots easy access through the gate to 'airside' areas.

3.22 The track or 'Green Lane' to the North was upgraded in recent years, the former rough un-metalled track, was bulldozed and surfaced but is without kerbs or consistent width. It is however a '2 way' road capable of taking heavy vehicles. (evidenced by recent quarrying operations). The creation of the road cleared many mature trees, hedgerows and undergrowth, particularly on the North frontage of the proposed car park and the road.

3.23 It is proposed to create a natural landscape strip behind the existing fence, with native species saplings and ground cover similar to that found along the lane, over time this will soften the view of the hangar buildings.

3.24 In summary the car park is required to improve the quality of services provided and will provide a better traffic management and a safer environment for maintenance staff. The existing fence and natural landscaping will soften the view of the hangars from the lane.

3.25 The car park is for existing staff parking so is not associated with any increase in airfield activity.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

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

5 PLANNING ASSESSMENT

5 Background Information

5.1 This application is seeking to regularise a car park that has been constructed to the rear of an aircraft maintenance building located to the north of Enstone airfield and is served off of a public highway known as Green Lane. The car park is for use by staff and pilots only who access 'airside' areas. The existing North side perimeter track will be used for access by the public, clients and for deliveries.

5.2 The application has been amended since the original submission and proposes a reduction in the height of an existing perimeter fence which abuts the highway from 1.8 m to 1m and proposes a detailed landscape proposal for planting between the car park hardstanding and the fence. It also proposes to remove two of the existing fence panels at the exit of the car park.

5.3 According to the application the area of land which is now the car park was used to store unsightly items including decaying aircraft, 2 double decker buses , scrap metal and porta cabins.

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:

Highways

5.4 A number of the representations have raised concerns about highway safety, drainage and encroachment on the highway.

5.5 Members will note from OCC Highways response in respect of the above issues that no objections have been raised regarding the development as constructed.

5.6 The removal of the two fence panels at the exit end of the car park proposed as part of the amended plans will improve vision onto the lane albeit OCC Highways have not objected to the retention of these panels as part of the original submission drawings.

Impact on the rural character and appearance of Green Lane

5.7 As originally constructed your Officers were concerned that following the removal of tree and shrub planting to the rear of the hangar together with a 1.8m high perimeter fence , that the unauthorised car park and enclosure appeared as a highly urbanising and incongruous feature to the detriment of the rural character and appearance of the lane. As a result of those concerns the applicant has agreed to reduce the height of the fence to 1m and has proposed a detailed planting scheme to sit between the car park edge and the highway. In your officers opinion these amended proposals which are the subject of suggested planning conditions will significantly reduce any urbanising impact on the lane.

Conclusion

In light of the above assessment, the principle of approving a car park accessed from 'Green Lane' which was once used for scrap storage purposes, for staff and pilots using the airfield, is considered acceptable subject to the recommended conditions and informative.

6 CONDITIONS

1. The development shall be carried out in accordance with the plans accompanying the application as modified by the agents' E mail dated 18 August 2021 and accompanying plans ref 02A and 04A.

REASON: The application has been amended by the submission of revised details.

2. Within 3 months of the date of this planning permission the existing fence identified on plan ref 04 A dated 16 August 21 shall be modified in accordance with the details annotated on approved plan ref 02A dated 16 August 21 and retained as such thereafter.

REASON: In the interests of the visual character and appearance of the area.

3. The scheme of soft landscaping identified on approved plan ref 02A shall be implemented as approved within 12 months of the date of this grant of planning permission 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 safeguard the character and landscape of the area.

INFORMATIVES:-

Please note that if works are to be carried out in the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of a legal agreement between the applicant and Oxfordshire County Council.

Notes to applicant

- I Please note that if works are to be carried out in the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of a legal agreement between the applicant and Oxfordshire County Council.

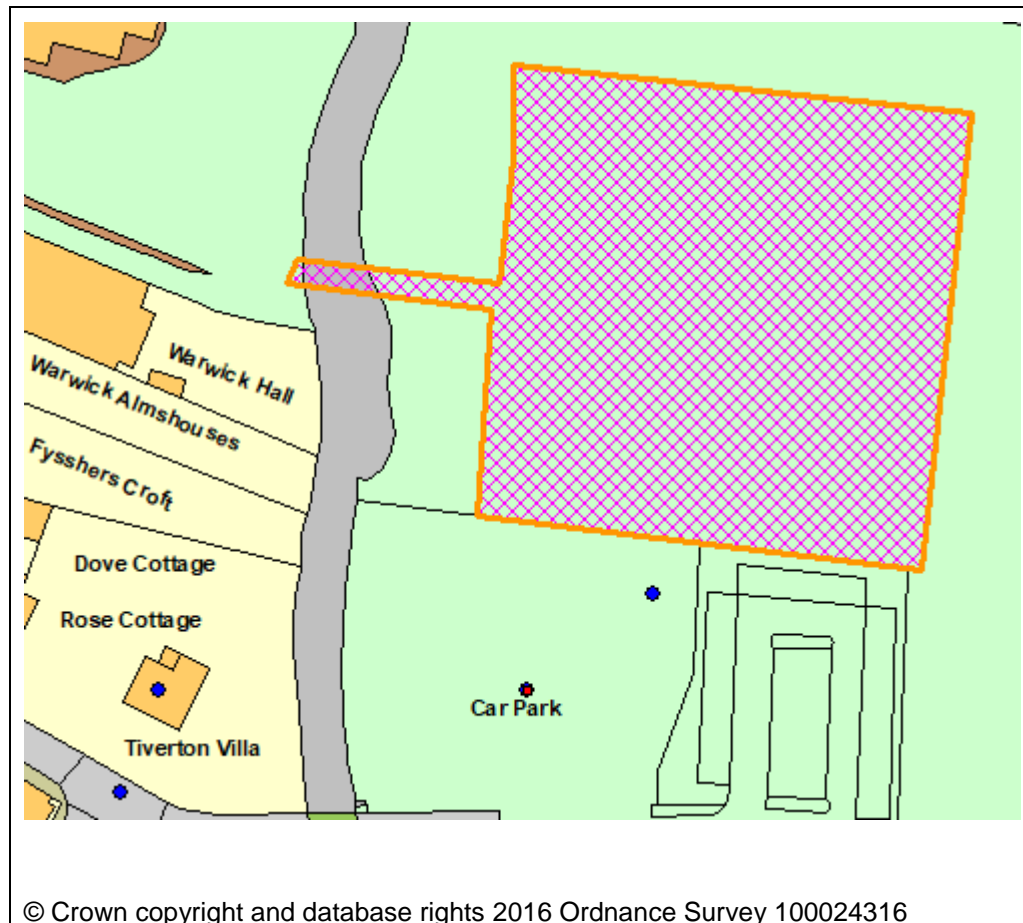
Contact Officer: Kim Smith

Telephone Number: 01993 861676

Date: 8th September 2021

Application Number	21/02110/FUL
Site Address	Car Park Guilford Burford Oxfordshire OX18 4SE
Date	8th September 2021
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Burford Parish Council
Grid Reference	425399 E 212285 N
Committee Date	20th September 2021

Location Map



Application Details:

Expansion of the Guilford car park northwards to accommodate approximately 150 vehicles, to include two new footbridges, one alongside existing road bridge and the second into the churchyard across the millstream

Applicant Details:

Derek Cotterill
Fortey's Close
Guilford
Burford
Oxfordshire
OX18 4SE

I CONSULTATIONS

Historic England

The current proposals for a car park extension are identical to that previously submitted in applications 19/00262/FUL and 20/0307/FUL apart from the fact that the temporary car park has been omitted from the plans. The proposed car park extension would be situated on a water-meadow adjacent to the River Windrush close to the grade I listed Church of St John the Baptist and would be situated within the Burford Conservation Area.

As we have explained in our response to previous applications (our letters dated 24/06/2019 and 09/04/2020) The church of St John the Baptist is one of the grandest of the grandest Cotswolds churches on one of its prettiest towns and the view from the east of its handsome tower and spire rising above meadows and trees is lovely and should be treasured. Extending the car park would seriously compromise this view, harming the significance of the church.

The level of harm would not be substantial but is material and should only be accepted if it has been minimised (as required by paragraph 190 of the NPPF), is clearly and convincingly justified (as is required by paragraph 194 of the Framework) and is outweighed by the public benefits (as required by paragraph 196 of the Framework).

Since the proposals were last submitted the applicant has undertaken a sequential test to look at alternatives, including the Bowling Club car park. In our view this is an underused asset. It is only 7 minutes' walk from the town Centre and is accessible directly from the A40 via Tanners lane, avoiding the town Centre altogether. It is likely that it would be better used if it were not so poorly signposted. Therefore, we remain of the view that the applicants have dismissed this option to readily and are not convinced of the robustness of the sequential test.

If it can be conclusively demonstrated that the Bowls Club car park is not a suitable alternative the public benefits of providing the car park need to be weighed against the harm to the significance of the Church of St John the Baptist and other negative environmental impacts, such as the impact on flooding, in accordance with paragraph 196 of the NPPF. It is for the Council to undertake this is a balancing exercise but great weight should be given to heritage

considerations, as required by paragraph 193 of the NPPF (which reflects the requirement of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building's setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area).

If the principle of a car park is accepted on this site the harm caused needs to be minimised as far as is possible. This could be achieved by more sensitive landscaping, adding planting to soften and at least partially screen the car park in views from the east. Unless this is done we do not consider that the conflict between the proposals and the conservation of nearby heritage asset's has been minimised as is recommended by paragraph 190 of the NPPF nor justified as is required by paragraph 194 of the Framework.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 193, 194 and 196 of the NPPF.

Environment Agency

In accordance with paragraphs 155 and 163 of the National Planning Policy Framework (NPPF), and Local Plan Policy EH7, we object to the proposed development due to its unacceptable risk to the environment. We recommend that planning permission is refused for the following reasons:

Reason 1

The proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance and Local Plan Policy EH7.

The Flood Risk and Coastal Change Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each flood zone. This site lies within flood zone 3b functional floodplain, which is land defined by the PPG as having a high probability of flooding.

The submitted Flood Risk Assessment (FRA) confirms that computer modelling has been undertaken which shows that the development site falls within flood zone 3b. The development is classed as Less Vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

Policy EH7 states that only water compatible uses and essential infrastructure will be allowed in Flood Zone 3b.

Reason 2

The application is contrary to paragraph 163 of the National Planning Policy Framework and Local Plan Policy EH7.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how people will be kept safe from the identified flood hazards
- consider how a range of flooding events (including extreme events) will affect people and property
- take the impacts of climate change into account as flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they propose inadequate flood storage compensation for the increase in flood risk resulting from this development.

Biodiversity Officer

Additional information required.

Newt Officer

The proposal involves a major development within a amber impact risk zone, as per District License impact risk mapping. This means that it falls within a landscape recognised as being suitable habitat to support GCN, and that GCN are likely to be present.

However, although the grassland offers suitable terrestrial habitat for GCN, the watercourse which surround the site in all directions presents a significant barrier to GCN dispersal. Additionally, there are no ponds on-site and the closest ponds are separated by these barriers.

I therefore have no objection to this development or further comments regarding great crested newt licensing or mitigation

OCC Archaeological Services

The site is located in an area of archaeological interest however the development is of a relatively small scale and as such there are no archaeological constraints to this scheme.

WODC Env Health - Uplands

Mr ERS Pollution Consultation I have No Objection in principle.

OCC Highways

No Comment Received.

Conservation Officer	The proposed development does not preserve the character of the heritage assets and their settings. The proposed car park and footbridges are incongruous in the landscape negatively affecting views, eroding historic landscape character, harming the appearance of the Conservation Area, and the setting of listed buildings; particularly the grade I listed Church. Consequently, the proposal is contrary to national and local legislation and policy including EH9, EH10, EH11, EH13, EH15, EH16, and OS4, and NPPF Section 16, and therefore I recommend refusal.
Parish Council	Burford Town Council have no objection to this application
Cotswolds Conservation Board	<p>In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should:</p> <ul style="list-style-type: none"> - ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and take into account Board publications. <p>The Board will not be providing a more comprehensive response on this occasion. This does not imply either support for, or an objection to, the proposed development.</p>

2 REPRESENTATIONS

A summary of the representations received are detailed below. Full details can be found on the Council's website.

13 letters received objecting to the application on the following grounds:

- The visual impact of a Grade I listed Church.
- The visual impact from the church yard where the view will be cars.
- The increased traffic along Church Lane which is already often congested.
- Alternative site would be more appropriate on west side of the Recreation Ground
- This field is ancient pasture land and should not be developed. Development would mean environmental damage and loss of an important piece of nature in the centre of a very busy tourist town.
- This land is liable to flooding and development would risk pushing the flooding elsewhere
- contrary to National Planning Policy Framework and Local Plan Policy EH7
- Harm to biodiversity and environment
- More visitors will overstretch the local resources.
- This site is vulnerable and important in the centre of historic Burford and should not be developed
- Will exacerbate existing traffic congestion problems
- We should be looking at ways of maintaining green spaces not covering them with tarmac.
- Will lead to increased CO2 for the immediate neighbourhood.

- The increased flow of traffic will lead to a higher risk of serious accident or death for pedestrians
- A footbridge into the churchyard will increase the footfall and noise into an area where mourners are trying to quietly remember the departed or simply sit quietly and reflect.
- A well-constructed and sign posted parking facility on the West Field site could and would be used.
- Provision could be provided for Local shop employees
- If there has to be more parking it should be at the top of the town, which is relatively empty.
- Fails to provide electric vehicle charging points
- Pollution concerns

CPRE - The site lies in the Cotswolds Area of Outstanding Natural Beauty and great weight should be given to conserve and enhance its landscape (NPPF 15, 176, 170) and any development resulting in the loss or deterioration of irreplaceable habitats [such as water meadows] should be refused unless there are exceptional reasons. The landscape also features a Grade I listed church within an unspoilt and historic setting. It is CPRE West Oxfordshire's assessment that exceptional reasons, in this case the local economic dividend from more car parking spaces, should not override the loss or deterioration of this habitat within the Upper Windrush Valley described in the Local Plan (LP) as an area that is highly attractive, remarkably unspoilt and with a rural character and specifically is part of the Upper Windrush Conservation Target Area. Without a more recent environmental impact assessment done in the Spring/Summer months the range of species and habitats on this site cannot be determined and without supporting evidence we do not think exceptional circumstances have been sufficiently demonstrated and therefore this application should be refused.

Sustainability, Flooding and Pollution

At a time when people are being discouraged to use their cars Burford is planning to increase its car parking spaces in an area prone to flooding. We understand that it is a rural town and it is not well connected by public transport to other parts of the County, but there are other options for parking further away from the water meadows which would be more sustainable. There also appears to be few electric charging points available in an era where we are all encouraged to move to electric vehicles within the next ten years.

The flooding issue in Burford is not only a real danger for people living in their homes near the river, but a car park on this site would pollute the river with rubber and hydrocarbon pollutants and detrimentally affect biodiversity (LP CO16, EH2, 3, 8). The fact there is precedent in the existing car park should not hold any sway given that planning permission for this was granted long before the Local Plan was adopted and before the real dangers of increased flood risk from climate change were fully known. Water meadows are natural flood defences and laying hard standing down, even permeable hard standing, will increase the likelihood of more severe flooding. There has been an inadequate flood risk assessment published for this plan and we also note the Environment Agency has objected to this application in their letter dated 13 July 2021 as the site is in a vulnerable flood zone (LP Policy EH7). In addition to the flood risk, the lighting required for a car park would be obtrusive to neighbouring homes and have a detrimental effect on the character of the settlement and nature (LP Policy EH8).

To conclude, CPRE West Oxfordshire urges the planning authority to reject this planning application and look again at other viable alternatives within the Town.

27 letters have been received in support of the application:

- Car park extension is much needed
- Need residents parking permits on Guildenford or have the ridiculously small visitor car park relocated elsewhere.
- The site in Guildenford is the only logical site for an extension to parking

- The new extension is planned to be green, would be shielded, and would have far less impact on the Church than the current car park, and would provide better access into the much enlarged Warwick Hall for functions and for visitors to the church from both car parks, and a safer pedestrian route into the town.
- Will benefit town and all of its businesses.
- Burford has a chronic shortage of parking spaces.
- Will support the tourist trade and support the local business's.
- This location is the least intrusive, most suited to minimis environmental impact and the most suited to people with disabilities.
- There will be no increase in traffic as currently all cars drive around to see if there is space.
- The application to extend the parking area is simple, uncontroversial and practical. It does not impact the church (on the other side of the river) or its listed status but rather makes it easier for visitors to come to see one of the 15 finest churches in the country.
- Need additional blue badge parking.

3 APPLICANT'S CASE

The Design and Access Statement states:

The current WODC car park has 166 spaces and is free to users. Its capacity is inadequate to cater for the Warwick Hall requirement and the Burford High Street. The WODC 2017 Parking Strategy determined that 200 extra off-street spaces would be required before 2031.

The 2017 parking survey ignored the recently redeveloped Warwick Hall which also requires the use of this car park throughout the day. Warwick Hall capacity is 200 persons in the main hall but 350 in the entire building. It is now a thriving Business/Community Centre.

Burford has 100% on street parking occupancy at all times and the car park 100% at weekends. The WODC Local Plan 2031 (Policies T4 and BC1) also calls for car parking commensurate with housing development. A new development of 91 houses and 60 flats is being built in Burford on the Shilton Road. Para 9.6.43 (Pg 269) recognises the problem for Burford and invites "opportunities".

The WODC Infrastructure Study calls for extra off-street parking in Burford before 2024.

This application attempts to meet the above need but recognises that various policies are difficult to reconcile with it.

The car park cannot serve both the Warwick Hall /Church requirement and the High Street. Examples of large events in the Warwick Hall on Saturday mornings and weekday mornings fill the car park and leave the High Street deserted as there is no alternative parking in the town. One Saturday morning event, pre Covid, was attended by 150 people from out of town filling the car park; other events regularly result in 100+ cars using the car park. It is also difficult to comprehend how any car park remote from this Guildenford location could possibly serve the Warwick Hall for functions after 12:00pm.

Realisation of this application would provide considerable public benefit to the town and its visitors.

The High Street has 60 businesses and shops along its east and west side at the lower end of town. The current lack of car parking space is detrimental to trade in Burford High Street and an urgent expansion of car parking capacity is required.

Burford has a population of approximately 1300 and 252 listed buildings; visitors are essential to keep Burford alive. The present car park and the extension would be located in a flood zone 3(b) in a field called Bury Orchard. However, the proposal will not alter the flood characteristics of the location.

The car park expansion proposal is a Burford Town Council project.

The Sequential Test, separate document, explains that there is no other flat land and suitable location for a new Burford car park. In fact Burford has a small second car park, for approx. 50 cars, adjacent to

the recreation ground, Scout Hut, Cadet Hut and Bowls Club which was signposted for visitors as an experiment. Being at the top of the Hill it was ignored by visitors to the town and proved too remote for Warwick Hall use.

Expanding a car park in a flood risk area is recognised as undesirable but no alternative site has been found and the necessity to locate extra capacity both close to the Warwick Hall and the High Street shopping area outweighs the disadvantages in the opinion of Burford Town Council. The location across the millstream from the Grade I listed Burford Church is noted but the car park location can be screened by careful landscaping and the site is not visible from most of the churchyard whenever foliage is present on the surrounding churchyard trees. Historically Bury Orchard was bushes and fruit bearing vegetation.

From the car park site itself only the church spire is visible due to yew trees and foliage during the summer months as the attached photographs demonstrate. Fewer visitors in the winter months will mean that the car park extension is less likely to have any vehicles in it at all.

One could say that the view from the churchyard mill stream bank would be improved as presently it is field, sewage treatment works and a hill behind. The view would become 12 metres of field area, coppice and hill behind; the sewage treatment works would not be visible.

Additional correspondence from applicant - Please consider the sluices up stream of the bridge, behind Island House, and how any EA flood risk survey could consider the vagaries of their operation. The sluices hold back a head of water, approx 1 metre, all the way to the Barringtons and including a lake below Tadpole Farm. When opened inadvertently (QED November 2020) the water floods the WODC car park within 10 minutes. There are three sluices here and more along the millstream at Ladyham and the Mill. All are owned and controlled by different people and if the opening/closing is not co-ordinated the WODC car park floods.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

EH3 Biodiversity and Geodiversity

OS3NEW Prudent use of natural resources

EH1 Cotswolds AONB

EH7 Flood risk

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

EH15 Scheduled ancient monuments

EH16 Non designated heritage assets

T4NEW Parking provision

BC1NEW Burford-Charlbury sub-area

NPPF 2021

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

5 PLANNING ASSESSMENT

This application seeks consent for the expansion of the Guildenford car park in Burford northwards to accommodate approximately 150 vehicles, to include two new footbridges, one alongside existing road

bridge and the second into the churchyard across the millstream. The plans however, indicate a capacity for 165 vehicles.

The site falls within the Cotswold AONB, the Burford Conservation Area and is within 20m of a main river. Further, the site is located adjacent to a number of listed buildings including the Grade I listed St John The Baptist Church.

The application is before Members of the Uplands Planning sub-committee for consideration as the applicant is a local elected member for Burford, Cllr Derek Cotterill.

Background Information

Planning permission was granted in 2017 (ref: 17/02212/FUL) for the change of use of land to provide temporary car park for more than 28 days per annum on field to the East of the existing Guildenford car park.

OCC Highways stated that whilst they could not support this proposal as the long term plan for parking, it understood the issues associated with the refusal of the temporary consent and agreed that in that instance, the scheme was a sensible way forward whilst proper evaluation is undertaken.

Given that there were identified issues associated with the suitability of the access approach to the existing parking area from Guildenford, officers considered that it would be necessary to restrict use of the temporary car park to a total of 73 days per year, as suggested by the Town Council, as well as limiting the permission for a period of 2 years in order to limit any pollution which may arise from increased vehicular use of the land and to assess any impacts.

A further application was later approved for a further three year temporary consent for the same development (ref: 19/01307/FUL).

Planning permission was refused for a similar scheme for the expansion of the Guildenford car park northwards to accommodate approximately 150 vehicles, to include two new footbridges, one alongside existing road bridge and the second into the churchyard across the millstream in July 2020 (Ref: 20/00307/FUL) The reasons for refusal were:

1. The proposed car park and footbridges, by reason of their siting, design and scale, would appear incongruous features in the landscape negatively affecting views, eroding historic landscape character, harming the appearance of the Conservation Area, and the setting of listed buildings; particularly the grade I listed Church, therefore failing to preserve the character of the heritage assets and their settings. It has not been sufficiently demonstrated that the public benefits of the development would outweigh the harm identified. Further, the proposed development, by reason of its siting, scale and nature would have an urbanising impact failing to conserve or enhance the landscape and scenic beauty of the Cotswold AONB. The proposed development is therefore contrary to policies EH1, EH9, EH10, EH11, EH13, EH15, EH16, and OS4 of the adopted West Oxfordshire Local Plan 2031, and advice in the National Planning Policy Framework.

2. The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. This site lies within Flood Zone 3b functional floodplain, which is land defined by the PPG and the WODC Strategic Flood Risk Assessment as having a high probability of flooding. The development is classed as Less Vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of

development is not compatible with this Flood Zone and therefore should not be permitted. In addition, the Flood Risk Assessment does not consider the potential impact on conveyance of flood water in relation to the proposed footbridges. Therefore, the proposed development is contrary to policies OS3 and EH7 of the West Oxfordshire Local Plan 2031 and advice in the National Planning Policy Framework.

3. It has not been demonstrated that the proposed development would protect or enhance the nature conservation value of the site, which is listed as being a habitat of 'principal' importance under s41 of the Natural Environment and Rural Communities (NERC) Act 2006. The proposed development is therefore contrary to policy EH3 of the adopted West Oxfordshire Local Plan 2031 and advice in the National Planning Policy Framework.

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;
- Impact on Heritage Assets;
- Impact on the Cotswold AONB;
- Flood Risk;
- Biodiversity; and
- Highways Safety.

Principle

Policy T4 of the adopted West Oxfordshire Local Plan 2031 states that proposals for new off street public car parking areas will be supported in accessible locations where they would help to ensure the continued vitality and viability of town centres, where they would support visitor and tourist facilities and attractions or where the local environment is being seriously damaged by on-street parking and alternative parking provision is essential.

Paragraph 7.88 of the WOLP recognises that car parking is under pressure in popular tourist towns such as Burford particularly at weekends and there is a need to continue to review car and coach parking arrangements to ensure available spaces are efficiently used and provide additional car parking where capacity is being exceeded. The Council's Parking Strategy document was prepared to help inform decisions about the quantum and distribution of parking needed within the District. It's clear from the West Oxfordshire Parking Strategy document that more off-street car park capacity is required in Burford. The document also states that the difficult question is where to provide this capacity as there is a lack of available space in the town, land costs are high and there are conservation issues. Your officers concur that the principle of providing additional off-street parking in Burford is acceptable and required in some form. However, this is subject to the proposals compliance with the other plan policies and this is a highly constrained site in terms of heritage and environmental impacts. As set out above, a similar application for an expanded car park was refused in July 2020 and it is necessary to consider whether this application addresses the previous reasons for refusal.

Impact on Heritage Assets

The site lies within the Burford Conservation Area and lies within close proximity to a number of listed buildings, including the Grade I listed Church of St John the Baptist.

The Local Authority has a statutory obligation to give special regard to the desirability of preserving listed buildings and conservation areas; and their settings: Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that: special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation, and the more important the asset, the greater the weight should be. It continues that significance can be harmed or lost from development within its setting. The policy objectives set out in the NPPF (section 16) establish that there is a twin role for setting: it can contribute to the significance of a heritage asset, and it can allow that significance to be appreciated.

Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area. Whilst the applicant has provided a design and access statement, and attempted to assess the impact of their proposal on the significance of the heritage assets, in accordance with NPPF Para 194 (and Historic England guidance, it does not adequately demonstrate a comprehensive assessment, and given due consideration to the significance of the heritage assets affected, particularly to the church which is of the highest significance. There are also many other heritage assets to consider, including other listed buildings. The assessment fails to take into consideration the impact the proposal will have to heritage assets, including their setting, views into and out from, and any potential archaeology - not only for the proposed car park and associated paraphernalia, but also for the two footbridges.

In consideration to Burford Conservation Area, and in accordance with policy, existing buildings, land uses, historic settlement patterns and open spaces should remain largely undisturbed, and special care must be taken to ensure that the setting, and views into and out of the Conservation Area, as well as views within the Conservation Area, are not harmed. In this case, the current proposal will have a deleterious impact on the Conservation Area by negatively affecting its views, its appearance, eroding its historic landscape character and harming the settings of its buildings.

Furthermore, there are a number of heritage assets located opposite the proposed application site that will be impacted; however, in particular, the Church is the most significant heritage asset affected. Burford Church is grade I listed, and therefore, of high importance, so any harm or loss of, the significance should be clearly and convincingly justified, and substantial harm to the grade I Church, should be wholly exceptional. The views of the spire of the church are available from the surrounding fields in contrast with close up views to the church from other locations, which are urban in character. There are also views from the church itself out over the water-meadows which are filtered by trees. The rural setting of the church when viewed from the east considerably enhances the aesthetic appeal of this important building and therefore contributes to its significance.

The proposed car park extension would entail a high degree of harm to the significance of the church as views of it from the east would be compromised by vehicles in the foreground, and a hard core ground-surface, with associated car-park paraphernalia (e.g. pay stations and signage), this is as opposed to the existing open grassed / meadow land.

Historic England (HE) has also advised that creating a car park here would harm the significance of the church and the applicant has not demonstrated that this harm is justified or would be outweighed by the public benefits. HE acknowledge the sequential test undertaken to look at alternative sites for the additional car parking, including the Bowling Club car park, which they consider is an underused asset

that is only 7 minutes' walk from the town centre and is accessible directly from the A40 via Tanners lane, avoiding the town centre altogether. HE consider that it is likely that it would be better used if it were not so poorly signposted and remain of the view that the applicants have dismissed this option too readily and are not convinced of the robustness of the sequential test. The Conservation Officer also considers that the Bowls Club car park is still a better alternative, with very little difference in distance, given that this current proposal will have significantly more harm on heritage assets.

Therefore, your officers are of the opinion that the proposed development does not preserve the character of the heritage assets and their settings. The proposed car park and footbridges are incongruous in the landscape negatively affecting views, eroding historic landscape character, harming the appearance of the Conservation Area, and the setting of listed buildings; particularly the grade I listed Church. Consequently, the proposal is contrary to national and local legislation and policy including EH9, EH10, EH11, EH13, EH15, EH16, OS4 and the NPPF.

Impact on the Cotswold AONB

The site lies within the Cotswolds AONB, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EH1 of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. This duty is also embodied in the Countryside and Rights of Way Act 2000. The Cotswolds Conservation Board's Management Plan and guidance documents are also material considerations in decision making relevant to the AONB. In this instance the proposal is considered by your officers to appear as an incongruous urbanising feature which fails to conserve or enhance the landscape and scenic beauty of the Cotswold AONB.

Flood Risk

The site lies within the functional flood plain (Zone 3B). A Flood Risk Assessment (FRA) has been submitted in support of the application which concludes:

- The proposed extension to the existing Burford Guildenford Car Park will make minimal changes to the existing terrain geometry, has been designed to be permeable and can still be allowed to flooded if needs be.
- The NPPF considers that 'water-compatible' infrastructure is appropriate within Flood Zone 3b.
- The hydraulic modelling used as evidence shows very shallow depths (less than 300mm) for all modelled return periods with less than 50mm in the 5% AEP event.
- The hydraulic modelling used as evidence show Low Hazard (Caution) for all return periods.
- Hydraulic modelling has confirmed that the changes in flood depth within the site are negligible and that there is no measurable change in flood risk to third parties as a result of the extension of Burford Guildenford Car Park except for some reduction in flood water levels to land in the eastern side of the Windrush.
- Implementation of a SuDS system should serve to reduce surface water run-off from the site, whereby not increasing flood risk elsewhere.
- The flood risk from Surface water, sewers and groundwater have been evaluated and are not considered significant.

The Environment Agency (EA) have commented however, that the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in the PPG entitled 'Flood Risk

and Coastal Change and does not therefore adequately assess the flood risks posed by the development. The EA object to the application on 2 grounds.

The first ground is that the proposed development falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the NPPF and its associated planning practice guidance and Local Plan Policy EH7. The Flood Risk and Coastal Change PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each flood zone. Flood zone 3b functional floodplain, is land defined by the PPG as having a high probability of flooding. The development is classed as Less Vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted. Similarly, Policy EH7 of the Local Plan states that only water compatible uses and essential infrastructure will be allowed in Flood Zone 3b.

The second reason relates to the inadequacy of the FRA which does not adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how people will be kept safe from the identified flood hazards
- consider how a range of flooding events (including extreme events) will affect people and property
- take the impacts of climate change into account as flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they propose inadequate flood storage compensation for the increase in flood risk resulting from this development.

Biodiversity

The Council's Ecologist has had consideration of the Ecological Appraisal dated March 2020 submitted to support the application and has advised that the information is not sufficient enough to enable a positive determination of the application in these terms. The appraisal is also based on a site assessment carried out in May 2019 and as such is now out of date. The status/condition of the habitats as well as the potential for protected and priority species may have changed since the initial assessment was carried out. An updated Ecological Assessment has been requested. Notwithstanding, the need for an updated assessment, further consideration of alternative sites and/or methods to avoid impacting on priority habitats and protected species is required. In addition, details of compensation measures to minimise harm to protected and/or priority habitats and species (e.g. precautionary method statements for the above species, additional mitigation to compensate for the loss of priority grassland habitat, pollution prevention measures, buffer strips and hedgerow planting) have not been considered or submitted, nor have details regarding the long-term management and monitoring of habitats and species. Therefore, it has not been demonstrated that the biodiversity of this site and the wider West Oxfordshire habitat network will be protected or enhanced as set out in policy EH3 of the adopted West Oxfordshire Local Plan 2031.

These issues were previously raised and have not been addressed in this new application. The applicant has advised that no updated assessment can be undertaken due to lack of finances.

Highways

The Guildenford car park has capacity for 166 vehicles and is free to use. The main pedestrian route from the car park to the town centre is along Church Lane which has sections with no off-street

pedestrian footway. This proposal seeks to extend car-park to cater for a further 165 vehicles. The proposal also includes 2 new foot bridges, 1 adjacent to existing vehicle bridge into car park which will be converted solely for vehicles and 1 into churchyard. This would offer a safer route for pedestrians.

Whilst the Local Highway Authority has not commented on this latest application, they previously concluded that whilst it is disappointing that the applicants have not explored additional measures such as increasing bus services to make it more attractive and additional covered cycle parking, or reducing the times it offers free parking (for example to 6 hours) so not to discourage visitors but so it is not abused by residents and commuters, the proposal will have some significant benefits.

Whilst recognising the proposal may result in an increase in traffic generation, it should also be stated that the existing issues with getting in/out of the car park and finding a space in busy periods causes delays and congestion along Guildenford and Church Lane leading to a reduction in air quality and pedestrian/cycle safety. The Local Highway Authority has stressed however that an increase of vehicle movements without improved pedestrian safety is not acceptable and therefore the bridge into the churchyard is a critical element. It is also important to the acceptability of the planning application that 2 lanes of traffic can adequately pass simultaneously on the bridge, a swept path analysis is therefore required. If this is not possible the existing vehicular bridge will need to be widened.

Given the existing issues with the car park in summer months, the expected future year growth in the area and the recognition within West Oxfordshire's Parking Strategy that additional car parking is required in Burford, Oxfordshire County Council do not object to this application on highway grounds.

Conclusion

In light of the above, it has not been sufficiently demonstrated that any public benefits derived from additional parking in Burford would outweigh the significant harm identified to both the built and natural environment in Burford contrary to policies OS2, OS4, EH1, EH3, EH7, EH9, EH10, EH11, EH13, EH15, EH16 of the adopted West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF.

6 REASONS FOR REFUSAL

1. The proposed car park and footbridges, by reason of their siting, design and scale, would appear incongruous features in the landscape negatively affecting views, eroding historic landscape character, harming the appearance of the Conservation Area, and the setting of listed buildings; particularly the grade I listed Church, therefore failing to preserve the character of the heritage assets and their settings. It has not been sufficiently demonstrated that the public benefits of the development would outweigh the harm identified. Further, the proposed development, by reason of its siting, scale and nature would have an urbanising impact failing to conserve or enhance the landscape and scenic beauty of the Cotswold AONB. The proposed development is therefore contrary to policies EH1, EH9, EH10, EH11, EH13, EH15, EH16, and OS4 of the adopted West Oxfordshire Local Plan 2031, and Section 16 and paragraph 172 of the National Planning Policy Framework 2019.

2. The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. This site lies within Flood Zone 3b functional floodplain, which is land defined by the PPG and the WODC Strategic Flood Risk Assessment as having a high probability of flooding. The development is classed as Less Vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted. In addition,

the Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in the PPG. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to consider how people will be kept safe from the identified flood hazards; consider how a range of flooding events (including extreme events) will affect people and property and fails to take the impacts of climate change into account as flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they propose inadequate flood storage compensation for the increase in flood risk resulting from this development.

3. It has not been demonstrated that the proposed development would protect or enhance the nature conservation value of the site, which is listed as being a habitat of 'principal' importance under s41 of the Natural Environment and Rural Communities (NERC) Act 2006. The proposed development is therefore contrary to policy EH3 of the adopted West Oxfordshire Local Plan 2031 and paragraphs 170 and 175 of the National Planning Policy Framework 2019.

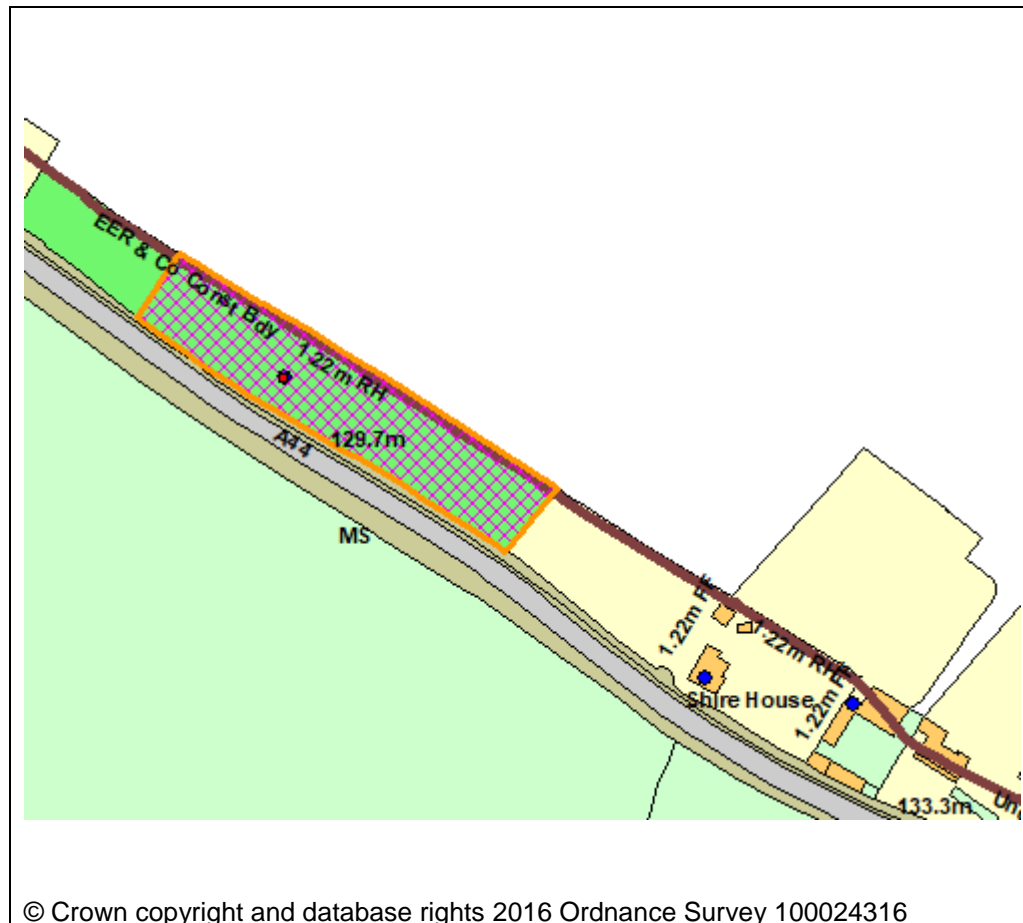
Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 8th September 2021

Application Number	21/02181/FUL
Site Address	Land South East Of North Fourshire Farm London Road Moreton In Marsh Oxfordshire
Date	8th September 2021
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Chastleton Parish Council
Grid Reference	423228 E 232039 N
Committee Date	20th September 2021

Location Map



Application Details:

Change of use of land to use as residential caravan site for extended gypsy family with total of 7 caravans, together with laying of hardstanding, erection of five amenity buildings and construction of access.

Applicant Details:

Mr Walter Coates

C/o Agent

I CONSULTATIONS

WODC Env Health - Uplands

ERS Pollution Consultation

I have No Objection in principle to this application.

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

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:

- G28 parking as plan
- G11 access specification including vision splays in accordance with DMRB CD123 and a scheme to be submitted and approved
- G25 drive etc specification
- G35 SUDS sustainable surface water drainage details
- G32 turning facility

INFORMATIVE

Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

During my site inspections I walked along the verge to the College I noted a hard surface to be overgrown with vegetation for the complete length and walking was safe and easy. In fact this morning I was overtaken by 4 runners (3 on the verge 1 on the carriageway). The industrial estate was located 1.25 km and the town centre 2.8 km from the site slightly more than the recommended 2km walking distance but within the recommended 5km cycling distance.

Access visibility splays in accordance with DMRB can be achieved.

Records detailing accidents show the length of road adjacent to the site not to be problematic.

Biodiversity Officer

I have reviewed the details that have been submitted and have the following comments where additional information is required before a positive determination of the application.

No ecology report has yet been submitted so it does not seem as though a Preliminary Ecological Appraisal has been carried out to assess the habitats on site and potential for protected species, Including bats, birds, dormice, reptiles, hedgehogs, badgers and amphibians. The site has the potential to offer suitable shelter, foraging and commuting habitat (e.g. hedgerows, scrubland, grassland and trees) for these species. The application site may also hold botanical interest of high ecological value and the hedgerows along the boundaries may qualify as "important" under the Hedgerow Regulations 1997 and/or classify as habitats of principle importance under Section 41 of the NERC Act 2006. The site is also located in close proximity to water bodies, woodlands and hedgerows in the surrounding area.

Therefore the condition of the habitats, the potential for protected and priority species and the impacts of the proposal should be assessed.

I recommend that a Preliminary Ecological Appraisal (PEA) is carried out by a professional / suitably qualified ecologist before this application is positively determined. The report must be in accordance with the best practise guidance published by CIEEM (Chartered Institute for Ecology and Environmental Management). Where necessary, and as indicated in the PEA, more detailed surveys may also be required (i.e. Phase 2 surveys) and these should be presented within an Ecological Impact Assessment (EclA) to bring together all the results of the preliminary appraisal and subsequent phase 2 surveys, along with an impact assessment of the proposal, and recommendations for avoidance, mitigation, compensation and enhancement. The report should provide an assessment to survey the habitats on site and the potential for protected and priority species including bats, birds, dormice, reptiles, amphibians, badger and hedgehogs.

Cotswold District Council

No Comment Received.

WODC Drainage Engineers

No Objection subject to the following:

We highly recommend that infiltration tests are undertaken at the earliest opportunity in order to determine the most appropriate

surface water drainage system. However, in this instance, we are happy for this information to be conditioned.

CONDITION TO BE ATTACHED:

That, prior to the commencement of development, 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, finished floor levels and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework, The West Oxfordshire Strategic Flood Risk Assessment and Planning Practice Guidance). If the surface water design is not agreed before works commence it could result in abortive works being carried out on site or additional works being required to ensure flooding does not result, which may result in changes to the approved site layout being required.

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))

Code for sustainable homes - A step-change in sustainable home building practice

The local flood risk management strategy published by Oxfordshire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)

CIRIA C753 SuDS Manual 2015

WODC Planning Policy
Manager

No Comment Received.

Parish Council

Great Wolford Parish Council objects to the application

The parish of Great Wolford is located in Warwickshire and the land which is the subject of this application, is just a matter of yards away from this boundary. The Parish Council therefore consider the Parish to be an affected party, and as such, has chosen to express a view on this application.

The Council recognised that there are pressures on local authorities to ensure that all the community have their housing needs catered for. However, the site proposed is not suitable for residential use a number of reasons.

The Council understands that the site could have been subject to the unlicensed felling of trees in 2012, and a notice issued by the Forestry Commission (2nd April 2013) asking for a restocking of the area by June 2014 appears to have produced no response either from the owner of the land at the time, or the present owner. Until this is resolved, and the point cleared up, we don't see how permission can be granted for the proposed development of this land.

In addition, it is known that the land in question is affected by heavy rainfall and frequently floods, thereby making it totally unsuitable for the proposed development.

Access to the proposed development is likely to be problematic. The site is immediately adjacent to the A44 and whilst there is already an access to the existing adjacent Four Shires Farm, it would be unwise to create another entrance for the use of the extra traffic that this proposal will generate. This can only put at risk those trying to use the junction at the Four Shire Stone which has had more than its fair share of dangerous incidents and accidents over the years.

The Four Shires Farm, adjacent to the proposed site, has a number of residential caravans already spread across their site. This situation is under investigation by Stratford District Council Planning Compliance team and although there may be no connection between the Farm caravans and the caravans that will use the proposed site, this seems unlikely. The Council understands that the present farm owners sold the land in the proposal to the current owner. Until the status, and the future of the caravans on the Farm is established by Stratford District Council, we would like to see a moratorium at least on this application.

The Four Shire Farm has had a recent history of illegal waste bonfires sending toxic smoke over the area. Waste skips being

emptied on site have been observed and on one occasion in February 2021, the fire brigade was called to the site to investigate.

The fire site is located in Warwickshire in the Parish of Great Wolford. The Farm has been visited on several occasion by The Environmental Agency and officials of Stratford District Council concerned with Environmental and Planning compliance. Should these waste fires continue, and we have no guarantee that they wont, the close proximity of seven families subjected to the toxic fumes and smoke gives rise to concern, especially considering that young children may be affected if the permission is granted. Whilst the plot of land under consideration is in Oxfordshire, as noted above, there are urgent issues to be considered in neighbouring Warwickshire and Gloucestershire. There is a need for multi-agency co-operation with this application and permission must not be given for this development by one agency acting alone.

Stratford-u-Avon District Council

I can advise that concerns have been raised by the Council's Environmental health Officer regarding the level of information provided.CPRE have also provided comments .

In addition I can confirm that Barton -on-the-Heath Parish Council has objected for the following planning reasons:

Concerns about highway safety ; and
Loss of trees.

Concerns were also raised by the Parish Council regarding any possible future use of the site for business purposes.

When considering the application it is noted that the vehicular access to the site is from the A44 and may give rise to highway safety impacts which may need to be suitably mitigated.The site lies within 1 km of the Cotswolds AONB, this designation and any environmental factors of the development are a consideration.

In addition it is unclear if with the density of the development the site is able to accommodate the necessary supporting infrastructure including outdoor space, parking and touring caravans to serve each pitch.

Parish Council

Evenlode Parish Council has commented as follows:

The site fronts onto the busy A44 trunk road. This is a fast section of road where the 50 mph speed limit is regularly exceeded and the intended access is relatively close to a much used staggered junction. The application includes the provision of hard standing for 5 cars, 4 light goods vehicles/people carries vehicles and two mobile

caravans. The proposed development would therefore generate regular vehicular movements entering and leaving the site, a number of which would be slow moving. The formation of a new access onto a busy and fast road such as this would be hazardous and considerably increase the risk of accidents within the vicinity.

Proximity to local facilities

The design and access statement confirms that under Local Plan Policy H7 'new traveller sites... should have safe access to local services and facilities, especially schools, shops and health care'. The application states that there is a footpath from the site to Moreton in Marsh. This is incorrect as the footpath is incomplete and, where it does exist, much of it is narrow, overgrown and not properly maintained. The statement advises that the site is within 1 mile of the edge of Moreton in Marsh. This may be the case but it is actually very nearly 2 miles to the centre of Morton and the nearest schools, shops and health facilities. The proposed development cannot be considered to be within reasonable and safe walking distance of local facilities. In addition, cycling on such a busy road on a regular basis would be potentially hazardous.

Breach of statutory notice

The application states that there are no trees or hedges on the proposed development site.

However, the site originally contained a number of mature trees but these were illegally felled some years ago. The landowners were subsequently served notice by the Forestry Commission that the felling was in breach of the Forestry Act 1967 and, under the provisions of the Act, the notice explicitly required the owners to restock the land. This has not been carried out and it would be wrong for planning permission to be obtained as a direct result of failing to comply with a legal requirement.

Increased flood risk

The application indicates that the site is not in an area which is at risk of flooding and under Section 12 of the application form the question 'Will the proposal increase the flood risk elsewhere?' has been answered 'No'. However, the GOV.UK Long Term Flood Risk website clearly shows that there is a heightened risk of flooding within a few hundred metres, including to a nearby dwelling. The provision of hard landscaped areas on the site is likely to exacerbate this risk and a proper flood risk assessment should be carried out before a decision is made.

Loss of biodiversity

Under Section 13 of the application form, which relates to Biodiversity and Geological Conservation, the question as to whether there is a reasonably likelihood that the proposed development would adversely affect important habitats or other biodiversity features has been answered No but there is no evidence to support this. The site and immediate surrounds are predominantly natural vegetation with a considerable amount of biodiversity and an environmental impact assessment should be carried out before any decision is made.

Forestry Commission

We would like to highlight to the council that we have previously investigated the applicant for a breach under section 17 of the Forestry Act 1967 (as amended), on the area covered by this planning application. The Forestry Commission served a Restocking Notice on the 2nd of April 2013. This was not complied with, and so we issued an Enforcement Notice on the 2nd of March 2015. This has also not been complied with, and we would treat development of this land as clear indication of intent not to comply.

We would ask the council to take this into consideration. Restocking Notices compel the feller to restock the land with trees and maintain those trees for 10 years. Failing to comply with a Restocking Notice may result (as in this instance) in the Commission serving a section 24 Enforcement Notice. This provides a further 15 months to restock the land with trees. Failure to comply with an Enforcement Notice may constitute an offence under section 24(4) of the Forestry Act 1967, involving a summary conviction and an unlimited fine.

Planning permission granted by the local planning authority for the same area as a Restocking or Enforcement Notice does not remove the duties contained within that Notice; i.e. while planning permission may make the development of the site lawful, it does not make non-compliance with the Notice lawful.

We would further add that granting planning permission on sites which have been deforested illegally sets a dangerous planning precedent, and should be avoided.

This response assumes that as part of the planning process, the local authority has given due regard as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended. If there is any doubt regarding the need for an Environmental Impact Assessment (Forestry), including for forest roads, please contact us.

We would also like to highlight the need to remind applicants that tree felling not determined by any planning permission may require a felling license from the Forestry Commission.

We hope these comments are helpful to you. If you have any further queries please do not hesitate to contact me on the email address provided.

CPRE

While CPRE West Oxfordshire understands that the traditions of Gypsy, Roma and Traveler families are not always served well by local authority housing, we have assessed this site to be unsuitable and unsustainable for the following reasons:

Landscape. The site lies within visual proximity to the Cotswolds AONB and proposes using modern caravans and a permanent structure amenity building made of red brick with white UPVC windows. The proposal also states fences will be used to screen the caravans rather than hedges and hard standing rather than gravel for vehicles. The visual impact would not be in keeping with the vernacular of the local area which is predominately stone with mixed deciduous hedgerows or dry stone walls. It would be highly visible from the A44 and detract from the one of the darkest and unpolluted sites within the West Oxfordshire Cotswolds landscape (LP EH1, Policy OS4).

Biodiversity. The site is subject to a Forestry Commission restocking notice after illegal felling took place a few years ago. It can be assumed that no Environmental Impact Assessment was carried out before the tree felling, and neither has one been carried out in these plans to assess whether any change of use would have a negative impact on biodiversity and habitat loss. CPRE West Oxfordshire has requested information on this site from WODC to find out if it is subject to a Local Land Charge since the Restocking order does not seem to have been enforced (Forestry Commission's Enforcement Policy Statement in accordance with the Regulators' Compliance Code and the Legislative and Regulatory Reform Act 2006, Forestry Act 1967 Part 2, and the new Environment Bill 2019-2021 Section 16 Section 110, 3 currently on 3rd Reading in the House of Lords). It would be good to know why the restocking notice was not enforced and also if any charges are in place to act as a deterrent for others thinking of clearing woodland without authorisation for future development.

Heritage. No geological survey has been carried out and as this is a site of medieval Ridge and Farrow, it is therefore a non-designated heritage asset and of geological and historical significance. These vestiges of our medieval past are important features in the landscape. In addition, while the site is not in Zones 2/3 of the EA's Flood Map, the furrows act to slow down and direct surface water

and help dissipate the flood risk on land prone to being marshy and waterlogged. If this site was developed with hard standing for vehicles, flash flooding may increase the likelihood of surface water flooding the A44. The plan has no mitigation measures for reducing surface water run off during heavy rain.

Pollution. The application has made no plans for waste storage, collection or recycling and the plan to deal with waste water and sewage would be to use a Package Treatment Plant as this site is not connected to the mains drainage system. There is a lack of detail on the type of PTP proposed including the impacts on their discharge patterns (for soakaways or through direct discharge to water).

Sustainability. There is no pedestrian access to Moreton-in-Marsh. Not only is a new access road proposed which would be a precarious addition to an already dangerous stretch of road, there is no pavement, bus stop, footpath or cycle lane to the nearest town. This site would encourage car use and not be in keeping with the Local Plan's sustainability criteria (4.7 and Policy OSI).

Parish Council

Little Compton Parish Council objects to this application for the following reasons:

The site is subject to a Forestry Commission restock order and, even if this order is no longer valid for any reason, the regrowth on the site is already substantial and it would be entirely wrong to allow any development.

The site is too small to adequately accommodate the proposed number of caravans and would be entirely unsuited as a place to house young children being so close to such a busy road. Both of these factors mean that encroachment onto land behind the site would be inevitable

The site does not have the good access claimed in the design and access statement to local amenities and public transport. In addition we concur with the views given in their objection by Warwickshire CPRE (see attached) on the subject of harm to the character and appearance of the area, tranquility, flooding and precedent.

Parish Council

Chastleton Parich Council no reply at the time of writing

2 REPRESENTATIONS

2.1 A large body of representation has been received in respect of the application (in excess of 55 objections and 5 supporting comments).The Kitebrook Action Group has also submitted a detailed summary of its objection to the proposal.Members can look on line to view the body of representation in full.The main issues raised in the objections are captured below:

Ecology and Trees

Bad for local ecology.

The bio-diversity of the site has not been assessed.

It would set a negative precedent for further erosion of farmland and natural wildlife habitats.

The road leads to the adjoining Wolford Wood, an area designated as a Site of Special Scientific Interest (SSSI) and this would be threatened by the arrival of additional caravans and the associated waste, traffic, and noise.

The site was a bluebell wood with substantial centenary trees that were illegally felled in or around 2012. The site was subject to a very detailed and extensive reforestation, continued care and replacement strategy order. The reforestation order was detailed and specific in the number of trees, species, percentiles of species and the procedure by which these were to be reinstated.

The application avoids the previous unlawfully removal of protected species on the site and nearby - no justification or ecological surveys have been provided as to replanting in line with Forestry Commission requirements.

The application cannot be approved as there is a Court Order from the Forestry Commission to plant trees that have been cut down.

The applicants illegally felled trees on the site and there is a court order requiring them to replace them. The application does not appear to address this.

The application implies that there are no trees surrounding the site that could influence the development. There were mature trees and hedgerows surrounding the site. The provision of hard standing will involve excavation works and probable raising of the site. This development could impact on root protection areas of this vegetation and trees. A detailed arboriculture survey should be requested to make sure the proposal does not impact on the existing landscaping.

There is a false statement on the application stating that there would be no trees or hedges cut down on the proposed site. This is not the case.

There is no accompanying environmental impact assessment or plan to offset the bio-diversity loss somewhere else in the county.

I note the application was served a section 17A of The Forestry Act 1967, ordering the re-planting of trees that were illegally felled in 2012. We're nearly 10 years on and this has still not been carried out. I find it preposterous that the applicant thinks they can disregard this and simply reapply.

Other

Already have an existing caravan site.

This application contains a number of material and misleading statements which lead me to believe that this is not a bona fide Application, to meet a genuine need.

It sounds like a mixed use development.

There is no evidence of need.

There is no previous use of the site for residential purposes and no planning policy to justify this.

Furthermore the application also requires parking for business vehicles which would be an additional intensification of use of the site and the access. The additional hard surface areas and run off would increase the risk of flooding. There is no convincing evidence that the use would be for a Gypsy site, or that there is a need for such a site in the area. In any event this is not a suitable location for a site of this kind.

Once permitted the area is bound to extend.

There should be no building of any nature on this land.

Nearby development is a health and safety risk.

The application is contrary to planning considerations for new traveller sites as schooling in Moreton is already full and no public transport or shops in the vicinity.

The development of this site will bring no benefit to the area.

We recommend it is refused and any travellers are offered housing and support through social housing within their local district.

I would suggest that the application is reviewed with regards to access and waste disposal before it is progressed.

The proposed site is very narrow and confined, for the intended purpose. Assuming vehicle storage, vehicle movements and animal housing are all required.

It is alleged that the general area is a source of 'waste mismanagement' including but not limited to the open burning of tyres and improper disposal of waste.

The submitted plans are vague and clearly don't meet the in situ vernacular of the area with traditional stone farms.

This will cause urban sprawl and likely cause the entire Four Counties Stone Farm to become a caravan park.

Gypsy Lifestyle

The applicant must demonstrate that the extended family meet this definition.

This proposal will isolate these members of the community rather than integrating them.

Historical Precedent

WODC Enforcement Notice E11/0199 alleging unauthorised breach of access to the site in 2012.

Similar planning application for a nearby site ref 13/0254/P/FP was refused and failed on appeal (as was Stratford DC 13/00423/FUL)

Drainage

The land in the field behind is regularly flooded and cannot support any type of hardstanding.

Concerns that there is a lack of information in the application as to drainage provision including where foul water will drain. If a private treatment plant is to be used- its type, location, confirmation of its suitable capacity and legal out-let (either ground or surface water) should be confirmed.

Also details of how such a sewage treatment facility will be managed and maintained, who by, and who pays.

I would encourage a condition preventing burning of any material in the open on this site. There are already problems in the vicinity with burning.

I would also encourage a condition to ensure that the site remains under a single ownership and that a single entity is responsible for maintenance and upkeep of the site, including its surrounds and sewage treatment plant.

In 2007 the farmhouse at Four Shire Farm flooded with the run off from the site. This extremely wet land and very unsuitable for such development.

Site has been known to flood despite applicant stating it does not flood.

The soakaway is shown going adjacent to the hedge, no septic tank appears - not meeting Building Regulations and EA requirements.

The applicant should provide a detailed drainage survey to show that the proposal works and is compliant.

Local Plan Policy and the NPPF

Contrary to the Local Plan as not well located in highway terms, will have an adverse impact on the character and appearance of the surrounding area, at risk of flooding and site is too large.

Harm of development clearly outweighs other considerations.

The proposal is contrary to policies H2, H4, H13 and H14 of the West Oxfordshire Local Plan and policies EF2, STR4, CTY1, CTY7 and CTY8 of the Stratford Local Plan Review.

The main theme in the NPPF is that all development must be sustainable, in economic, environmental and social terms. The proposal is not sustainable in any manner. It relies on the use of motor vehicles for access, it is remote from services and facilities, has no access to public transport and there are no footpaths to main service centres to encourage walking.

Avoid new isolated homes in open countryside - the site is in open countryside.

Poor design - the new mobile homes and planned presumably permanent "day room" comprising a kitchen, bathroom, wash room and dayroom are unsightly, inappropriate, out of character with the local architectural vernacular.

Protect and enhance Public Rights of way - the proposed mobile homes will sit alongside a designated footpath. The adjacent hedgerow and trees were dug up without permission.

The proposal does not enhance the public footpath.

Protect areas of tranquillity - the site abuts an Area of Outstanding Natural Beauty (AONB) - the site is to be powered by a generators and is both noisy and light pollutive.

Highways

The application form is unclear concerning goods vehicle usage. It does not allow for the parking of the 5 cars specified. The proposal represents an intensification of an access point on a fast section of the A44. No information is provided regarding visibility splays from the access point. Without such information it is not possible to determine if the proposal will have a detrimental impact on highway safety.

There is no existing access of any kind to the site.

It is a fast and dangerous stretch of road and is a dangerous place to put an access for 7 households.

It will increase the amount of accidents.

The footpath has been mentioned into Moreton-in-Marsh this is very narrow and uneven. Not a pleasant walk with the volume of traffic and an H.G.V route. Difficult for small children and impossible for a pushchair.

The A44 is a very busy road H.G.V. route, staycation, workers, bicycles and Motor Bikes at Weekends. The speed limit is often ignored.

The staggered Junction N.W. of the site and the bend N.E side makes access very dangerous.

The A44 which would serve this site is a trunk road. Not only has that but the access in and out of the site come only yards away from a staggered junction. It would be an accident waiting to happen, which only has to increase the accidents already piling up on the stretch of road.

The application refers to a 'footpath' into Moreton-in-Marsh. The area of land I assume they are referring to is certainly not an established footpath, and is extremely dangerous given its proximity to the road.

It is incorrect to say there is a footpath from the proposed site as this does not start until the Fire College in the direction of Moreton-in-Marsh.

The proposed seven residential caravans would generate the a volume of traffic which would cause considerable danger on this busy and fast stretch of the A44.

Applicant states nearest bus stop is at the Fire Service College but I would question this fact as there is no bus route or bus stops in the area. Vehicles would have to be used on a regular basis to get to amenities, shops, medical, etc

The proposed seven residential caravans would generate a volume of traffic which would cause considerable danger on this busy and fast stretch of the A44.

Visual Character and appearance

Moreton in Marsh environs are already blighted by recent ugly development and this proposal will constitute further unsightly development.

The proposed project does not meet the primary aim of the AONB "to conserve and enhance the natural beauty of the designated landscape". Nor its secondary aim in "meeting the need for quiet enjoyment of the countryside and having regard for the interests of those who live and work there."

The unsightliness in this location including the buildings would ruin was is an area of beauty.

It will erode the edge of the AONB and steer tourism away from Moreton in Marsh.

Inappropriate scale: The plot (not including the paddock) is effectively 105 meters by 21 metres when accounting for existing boundary trees/hedges. The application is for 5 mobile homes, 2 caravans plus "day rooms" for each and has to accommodate 13 persons. The average mobile home is 20m by 6.8m, this is unworkable, when factoring in access track etc. There are no mains services at the site. There is no place for a Klargestor type waste water/sewage system or any soakaway capability. This has not been considered in the application.

Character/Appearance: The plans as presented are wholly out of keeping with the local vernacular. The visual impact of unsightly mobile homes/caravans and day rooms would be clearly seen by drivers/passengers on the A44, especially so during winter months. This conflicts with SLP Policy PR1 and WOLP Policy BE2.

Sustainability

This site is not a sustainable site for a traveller community.

The site is unsustainable The A44 is a fast and dangerous road. There is no cycle way. Public transport is very limited. The site is in open countryside, and as such contravenes PPTS Policy 23.

There is no genuine access to services or modes of transport, this is not a sustainable location for a gypsy site. The usage of motor vehicles will be necessary to access any services.

WODC's own guidelines in the local plan are not met by this application in regard to being in reasonable proximity to the transport network, local services and facilities, shops and healthcare. Nor in avoiding ground with high flood risk, nor in recommended size and scale of such developments.

Impact on Heritage Assets

Close proximity to The Four Shires Stone which is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

There is also a very old monument in close proximity to the proposed site and this should be considered within the decision process.

Amenity

No information is provided regarding provision of electricity to the site. Generators will be required. These are noisy. A noise survey should be required to ascertain the impact and mitigation measures for this.

The application indicates that no provision is made for the collection of waste or recyclable waste. How will the site be serviced given its remote rural location.

The proposed development would significantly increase noise pollution.

Detrimental impact on neighbouring residents and their rights to "quiet enjoyment".

This would not be a safe and secure environment for the children for a number of reasons including access to local authority services.

Comments in support of the application

Would much rather this land was used as a site than see it being developed on. They have submitted an application as opposed to simply parking there anyway which is respectable.

I don't see why so many people are objecting to this request for planning permission.

Anybody objecting to this would not have done so if it weren't for the fact that the intended purpose is for people from the travelling community, and it's disgusting to see so many people in uproar. This planning has my full support - those applying for planning are going about it the right way.

I believe we should allow people a right to a home which is not dependent on ethnic background or lifestyle pursued. This is what all the people in this area have a right to but would seek to deny it to others, based upon their perceived moral status of travellers.

The present buildings require upgrading anyway and this would be such an improvement on it's current state. I WHOLEHEARTEDLY support this application.

Summary of Kitebrook Action Group Objection

KAG is concerned by procedural matters, ambiguities and uncertainties within the application.

The site/block plan (which appears to have been enlarged from the OS map) is not of sufficient accuracy to fully assess impact on the sites environs.

Although the application must be considered on its merits in the light of up to date local plan and national planning policy and guidance, the Council may wish to consider the materiality of appeal decisions on a nearby site. I refer to applications and appeal(s) by a Mr Vinson on land at Briar Close, London Road, Moreton in Marsh.

Drainage

Inadequate information has been provided in respect of both foul drainage proposals and surface water disposal. In the absence of clarification, the Council may wish to reject the scheme on drainage grounds on the basis of a lack of information.

Noise

The site is located immediately adjoining a busy Class I highway (A44). The location is tantamount to a roadside existence e.g., in respect of the noise environment. A Noise Survey should be requested. As there is currently no electricity supply to the site, and in the absence of any evidence of an economically viable mains electricity supply there is a real possibility that the site would be served by generators, which will also impact on the noise environment. The Council would be entitled to reject the scheme on noise grounds on the basis of a lack of information.

Ecology/Biodiversity

In the absence of any evidence that there will be no unmitigated ecology/biodiversity harms, the application should be rejected (on an information available basis).

Highways

The application is not supported by any traffic/speed data.

It is understood that there have been recent personal injury accidents on this stretch of the A44. The applicant has not demonstrated that a safe access can be provided.

Family circumstances

WODC are asked to satisfy themselves, with suitable checks that the intended occupiers of the proposed pitches will accord with the Planning Policy for Traveller Sites 2015 (PPTS) definition of travellers.

The applicants view that there is a shortage of pitches in WODC needs to also take account of the availability of pitches in Stratford on Avon and Cotswold DC given the location of the site on the border with Stratford.

Replacement of trees

It is noted that a considerable number of trees have been removed from the site (understood to have been removed by a previous owner without a required Felling Licence from Forestry England. It is understood that the site remains in breach of a FE Felling Enforcement order.

Sustainability

KAG questions whether this development is suitably and sustainably located, and whether it can be delivered in accordance with the Development Plan as the primary consideration. KAG is concerned by the poor accessibility and sustainability credentials. The site is not genuinely accessible and has poor access to key services, schooling and health care, no information on these important subject areas has been provided. The poor accessibility runs contrary to sound site selection process as recommended in PPTS policy.

Other

KAG is of the view that the applicant should be given the opportunity to supply additional information and clarification, but failing the receipt of further evidence the application should be refused. Such a refusal may in part be on a lack of information basis. However, notwithstanding the lack of information, KAG is of the opinion that this is not the right site for the development and that the cumulative harms are not capable of being suitably mitigated or outweighed.

3 APPLICANTS CASE

3.1 The Design and Access statement is summarised as follows:

On balance, any harm to the countryside, albeit limited by its highly localised impact, is outweighed by: the general need for sites in West Oxfordshire, the Coates family's personal need for a site in this locality; the absence of any alternative caravan site for this family; the needs of the family for access to local health and education services; and the needs of the children. The proposed development would facilitate the economic and social wellbeing of the area, create a more balanced community, and provide appropriate accommodation to meet and identified local need. The proposed development would, therefore, comply with local plan policy H7 and with the objectives of the PPTS.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H7NEW Travelling communities

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

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

5 PLANNING ASSESSMENT

5 Background Information

The site the subject of this application is located in the open countryside approximately one mile from the edge of Moreton in Marsh and further to the town centre. It lies on the boundary of Oxfordshire, Warwickshire and Gloucestershire

The proposed development involves a material change of use of land to a residential caravan site for an extended gypsy family, comprising of 5 households. Each household would have a main living caravan - potentially a static caravan or mobile home, and two of the households, those of the applicant and his brother, would also require a touring caravan. Each household will be provided with a small utility block containing bathroom and laundry facilities and the development would include the laying of hardstanding and construction of a new access. The proposed development would provide 5 pitches, all of which would be laid out to conform to the model conditions required to be met for site licencing purposes.

The Design and Access statement submitted with the application advises that the site is intended for occupation by an extended Romany gypsy family which includes 5 children aged between 8 and 14. They all live together as an extended family group and go to all of the traditional Gypsy horse fairs. They travel away about 14-20 times each year but do not have a settled base of their own to return to. As a result of this transient life style, the children cannot attend school on a regular basis and cannot read or write. One of the adults is expecting her first child and needs a settled base where she can access health care for herself and her baby.

Access to the site will be via the A44.

Historically the site was a woodland and following the removal of woodland the Forestry Commission have imposed a Restocking Notice and Enforcement Notice which have not as yet been complied with.

Whilst the site is not located with the Cotswolds AONB , Officers consider that is located within the setting of the AONB and two footpaths run relatively close to the site.

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 as follows:

Principle

The key Local Plan policy in this regard is policy H7 which refers to travelling communities. Members are advised to read this in full before the meeting but in essence the policy states that West Oxfordshire will provide at least 5 pitches to meet the needs of Gypsies from 2016-2031. Further, it states that to help to achieve a five year housing supply additional provision will be made through expansion and or intensification of existing sites . The new sites have a series of criteria that must be met including inter alia no conflict with AONB designation, not causing adverse environmental or heritage asset harms etc. In respect of this policy at least 8 additional pitches (4 at The Paddocks, Bampton and 4 at Ting Tang Lane) have been provided within the relevant plan period and officers are in negotiation on proposals to expand other existing sites. Officers are therefore of the opinion that at the time of this application that the District has a full Gypsy and Traveller housing land supply. In light of this assertion this application needs to be assessed on the criteria cited within policy H7. In this regard, and as set out in more detail below officers have concerns that the site is not well located to public transport, has poor cycle/pedestrian facilities and poor access to local facilities, is too large for the site, will harm the

landscape character of the area and the setting of the AONB. Thus the scheme is considered to be contrary to the most relevant policy of the adopted local plan to which full weight can be given as set out in more detail below. As will also be considered further below there are not considered sufficient material or personal circumstances as would warrant setting aside this policy and as such there is considered to be an in principle policy based objection to this development in this location.

Sustainable Location?

In assessing the relative sustainability of the location it is instructive to note the comments of the Inspector who dismissed an appeal for a single gypsy pitch at Briar Close Nursey - a short distance further along the A44 to the east of this site. In that appeal Inspector Hellier commented that "The site lies in a rural location adjacent to the A44 some 3.5 kilometres from the centre of Moreton-in-Marsh where there is a good range of services, including primary and secondary schools, general practitioner and shopping. For about 2 kilometres between the site and the outskirts of the settlement the road has no footway or lighting. There is a verge available to pedestrians but it is narrow in places and the road is at times heavily trafficked with vehicles often travelling at speeds in excess of the 50 mph speed restriction as I was able to confirm on my site visit. It is an inconvenient route for pedestrians during daylight hours and would be dangerous and impractical at night and at all times for children, the elderly and those with pushchairs. There is no cycle way along the A44. Cycling to and from Moreton-in-Marsh would be possible even though, because of vehicle speeds and volumes, few people would find it pleasant. Public transport is very limited, there being just one bus a day on Tuesdays and Wednesdays. The appellant and his partner both rely on the use of their own vehicles...Locating development in an accessible location, where it would minimise travelling and the associated carbon emissions, would contribute to both the social and environmental dimensions. The distance of the proposed site from Moreton-in-Marsh and the necessary reliance on the use of the car would not support these aims....Whilst I have had regard to the previous use of the site and its relationship to the existing scattered settlement pattern I find nonetheless that it's setting is essentially that of open countryside. It is close to Kitebrook but this hamlet has no public services and is not treated as a settlement for housing policy purposes. The nearest settlement with a reasonable level of services is Moreton-in-Marsh which, it has been established, is not readily accessible other than by car. On the other hand the site is not remote from services and rural locations for gypsy sites are acceptable in principle. Even so, on balance I conclude that the appeal site lies in open countryside and away from existing settlements. In the light of PPTS Policy 23 development in such a location should be strictly controlled.....I conclude that in terms of access to services and modes of transport this would not be a sustainable location for a gypsy site. Allowing the proposal would be contrary to the aims of the NPPF and the provisions of PPTS paragraph 23. Substantial weight should be given to the resulting harm to sustainability."

In respect of this application your Officers, having walked part of the route from the site towards Moreton, would concur with the assessment made by the Inspector that the pedestrian facilities are limited and in a poor state of repair/overgrown. It will however be noted that OCC in its capacity as Highway Authority has not raised objection on safety grounds. Upon questioning however the Officer did comment that the assessment was made during daylight hours and wearing a high visibility vest. He also notes that the site lies beyond the usual 2km walking distance and that the carriageway had to be used for passing. Officers have spent many years advising that the technical judgement of OCC should be set aside only exceptionally and where there is definitive contrary evidence/opinion that could justify such a judgement. This is one of those instances where the findings of the earlier Inspector coupled with the concerns about children using the footpath to access school etc when it is in overgrown and unlit and just beyond the usual maximum distance means that, in this instance, your officers assessment is that the site is not sustainable for the reasons set out by the Inspector when assessing the nearby site.

Photographs will be available to show the degree to which use of the path is inhibited by vegetation. As such the site is considered unsuitable for the development proposed.

Impact on the Character and Appearance of the Countryside and the Cotswolds AONB, non-designated heritage assets

The development seeks the siting of 7 caravans, 5 amenity blocks, a new access and vision splays, hardstanding and the erection of a 2m high screen fence. The interior of the site is shown as wholly laid to hardstanding albeit some additional screen planting is also proposed. At present the site is viewed for the A44 as having a pleasant rural and largely unspoilt and undeveloped character that is somewhat compromised by activities on an adjoining site. Your officers concern is that with the tree and hedge loss necessary to create an access and vision splays coupled with all of the other attendant activity and paraphernalia (lights, parked vehicles etc.) the existing attractive character would be replaced with one that is much more urban/jarring/intrusive and where the extent of development- perhaps also needing to accommodate foul drainage treatment, is such that there will not be sufficient room to ameliorate the landscape harms. Similarly longer distance views from the surrounding countryside and footpath network will be harmed. The previous Inspector noted that the WOLA identified the visual sensitivity of the landscape and that development needed to be integrated within a strong landscape structure. This proposal would involve loss of mature landscaping and would compound an apparent loss of tree cover that is the subject of separate enforcement by the Forestry Commission. This factor in and of itself is not a reason to refuse this consent but the further loss of vegetation and the visual incongruity/density of the proposal would be harmful. The proposed development would be visible to the large number of drivers and passengers using the A44. Their view would be filtered by the existing hedge but the screen fencing, caravans and amenity building would be clearly seen through the hedge and in unfiltered views through the site entrance and open rear boundary. The development would be particularly noticeable during the winter months. Some relief might be provided by reinforcing the roadside hedge and/or siting the larger structures further into the site. However the site is too small to fully mitigate the adverse harm.

In the previous appeal on the nearby site found that the site then at appeal did not have indivisibility between the AONB and the site. The Inspector considered that travellers or even local people may not be aware of where the boundary lies and that therefore any adverse effect would be perceived as being to the AONB. As that site is outside the AONB it was concluded that there would be no material detriment to the AONB. This site lies further from the boundary with the AONB than that at appeal. It is similarly outside the designated area. However the revised NPPF is clear that "The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas" Given that this site is of a significantly greater scale than that previously considered and that the setting of AONB is specifically mentioned in the NPPF your officers assessment is that the rural tree lined approach to the AONB would be compromised albeit that the harms would be towards the bottom end of the scale of harm. This adds weight to the above mentioned concerns.

The scheme is closely related to an area of ridge and furrow field pattern. However this is not a scheduled site and the weight to be attached to the preservation of such non designated assets is considered in this instance to be outweighed by the more general need to meet the housing needs of the gypsy and travelling community

Impact on Ecology

Members will note that the Ecologist has asked for further information before the impact on biodiversity can be assessed. The applicant has offered to provide this but your officers do not consider it reasonable to request this additional work as the application is being recommended for refusal. As such it is recommended that a "it has not been demonstrated.." refusal reason is attached along with a note that if the applicants are minded to appeal then further information would be required and it may be possible - dependant upon outcome, that the refusal reason could be overcome

Impact on Residential Amenity of the Proposed and Existing Occupiers

The appeal site lies adjacent to a busy main road and is subject to traffic noise. Whilst the existing hedge provides a visual screen, it is ineffective as an acoustic barrier. In addition gypsy sites are particularly sensitive to noise because caravans do not provide as much protection to occupiers as buildings. A proposed fence will limit to some degree the noise impact -albeit at the cost of increased visual impact. However there is, in contrast to the previous appeal, no evidence provided to enable an assessment as to the harms from road noise to occupiers. EHO have however raised no objections and so a refusal reason based upon this is not recommended. Similarly whilst gypsy sites can give rise to noise from generators etc. there is again no evidence or technical support to raise this as a concern.

Impact on Drainage

Third parties have raised concerns regarding water pooling on site in the ridge and furrow and stating that it has flooded. However there is no objection from our drainage officer and the site is not in the functional floodplain or noted as being at risk from flooding. As such again no refusal reason is recommended as regards flooding

Impact on Road Safety

OCC as Highways Authority has raised no objections subject to conditions requiring parking, turning , drainage, access and vision splays. As such again there is no highways based refusal reason albeit that in complying with the conditions it is likely that the urbanising impact will be increased.

Whether Identified Harms are Outweighed by Other Considerations

The applicants agent states that there is an unmet need for sites but the evidence is that WODC is more than meeting its requirements and is ahead of the level of need to be met over the plan period. Even if that is not the case and need is higher than that in the findings in the GTAA that underpin the recently adopted local plan policies, your officers have not been satisfied that the need can only be met on this site or that the applicants have a particular local connection - apparently having "no settled base" Your officers conclude that there is no lack of available alternative sites and that the 5year land supply for such accommodation is being met. It is accepted that in general terms National policy is to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. This represents a positive factor but is not considered to outweigh the harms identified earlier in the report.

Conclusion

There is a presumption in favour of sustainable development. The application site would be in the open countryside and only reasonably accessible by car to any settlement that can provide for basic services. It would not be a sustainable location and development here would be contrary to the advice in PPTS and the objectives of NPPF. Substantial weight should be given to this harm. Further significant weight attaches to the harm to the character and appearance of the rural setting which would be contrary to development plan policies and the advice of the NPPF and West Oxfordshire Landscape assessment. It is considered to cause some limited harm to the setting of the Cotswolds AONB. The biodiversity impacts have not been quantified.

The provision of a gypsy site would help to meet wider need for sites but in West Oxfordshire sites are being brought forward under the criteria based policy that is more than meeting identified needs. The applicants personal circumstances are noted and in that regard the health and schooling requirements are given particular weight. However the site is poorly located to meet those needs and in particular the ability of children to access school and other facilities is severely constrained by the inadequate footpath and cycle connections and lack of good public transport. Overall it is concluded that the substantial harm arising from a location in the open countryside, adjacent to a busy main road and away from services clearly outweighs the benefits associated with meeting the applicants personal circumstances and so refusal is recommended. Given the harms arising it is not considered that a personal consent should be considered in this instance.

6 REASONS FOR REFUSAL

1. By reason of the sites isolated location set away from the nearest Service Centre, that there is no useable cycleway or footpath link to the town, that it is poorly served by public transport and where, given the busy traffic along the Class A road, the most likely mode of transport serving the use would be the private car, the development is considered to be unsustainable in terms of transport such that it is contrary to Policies OS 2, T1 and H7 of the adopted West Oxfordshire Local Plan 2031 and the advice of the NPPF.
2. By reason of the prominent siting adjacent to the A44 and nearby public footpath, the mobile homes, associated domestic paraphernalia and dayroom/utility room, hard standings, lighting, parked vehicles, fencing etc. will appear as a visually intrusive urbanising feature, particularly in the winter months when the hedgerow planting will not be in leaf to the detriment of the predominantly rural character and appearance of the area and the setting of the Cotswolds AONB. As such the development is considered contrary in particular to Policies OS2, EH1, EH2, EH8 and H7 of the adopted West Oxfordshire Local Plan 2031, the guidance in the NPPF and the advice of the West Oxfordshire Landscape Assessment.
3. In the absence of a full ecological assessment it has not been demonstrated to the satisfaction of the Local Planning Authority that the ecology and biodiversity of the site and its environs will not be adversely harmed. As such, the proposal is considered contrary to Policy EH3 of the adopted West Oxfordshire Local Plan 2031 and the advice of the NPPF.

PLEASE NOTE It is possible that this refusal reason may be capable of being overcome by the submission of additional evidence and you are advised that should the decision be appealed to ensure that such evidence is available to the Inspector.

Contact Officer: Kim Smith

Telephone Number: 01993 861676

Date: 8th September 2021