

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 6th February 2023

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Agenda Index

22/03129/FUL	The Chapel, 6A Shipton Road, Ascott Under Wychwood
22/03179/OUT	Land East Of Barns Lane, Burford

Report of Additional Representations

Application Number	22/03129/FUL
Site Address	The Chapel 6A Shipton Road Ascott Under Wychwood Chipping Norton Oxfordshire OX7 6AY
Date	2 nd February 2023
Officer	James Nelson
Officer Recommendations	Approve
Parish	Ascott Under Wychwood Parish Council
Grid Reference	429977 E 218714 N
Committee Date	6th February 2023

Application Details:

Conversion of existing dwelling to form three holiday lets

Additional Representations:

One additional letter in opposition to the scheme has been received, the objection is also on the grounds of highways impact, and it reads:

“This application claims "the development would utilise the parking area on Shipton Road which also serves the public house". These 5 spaces are already inadequate parking for The Swan, requiring visitors to the pub and staff to park dangerously along Shipton Road and on footpaths, pavements and verges, regularly blocking the path of pedestrians and driveways of villagers. What's more, these 5 spaces have also been cordoned off as a non-parking area and used as an entertaining space for private functions at the pub, thus requiring visitors to the pub to park their vehicles along Shipton Road. The reality is that these limited spaces would not be available for the proposed accommodation at 'The Chapel'. I note that the OCC Highways response refers to the area marked with red lines. This area is NOT the parking area that the applicant intends for those staying in the Chapel to use for parking. The planning team need to make this distinction when considering the response from Highways.”

Application Number	22/03179/OUT
Site Address	Land East Of Barns Lane Barns Lane Burford Oxfordshire
Date	3 rd February 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Burford Parish Council
Grid Reference	425313 E 211905 N
Committee Date	6th February 2023

Application Details:

Outline planning Application (with all matters reserved) for the erection of up to 70 residential units (including affordable housing) with associated parking, vehicular and pedestrian access, internal roads, public open space, landscaping, drainage and other associated infrastructure.

Additional Representations:

A further 129 objection letters have been received. These objections raise similar concerns to those outlined within the officer's report.

Town Council:

We are strongly and unanimously opposed to the proposals contained in the application for the following reasons:-

- 1) First, on humanitarian grounds. We recognise that the Uplands Area Planning Committee must make its decision on planning grounds but submit that such an important decision cannot be made in a vacuum devoid of context as it will affect, whichever way it goes, a significant number of individuals, their families and futures. Lord Denning once said "The duty of the Courts is to dispense justice according to the law. Justice first and the law a poor second." We believe that the UPAC should adopt the same approach. This is the Fifth Battle of Cole's Field. In 2017/8 we persuaded WODC not to allocate Cole's Field for development in the Local Plan 2031. In 2018 an application (17/00642/OUT) by Carterton Construction Ltd was refused by UPAC. An appeal was lodged but discontinued when the applicant went into insolvent liquidation. In 2021 an application (21/02343/OUT) by Greystoke was refused by UPAC. In 2022 Greystoke appealed against that decision. The Inspector dismissed that appeal. During all these vicissitudes the residents of Burford, in particular those living closest to the site, had to endure not knowing what the future held for them, suffered planning blight if they wished to sell their property and wondered whether there would be room for them in the local surgery and for their children in the local schools. In justice to the local population, this current application should be dismissed.
- 2) Secondly, in recognition of forthcoming changes in planning law. The Government has announced changes and embodied them in the Levelling Up and Regeneration Bill now ploughing its way through Parliament. Two of these changes directly impact the current application - the abolition of the requirement for a 5 year land supply and the abolition of mandatory national housing targets (in future they will be merely advisory). We

contend that UPAC cannot ignore these pending changes although they will not have the force of law by the time UPAC has to make its decision. We submit that UPAC should consider what its decision would have been had these changes been in force when the decision had to be made and take that into account in arriving at its actual decision.

- 3) Thirdly, the incursion into the CAONB. This has always been a major plank in our objections to all previous schemes and remains so on this occasion. The applicant accepts that its proposals constitute a 'major development' under the NPPF. It would destroy landscape and natural beauty and seriously interfere with wonderful views across open countryside from a number of public vantage points without any exceptional circumstances or exceptional public interest to justify the damage caused. We have seen the objection lodged by Cotswolds National Landscape and thoroughly endorse and adopt its arguments and conclusions.
- 4) Fourthly and similarly, the attack on the Burford Conservation Area. Burford boasts over 250 listed buildings and a major development like the one proposed would seriously and irrevocably impact on this heritage setting. The most important of these is the Grade I listed St. John the Baptist Church which is our Parish Church. There are gorgeous views of it from the A40, the A429 and the numerous footpaths which criss-cross the Windrush Valley which would be seriously interfered with by the 70 dwellings proposed by the applicant. The overall effect of the development would be to urbanise the Eastern edge of Burford with no countervailing advantage.
- 5) Fifthly, the problem of access. Vehicular access is proposed from Witney Street which is a narrow country lane subject to flooding and freezing. It is entirely unsuitable for the volume of traffic currently using it as it is a faster way into Burford than the A40/ High Street route which is regularly congested to a standstill. The proposed development would generate a substantial increase in traffic not only cars but, more worryingly, delivery lorries, garbage wagons and other HGVs. The junction of White Hill with the A40 would be upgraded from 'dangerous' to 'death trap'.
- 6) Sixthly, other infrastructure issues. The application makes no attempt to deal with the very real problems, presumably hoping that they can all be sorted out at the detailed application stage. But these are not mere details, they are major, real world difficulties and not even an application for outline consent can be contemplated without firm, viable plans for dealing with them:-
 - Schools. Burford School, our Secondary School, is full to overflowing with a waiting list. Our Primary School is nearing maximum capacity. Neither has yet felt the impact of Cotswold Gate, the Shilton Road development, and the children it will generate when it comes fully on stream. Neither will be able to take the number of pupils generated by the applicant's proposals.
 - Medical facilities. We only have one surgery. As you will see from the NHS statement filed with you, it already has a "practice population" of over 7000. It cannot take more without significantly increased premises and staff.
 - Flooding. The bottom of Cole's Field adjacent to Witney Street and Witney Street itself floods regularly in heavy rain and, in the case of Witney Street, freezes. The applicant's Flood Risk Assessment ("FRA") makes no mention of this and so no solution is offered. The residents of Witney Street and Orchard Rise are alarmed at the risk of increased flooding. The highly speculative and untested strategy put forward to deal with this gives them no comfort at all.

- Sewage. It is now common knowledge, known nationally thanks to Windrush Against Sewage Pollution, that Thames Water has illegally discharged untreated sewage into the River Windrush on innumerable occasions because the Sewage Treatment Works in Fulbrook are too small and have suffered years of under investment. The applicant offers no solution. It merely states that it will consult with Thames Water when the time comes
- Although not an infrastructure point per se, this is the right place to flag up the position of the three houses in Witney Street immediately opposite the proposed access to the site. The water supply for those properties comes from springs on the properties which are, in turn, fed by water from the site. The owners of those three properties believe that the proposed development will destroy their water supply. The application is silent.

7) Seventhly, there is no 'need'. A distinction must be drawn between those who would like to live in Burford and those who must. According to WODC's Strategic Housing Officer (see his report filed with you) they number 18. A view must also be taken of the level of need even for those 18. If, to be 'affordable', affordable housing is set at 80% of open market value then, in Burford, affordable housing is £800k or more. What "need" does that meet? We have increased the affordable homes in Burford by 26 over the past 10 years with Falkland Close, Cheatle Court and Frethern Court. The 45 in Cotswold Gate have not all been taken up yet. With a single bus service, the 233, which does not run in the evening, any development in Burford increases car use contrary to WODC's Climate Emergency policies.

In view of all of the above we urge you to refuse the Outline Planning Permission sought by the applicant. We submit that you got it right in 2018 and 2021 and that the Inspector got it right in 2022. We believe the applicant is just forum shopping in the vain hope of finding an Inspector who might just lean their way. Stand firm!

This submission is supplemental to our original objection dated 3rd January 2023. The need for a supplemental submission arises as a result of further information becoming available after the date of our original objection.

Landscape/Heritage - We have stressed the unwelcome impact of the proposed development on the Cotswold AONB and the Burford CA. The Southern part of the site is on the highest hill for some miles around and thus commands extensive views to and from the site. Paragraph 170 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. We submit that the proposed development would do exactly the opposite.

Drainage/Flooding - The applicant's proposal to deal with surface water contained in their Flood Risk Assessment basically comprises (1) a large SuDS soakaway deliberately designed to take only 40% of the anticipated rainfall and (2) surface and near sub-surface water structure to protect Orchard Rise which is deliberately designed to channel the water down the hill into the SuDS structure in (1). The only vehicular access to the site is off Witney Street. The following points arise:-

- a) The FRA is completely silent on flooding in Witney Street. This flooding comes from a spring on the southerly side of the road fuelled by the run off from the present Coles Field without the increase from the proposed development. As we pointed out in Para 6 of our original objection, Witney Street not only floods regularly but also freezes when flooding coincides with low temperatures as occurred this month (see car slipped off icy road). The access road will similarly freeze. This danger should be a sufficient reason for refusing the application alone.

- b) The FRA is completely silent on the impact of the applicant's proposals on the three houses immediately opposite the entrance to the access road to the site - Roebuck Cottage, Springfield House and Spring Cottage. In addition to the risk of raised water table and overflow flooding from Witney Street into the Witney St. 3, there is also the danger of interference with and/or contamination of their water supply from springs on the properties which are fed from the site.
- c) Expert technical concerns have now been raised. We refer to the Objection Comment lodged by Dr Howard Falcon-Long who is a Professor in the Earth Sciences Department at Royal Holloway College. We accept his advice in full and are particularly concerned that the FRA makes no mention of the fault in the bedrock below the soakaway which will funnel subsurface water into Springfield House.

The NPPF paragraph 159 states that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

The application cannot satisfy the condition of the last phrase of this NPPF paragraph and should be rejected on this ground also.

Need - Para 7 of our original objection dealt with the question of need. Policy H2 requires 'convincing evidence of a specific local housing need' before permitting development of sites bordering on built up areas.

WODC's strategic Housing Officer has provided further details of the housing situation in Burford which demonstrate that Burford currently has 65 empty homes which is 10% of the domestic housing stock less affordable homes (2% is the comparable figure for the District as a whole). If there was a specific local housing need at least some of those homes would have been snapped up. Further open market housing will merely add to the 51 second homes, 24 holiday homes and countless AirBnBs already blighting the Burford housing scene.

As to affordable homes, 21% of Burford's housing stock is affordable compared with 14% of the whole of the District's stock so there can be no question of Burford not doing its bit on the housing front.

Conclusion

These supplementary points merely reinforce our original submission that this application should be refused.

64 additional letters of objection - raising similar grounds as set out in the representations section of the report.

Conservation Officer:

The detailed assessment can be viewed on the website.

Conclusion:

- I. As per GPA3s advice Step 1-3: Step 1: I identified the heritage assets and settings affected by the proposal: The grade I listed Church of St John the Baptist, the Burford Conservation

Area (including its historic linear settlement pattern), the non-designated heritage assets: Roebuck Cottage, Springfield Cottage and Springfield House.

2. And, in Step 2 and 3: I assessed the degree to which their settings and views make a contribution to the significance of the heritage assets and allow them to be appreciated. Then I assessed the effects of the proposed development on the significance and concluded that:
3. While some modern development has taken place, causing harm to and diminishing the form of the linear settlement pattern and historic street pattern, including harm to the views and settings of the conservation area. However, at least the site itself has been preserved and provides legibility - still illustrating the historical development of a planned medieval town evidenced by the linear (and cruciform) settlement pattern.
4. The review of the conservation area boundary ensured that this site and the approaching entrance into Burford via Witney Street were protected and ensured that the rural appearance and views of Burford were preserved.
5. Burford is an exceptionally well preserved medieval town and its inclusion into the short-list of 51 towns to be designated as conservation area in the 1960's is notable; being regarded as "so splendid and so precious that ultimate responsibility for them should be a national concern. Even, in the 21st century it is considered to be the 'Gateway to the Cotswolds Burford' is often depicted as a 'quintessential Cotswold town' which is still a highly popular tourist town.
6. The number of Listed buildings that survive within the conservation area, along with the historic linear settlement pattern with fossilised remains of burgage plots, the legible secondary axis (Witney Street, Sheep Street), the back lanes / droveway (Barns Lane, Pytts Lane and Guidenford) all contribute to the understanding of Burford's development and illustrate its origins as a planned medieval town.
7. Burford's location on a hill terrace sloping towards the River Windrush shaped by the local topography provides its rural character and crucially its striking views from its surrounds. The Church spire in particular is a principal element of the viewing experience and is testimony to Burford's origins and development in the wool trade, overall all add to the significance of Burford.
8. With regard to heritage assets, NPPF Para 189 states: 'These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. And, Historic England's states in GPA 2: A small minority of landscapes will be so sensitive that the degree of alteration or addition possible without loss of significance may be very limited, particularly where there is a consistently high level of historical and archaeological interest or consistency.
9. I consider that Burford to be one of these landscapes described by Historic England that has a sensitive and special interest that deserves protection from large-scale development. I consider the scale of development proposed would not conserve or enhance the significance of Burford conservation area and that of its heritage assets, including the contribution that its surroundings make to its physical, visual and historic significance.
10. I consider that a high level of less than substantial harm would occur to all heritage assets by the proposed development.

11. The development would not comply with:

- Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- NPPF section 16 paragraphs 199-203; and
- West Oxfordshire Local Plan Policies: EH9, EH10, EH11, EH13.