

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 18th October 2021

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director.

The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc. and the date of the meeting.

List of Background Papers

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

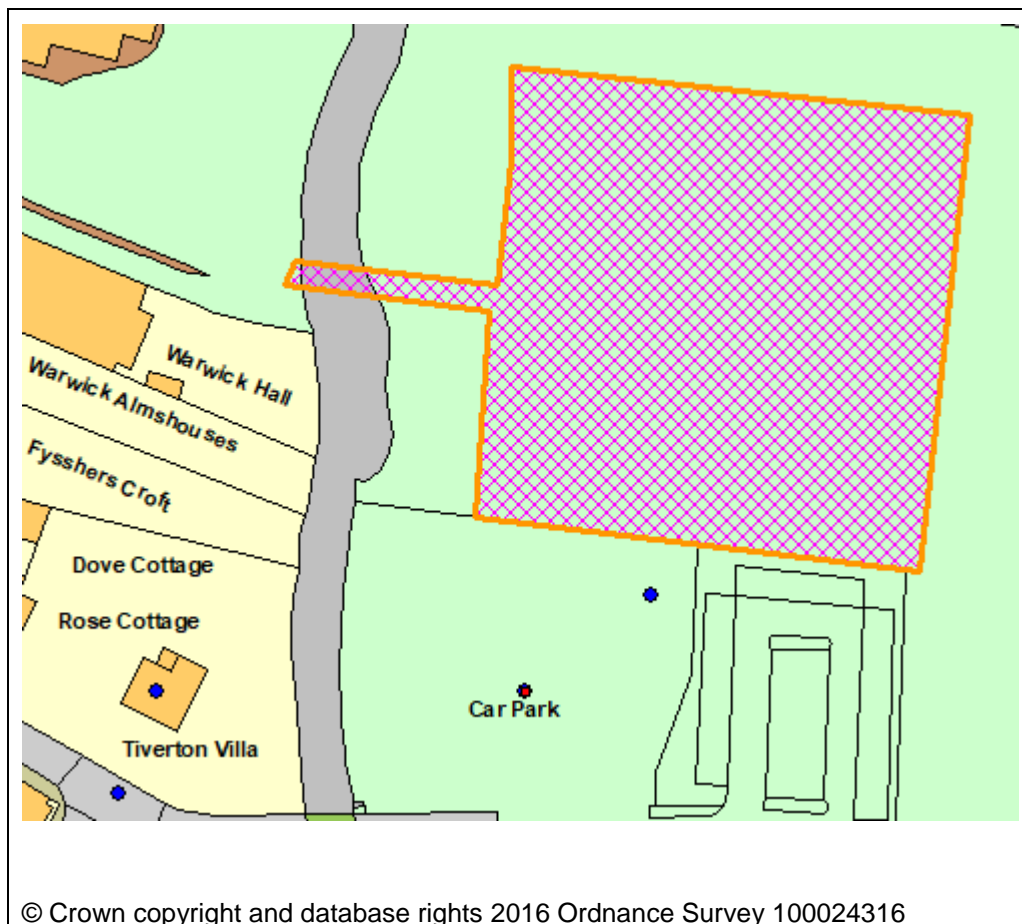
Please note that:

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
11 - 25	21/02110/FUL	Car Park Guildenford	Joan Desmond
26 - 33	21/02573/OUT	7 Cleveley Road Enstone	Joan Desmond

Application Number	21/02110/FUL
Site Address	Car Park Guilford Burford Oxfordshire OX18 4SE
Date	6th October 2021
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Burford Parish Council
Grid Reference	425399 E 212285 N
Committee Date	18th October 2021

Location Map



Application Details:

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

Applicant Details:

Derek Cotterill
Fortey's Close
Guildenford
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 too 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 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 Licence 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 licencing 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

2.1 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 Groud
- 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 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 plans 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 was 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

3.1 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

5.1 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.

5.2 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.

5.3 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. The application was deferred for a members site visit at September committee.

Background Information

5.4 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.

5.5 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.

5.6 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.

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

5.8 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.

5.9 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

5.10 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.

5.11 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

5.12 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.

5.13 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.

5.14 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.

5.15 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.

5.16 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.

5.17 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.

5.18 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.

5.19 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

5.20 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

5.21 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.

5.22 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.

5.23 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.

5.24 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

5.25 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.

5.26 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

5.27 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.

5.28 Whilst the Local Highway Authority has not commented on this latest application, they previously concluded that whilst its 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.

5.29 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.

5.30 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

5.31 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.

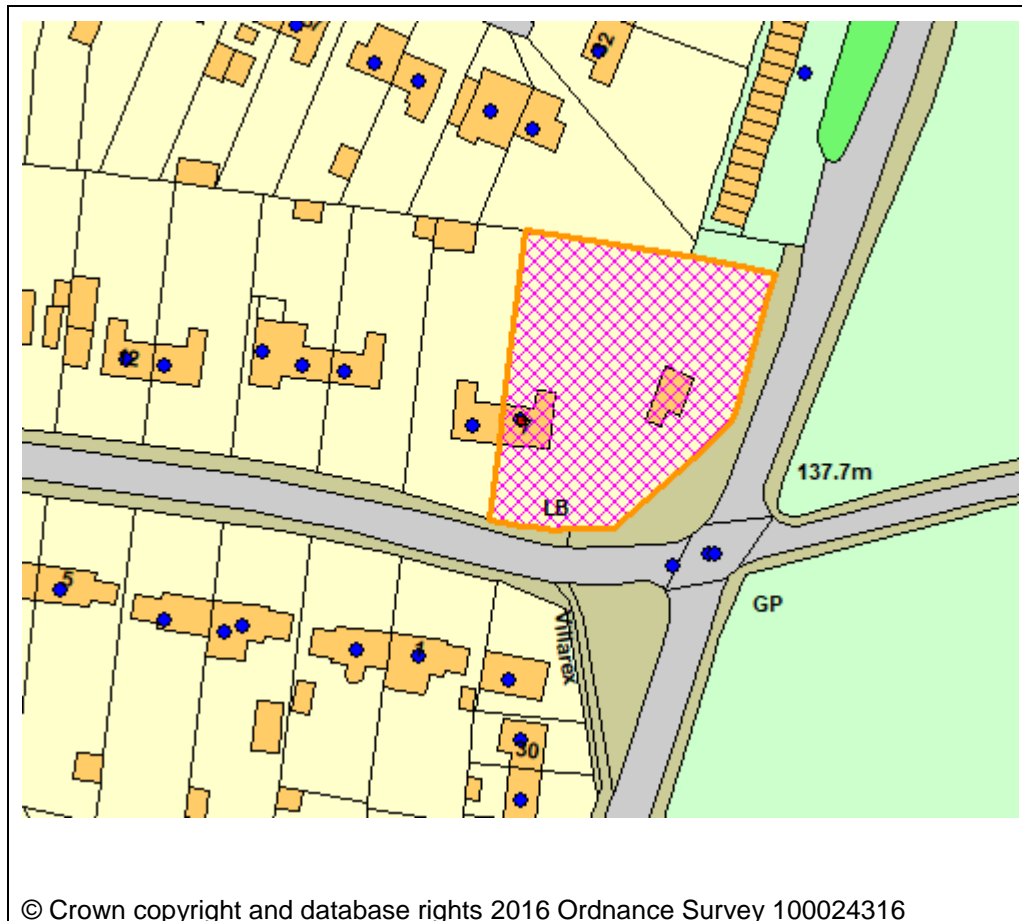
Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 6th October 2021

Application Number	21/02573/OUT
Site Address	7 Cleveley Road Enstone Chipping Norton Oxfordshire OX7 4LL
Date	6th October 2021
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	438084 E 224152 N
Committee Date	18th October 2021

Location Map



Application Details:

Outline Planning Application for the erection of 4 dwellings, closure of existing access, and creation of separate access for No. 7 Cleveley Road and new access for the proposed dwellings, with parking layout and landscaping scheme (with some matters reserved) (Amended Plans)

Applicant Details:

Mr And Mr David And Robert Stevens
7 Cleveley Road
Enstone
Oxon
OX7 4LL

I CONSULTATIONS

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.

Note a 6.0m manoeuvring space is required at parking spaces in order that vehicles may enter/leave parking spaces.

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:

- G11 access specification
- G25 drive etc specification
- G13 close ex access and reinstate public highway
- 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

WODC Drainage Engineers

No objection subject to drainage condition.

ERS Env. Consultation Sites

Mr ERS Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.
Please consider adding the following condition to any grant of permission.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

WODC Env Health - Uplands

Mr ERS Pollution Consultation I have No Objection in principle to this outline application.

Thames Water

Waste Comments - Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

With regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments - On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.

Parish Council

Although Enstone Parish Council supports the application, it is very concerned regarding the parking and safety issues and requests that double yellow lines and bollards are placed around the area.

Please can the applicants also consider some kind of sustainable renewable energy at the properties?

OCC Highways

Manoeuvring areas now acceptable. No further comments.

Parish Council

No Comment Received.

Biodiversity Officer

No Comment Received.

2 REPRESENTATIONS

Two letters received:

- Everyday we have to struggle on and off our drive way due to cars being parked opposite it on an already extremely busy Cleveley road. Is there really going to be enough parking or will they spill over and park on the road causing more issues?
- Concerned about being overlooked and being opposed on.
- Loss of wildlife
- added traffic and noise pollution

3 APPLICANTS CASE

In reply to the question from one other resident in Cleveley Road, the scheme should ensure no additional on street parking for 2 reasons. The first is we have complied with the standard set by the Highways authority for off street parking. The second is we have gone further and added space of at least 2 additional spaces, above and beyond the County Council requirement.

The nearby resident lives at least 21 metres (70 feet) from the site, nobody else, living closer, has raised this concern.

Our recent observations of parking seems to conclude there is no on street issue at our end of Cleveley Road.

A car parked on the road opposite the resident's house at No. 4 doesn't constitute a reason for refusal of this application. Perhaps this is an issue between neighbours that might to be discussed amicably, to achieve a better parking situation.

The community as a whole and as expressed by the Parish Council appear to have no objection in principle to development. This combined site, which for many years in so far as the land outside No. 7 is concerned, has been vacant, formerly used for workshop purposes and accommodating various buildings and a caravan, all in a deteriorating condition.

It would have been a simple matter to submit an outline application with all matters reserved for later approval, to be approved as part of a full or detailed application later.

The applicants however, with my support, wanted "to do more for the community", hence the request for smaller scale dwellings that then led us to providing some detail to show they can be accommodated on the site, in a density similar to other housing in the locality.

To do so would also mean introducing a bio-diversity enhancement; we have included a basic layout of this, full details to be provided as part of a conditional consent. There are no trees of special significance worthy of protection by TPO, the area has no listed buildings, no conservation area status, and apart from the highway stone walling, no special open space characteristics or other features worthy of protection.

We remain willing to provide more information, but feel for the purposes of an outline that might lead to a conditional consent, this must now be sufficient information.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

NPPF 2021

NATDES National Design Guide

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

PLANNING ASSESSMENT

5.1 The applicant seeks outline planning permission for the erection of 4 dwellings, closure of existing access, and creation of separate access for No. 7 Cleveley Road and new access for the proposed dwellings, with parking layout and landscaping scheme. All matters are unreserved apart from appearance.

5.2 The site lies at the eastern edge of the village of Enstone. The site comprises No 7 Cleveley Road, a semi-detached property which is located at the junction of Cleveley Road and Banbury Road. The site is enclosed by a low stone boundary wall along the roadsides.

5.3 The application is to be heard before the Committee as the views of the Parish Council are contrary to the proposed recommendation.

Planning History

5.4 An outline application for the erection of 6 dwellings, closure of existing access, and creation of separate access for No. 7 Cleveley Road and new access for the proposed dwellings, with parking layout and landscaping scheme (with some matters reserved) was withdrawn in July 2021 (Ref: 21/01689/OUT).

5.5 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

- Layout and scale
- Highway Issues
- Residential Amenity Impact
- Biodiversity Issues

Principle

5.6 Enstone is classified in the Local Plan 2031 as a village, which is suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of the community (policy OS2). Housing Policy H2 states that new dwellings will be permitted in certain circumstances including on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles set out in Policy OS2.

5.7 Policy OS2 states that villages such as Enstone are suitable for limited development, which respects the village character and local distinctiveness and would help maintain the vitality of these communities. The general principles set out in OS2 state, inter alia, that development should form a logical complement to the existing scale and pattern of development and/or character of the area; be of a proportionate and appropriate scale to its context; not involve the loss of an area of open space or other features that makes an important contribution to the character and appearance of the area and conserve and enhance the natural, historic and built environment.

5.8 As such, the proposal is assessed against the general principles of Policy OS2 in more detail below.

Layout and Scale

5.9 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflects this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.

5.10 This application seeks outline permission, with all matters unreserved, except for appearance.

5.11 In terms of layout, the site plan indicates 2 pairs of semi-detached properties fronting onto Banbury Road with parking in front. The pair of units at the northern end of the site would be larger in size and scale. The scale details submitted indicate that the 2 bed units would be 7.2m height and the 3 bed units 7.95m high. Given the change in land levels, ridge heights would not however exceed that of No7 Cleveley Road (7.45m). The existing access off Cleveley Road is to be closed with two new accesses created off Cleveley Road to serve the proposed development and the existing property. The creation of the new accesses will involve the removal of part of the existing stone boundary wall. The site occupies a prominent corner location, at the junction of Cleveley Road and Banbury Road. Open countryside adjoins the site to the East. On the opposite corner, development is set back from the main road and separated by an open green area. Similarly, development on the western side of the road is separated by a wide grass verge. The site principally comprises the side garden area of No 7 which has an open context with some low single story outbuildings. All the trees within the site are to be removed including a mature Beech tree in the north eastern corner of the site. The agent has advised

that the tree has been fire damaged and is not worthy of retention but no tree survey or arboricultural report has been submitted with the application. The land slopes down to the north with a range of single story flat roofed garage buildings located on the opposite side of a small open grassed area. Given the topography of the site the garages cannot be seen from the junction or views from the south. The development will project further east, beyond the existing build line of existing housing and would not form a logical complement to the existing character and pattern of development. The development including the new access road and parking areas would harm the open context of the site and would appear visually intrusive and would be harmful to the sensitive rural edge of village setting which adjoins open landscape to the east.

Highway Issues

5.12 The existing access off Cleveley Road is to be closed with two new accesses created off Cleveley Road to serve the proposed development and the existing property. OCC Highways has commented that the proposal, if permitted, would not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. The latest revised plans also ensure that adequate manoeuvring areas are provided.

Residential Amenity Impact

5.13 Adopted Local Plan Policy OS2 states that all development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. An objection has been received from No 33 Cleveley Road, a property located to the rear of the site, raising concerns relating to overlooking and overbearing impact. Given however, the proposed orientation of the dwellings and separation distances, it is considered that the detailed design of the dwellings could ensure that there are no amenity issues resulting from the development.

Biodiversity Issues

5.14 Whilst a Biodiversity Plan has been submitted which indicates that the clearance of vegetation will be compensated for through a number of measures such as the creation of wildflower areas, native hedgerows and new native tree planting, the features proposed to be created and planted would be within the rear gardens of the dwellings meaning that the management of these features could not be secured in the long-term and as such would not sufficiently compensate for the vegetation lost.

5.15 In addition, inadequate ecological information has been submitted and the Biodiversity Officer has requested the submission of a Preliminary Ecological Appraisal. No such appraisal has been submitted and as such the potential impact on protected and priority species is unknown.

Conclusion

5.16 In light of the above assessment, the proposed development, by reason of its layout and scale would not form a logical complement to the existing scale and pattern of development and character of the area and would be harmful to the rural edge setting of the village by reason of its visual intrusion and projection of development further to the east. In addition, inadequate ecological information has been submitted and the Biodiversity Plan does not sufficiently compensate for vegetation lost. As such, the proposed development is considered to be contrary to the provisions of policies OS2, OS4, EH3 and H2 of the adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2021.

6 REASONS FOR REFUSAL

1. The proposed development, by reason of its layout and scale would not form a logical complement to the existing scale and pattern of development and character of the area and would be harmful to the sensitive rural edge setting of the village by reason of its visual intrusion and projection of development further to the east. As such, the proposed development is considered to be contrary to the provisions of policies OS2, OS4 and H2 of the adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2021.

2. Inadequate ecological information has been submitted to assess the potential impact on protected and priority species and the submitted Biodiversity Plan does not sufficiently compensate for vegetation lost. As such, the proposed development is considered to be contrary to the provisions of Policy EH3 of the adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2021.

Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 6th October 2021