

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 13th November 2023

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 Business Manager. 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.

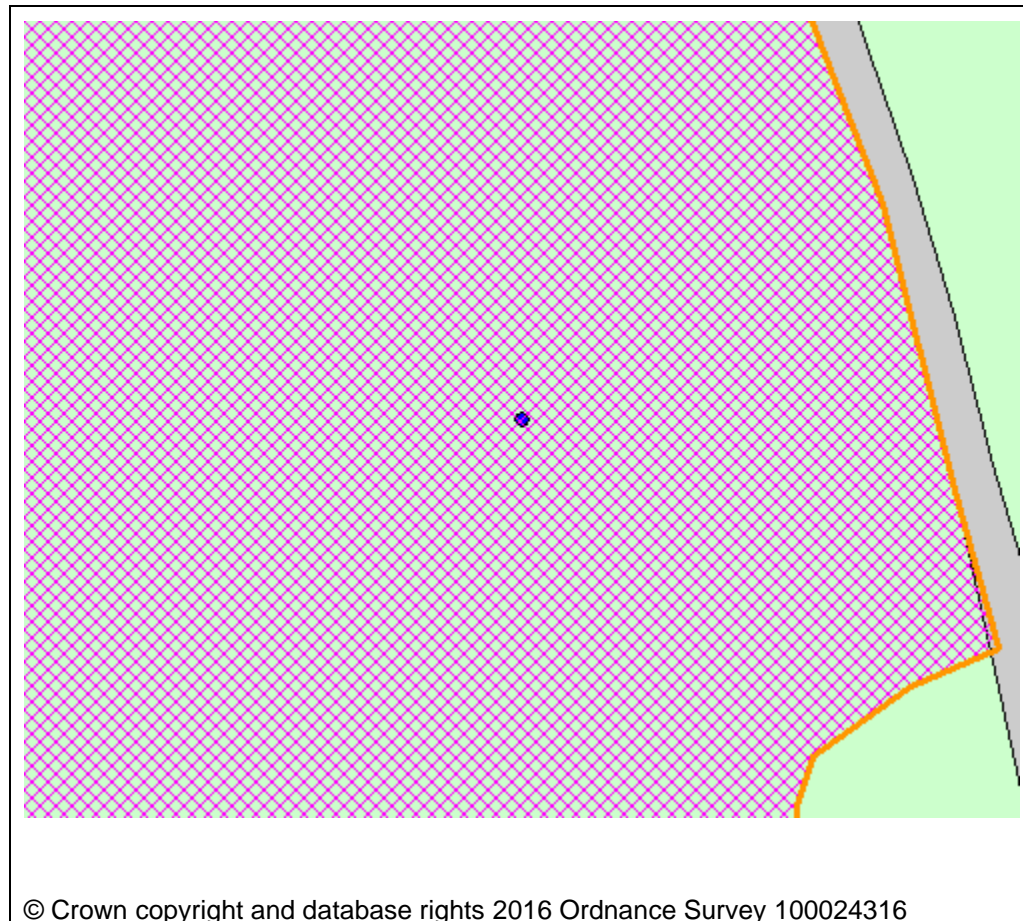
Please note that:

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

Item	Application Number	Address	Officer
13-36	23/00818/OUT	Land North of Holliers Crescent	Joan Desmond
37-52	23/01569/FUL	Land And Building (E) 439518 (N) 226211 Enstone Airfield North	James Nelson

Application Number	23/00818/OUT
Site Address	Land North Of Holliers Crescent Middle Barton Oxfordshire
Date	1st November 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Steeple Barton Parish Council
Grid Reference	443865 E 226088 N
Committee Date	13th November 2023

Location Map



Application Details:

Outline planning with some matters reserved for residential and associated development (up to 80 dwellings) including means of access, access roads, green infrastructure, drainage and other infrastructure.

Applicant Details:
c/o Agent

I CONSULTATIONS

Parish Council

SBPC object to the proposal for reasons outlined below.

In a recent Parish Council meeting, residents attending expressed unanimous objection to the development on the basis of development size (number of units), vehicular access including for emergency vehicles; increased traffic using narrow and unsuitable roads; ongoing issues with surface water drainage; and existing sewerage system problems. Residents are keen to explore the provision of storm drains to cope with existing water problems and point out that there are already in the recent past, occasions where the sewers flood and pollute the Dorn river. There were also comments related to the detail of the proposal but since this is an Outline proposal those are not forwarded here. We note however, the report from Thames Valley Police which indicates that the design proposed will lead to an increase in crime and ASB.

Primary objections to the proposal are based on the number of proposed units and the impact it will have on the existing residential community. The point of access into the proposed development from Holliers Crescent is unsuitable for the increased traffic proposed, where there have already been several minor collisions. Further, the access and egress from Holliers Crescent and/ or Fleming Drive onto North Street are similarly unsuitable, due to visibility and turning space for larger vehicles. These points have been raised at every consultation with Hallam and are included as such in their own document 'Statement of Community Involvement' under 5.12, 5.13, 5.15.

The proposals do not take account of the community setting, expressed wishes, and community need as identified in the 2019 village appraisal.

There are also significant factually incorrect statements inherent in the proposal which seem designed to present a view of a development on this site as

- a) the only development proposed for Middle Barton and
- b) a desirable development within the context of the village.

Neither statement is true. A previous application (22/02947/OUT) has been declined using arguments which apply equally to this development because of its size:

- a) Encroaching unacceptably into an extensive area of agricultural land that characterizes the landscape in this location.
- b) It would be a loss of an important area of open space and would be very prominent and visible in public views from Duns Tew Road and public footpaths to the north.
- c) An estate on rising ground extending into open countryside beyond the existing settlement edge of the village, with no

- natural boundaries or landscape mitigation factors.
- d) The access roads are narrow The proposal further suggests that the village is well-connected to public transport facilities. It is not. It is served by a local bus service run by volunteers, and as such it is inaccurate to describe the village as having strong links with public transport. Again this was a reason cited for a refusal of a recent alternative proposal 22/02947/OUT The number of homes suggested in this development is disproportionate to the size of the existing settlement, and does not offer suitable mitigation in any form for the increased vehicular traffic movement that comes with this size of development.

The proposal lacks any kind of information relating to

- a) sustainable infrastructure,
- b) proposals for access through the construction phase, and
- c) the disruption to residents due to increase in traffic, and mitigation thereof.

The suggestions for benefits to the village are irrelevant (the village already has allotments and a surplus of fruit trees), and the proposal for a pedestrian crossing at the junction of Mill Lane and North Street has already been established as unworkable, unsuitable and undesirable.

SBPC are also concerned about planning creep, where the initial proposal for 80 homes (already too large) may expand to a larger development, due to the size of the plot.

There are no proposals for genuine improvements to facilities, given the significant (up to 15%) increase in settlement size. In consultation with recent WODC Planning Policy Officers, it was suggested that a maximum of up to 10% (60 dwellings) for a community of our size would be appropriate.

If Steeple Barton is projected to increase to a size of nearly 2000 people it will need sustainable public transport facilities, increased funds to the School and pre-school, and further amenities such as shops and medical care.

Specifically, a using OCC estimates relating to a development of 80 new dwellings, an average of 5.5 Nursery pupils, 24 Primary School pupils, and 19 Secondary School pupils would be expected.

Suitable provisions, such as the addition of an extra classroom to the village Primary School, and suitable transport to Secondary schools (and mitigation of traffic) have not been considered in this proposal. The provision of transport to local Secondary schools is currently an issue in Middle Barton, meaning that not all of the children of senior school age currently are allocated free transport to school.

Consequently, parents drive their children to school (going against WODC stated aim of a "greener" transport strategies as set out in the WODC local plan 2031). The influx of further families will exacerbate this issue.

Team

- S106 Contributions.
- An obligation to enter into a [S278] [/S38] agreement.
- Planning Conditions and informative note.

LLFA - Objection - Clarify the phasing of the development, should the site consist of more than one phase then adequate flood mitigation measures should be implemented to ensure each phase can stand alone. Provide consent from the relevant party to discharge surface water at the brook. Invert level at the brook needs to be confirmed to ensure the surface water connection is feasible by considering the water level.

Education - No objection subject to S106 Contributions.

Minerals and Waste - No objection.

Waste - No objection subject to S106 contributions.

Archaeology - The archaeological potential of the site is unknown, and so a scheme of predetermination archaeological investigation should take place to inform the application.

Wildlife Trust

Objection, in relation to the following issues:

1. Application does not provide evidence of a net gain in biodiversity.
2. The importance of a net gain in biodiversity being in perpetuity.
3. Potential impact on Middle Barton Fen SSSI.
4. The importance of avoiding impact on UK priority species including breeding birds.
5. Management of hedgerows in order to achieve biodiversity net gain.

Conservation And Design Officer

I don't think that any of the listed buildings in the settlement are close enough to the site to be affected in any significant way, including their settings - noting that there is already a swathe of modern development between any of them and the site.

But with respect to the conservation area it is possible that there will be views of the development across the valley from within the conservation area - particularly from Church Lane, which runs along the south-east extremity of the conservation area. If the development is visible from here, there will be an impact - and noting that the development is set on rising ground, and on the skyline, it seems likely that the setting of the conservation area will appear somewhat more developed, less rural and more urban. The applicants need to address this.

WODC - Arts

No Comment Received.

Climate	No Comment Received.
District Ecologist	<p>Further information is needed to assess the potential biodiversity implications.</p> <p>As per Natural England's comments, dated 27th April 2023, the proposed development could have potential significant effects on Middle Barton Fen SSSI. As a result, Natural England has requested additional information which has not been submitted therefore, insufficient information has been submitted to demonstrate the SSSI will be protected from the development therefore, the proposal is contrary to local plan policy EH3 and paragraph 180 of the revised National Planning Policy Framework.</p>
ERS Contamination	<p>Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>The following report relating to contaminated land has been submitted with the application.</p> <p>Mewies Engineering Consultants Ltd Geo Environmental, Holliers Crescent Middle Barton, Phase I Geo-Environmental Desk Study March 2023 Report Ref: 27413-GEO-0401 Rev B.</p> <p>The consultant recommends that further investigation is required. In general, the findings and conclusions of the report are supported.</p>
Env Health - Uplands	<p>Please consider adding a condition to any grant of permission.</p> <p>ERS - Noise- I have no objection in principle to the outline application but would ask for a condition to be attached to any consent given.</p>
WODC Housing Enabler	<p>Affordable Housing provided on this development could make an important contribution to local housing need. The application proposes that the mix and tenure of the affordable homes is agreed through the planning process. For reasons of affordability, I request that affordable homes for rental are provided as Social Rent tenure. I also request that First Homes are included in the affordable mix. I further request that, for the rented affordable homes, it is agreed that rents are capped at the relevant Local Housing Allowance for the relevant area.</p> <p>Several applicants have indicated a need for ground floor accommodation or accommodation with lift access. I therefore request that this information is taken into account in the design of the affordable homes.</p> <p>Policy H4 of the Local Plan includes a requirement (applicable to affordable and market housing) for the provision of homes designed to requirements of Building Regulations M4(2) and M4(3). I request that a layout is provided identifying plots designed to these standards.</p>

WODC Landscape and
Forestry Officer

Having undertaken fieldwork and read the submitted material it is considered that the introduction of some development may be possible within the site although there are concerns regarding the introduction of development to the most elevated parts. The setting back of development from the northern boundary where the topography is highest makes sense.

However, the positioning of development onto the raised area in the southeast is not considered to be appropriate. Having walked along Holliers Crescent the appearance of the rising landform is more prominent than plans or photos convey, and the landform creates a local ridgeline. Development positioned on this local ridge is likely to have a dominating effect on the residents to the south and on footpath users to the east.

Viewpoint 2 of the submitted LVA is useful in highlighting the potential impact of development.

The existing farm building to the east of the site is a dominant feature in the view. Currently the proposed development to the west/northwest of it would occupy ground roughly 2m higher than where the agricultural building is located, and this is before development is positioned atop it.

The change in level between the proposed buildings in the southeast and Holliers Crescent is as much as 6m. The appreciation of this height difference may be further accentuated with the digging and grading of the proposed surface water attenuation in this corner.

As set out above, the proposal represents a site wide change of landscape character that would cause landscape and visual implications beyond the boundaries. This would be to the detriment of the surrounding rural landscape and the setting of Middle Barton if not considered properly.

It is recommended that the proposed layout is considered further given the landscape and visual concerns highlighted within this response.

Recommendation: Refusal or redesign.

Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Middle Barton Fen Site of Special Scientific Interest. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Groundwater monitoring data and an assessment of the potential impact on groundwater flows to the SSSI.
- Further information in relation to surface water management arrangements at the site.
- A CEMP detailing how direct impacts to the SSSI from the installation of the proposed outfall pipe will be avoided.
- Further assessment of the potential for recreational impacts on the SSSI through increased use of footpaths in the vicinity of the site.

Without this information, Natural England may need to object to the

proposal.

Oxford Clinical Commissioning
Group NHS

Natural England's further advice on designated sites/landscapes and advice on other issues is attached.

This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Deddington Health Centre surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming. Request contribution of £69,120.00.

WODC Planning Policy
Manager

At the current time, the District Council is not able to demonstrate a 5-year supply of deliverable housing land (the currently published position suggesting a supply of 4.1 years only).

As such, in accordance with paragraph 11d of the NPPF, the 'tilted balance' is engaged and there is a presumption that permission will be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The effect of the tilted balance being engaged is that the local plan policies which are most important for determining the application are considered to be out of date and thus able to be afforded less weight than would ordinarily be the case.

WODC - Sports
Designing Out Crime Officer

No Comment Received.

In order to safeguard future developments and their residents from crime and antisocial behaviour, I ask that crime prevention and community safety is a key consideration which is specifically addressed within forthcoming applications. I strongly encourage the applicant to consult the guidance provided by Secured by Design, and use the principles contained within the design guides to inform the design of the development, designing out crime from the outset. The principles of CPTED should be incorporated throughout the scheme.

Thames Water

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to

Wildlife Trust Natural England	<p>accommodate the needs of this development proposal. Thames Water request that an appropriate condition be added to any planning permission granted to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.</p> <p>No Comment Received.</p> <p>Further information is required to determine impacts on designated sites.</p> <p>As submitted, the application could have potential significant effects on Middle Barton Fen Site of Special Scientific Interest. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>The following information is required:</p> <ul style="list-style-type: none"> • A hydrogeological conceptual site model • Surface water modelling • Cross section at the outfall location • Further detail to be provided in the CEMP. <p>Without this information, Natural England may need to object to the proposal.</p>
Major Planning Applications Team	No Comment Received.
District Ecologist	Further information is needed to assess the potential biodiversity implications.
Major Planning Applications Team	No Comment Received.
Major Planning Applications Team	<p>Transport - No objection subject to conditions and S106 contributions.</p> <p>LLFA - No objection subject to drainage conditions.</p>
Designing Out Crime Officer Conservation And Design Officer	<p>No Comment Received.</p> <p>No Comment Received.</p>
Parish Council	<p>We note that Hallam Land Agents have recently uploaded a new layout for the development of 80 houses. We acknowledge that some accommodation to the comments by the landscape and other professionals has been made, however our primary concerns have still not been addressed:</p> <ol style="list-style-type: none"> a) The access to the site is not adequate for the volume of traffic, both during construction and built phases. b) The drainage of surface water into the Cockley Brook has been identified as having an adverse impact on the SSSI there, and the Brook itself. We are additionally concerned as a Parish that the knock-on effect of raising the water level will impact the historic homes within the conservation area,

which border the river Dorn, increasing the chance of flooding, historically an issue (and one which we have struggled to remediate).

- c) No attention has been paid to the specific land type which this plot represents, ie open grassland, where there are signs of nesting Skylarks, a species listed under Section 41 of the NERC Act 2006 as a priority species (for preservation). Local plan policy EH3 suggests that development will not be permitted in this case without exceptional circumstances, which there are not.
- d) We do not see mention of proposals to increase the capacity of the sewerage system, which is already at/overcapacity.

We would like to see these issues addressed at the planning stage and feel that it is wholly appropriate that mitigating actions would be part of the planning condition in the case of any plan being granted.

2 REPRESENTATIONS

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

2.2 109 letters have been received objecting to the application on the following grounds:

- Increased traffic and highway concerns
- Flooding and drainage concerns
- Harmful landscape and visual impact
- Impact on local infrastructure
- No public transport
- Biodiversity concerns
- Few employment opportunities in the village
- Limited facilities/services in the village
- Noise pollution
- Negative impact on the village
- Unsafe access
- Will exacerbate existing parking problems.
- Environmental concerns
- Limited opportunities for safe travel by foot or cycle
- Contrary to Local plan policies

2.3 Two letters of support:

- Middle Barton School would benefit significantly from a development of this scale within the village.
- Housing would be beneficial for local businesses and young adults.

3 APPLICANT'S CASE

3.1 The submitted planning Statement concludes as follows:

The overall conclusion is that the proposed development is sustainable and should be granted planning permission.

There is no conflict with the Development Plan as a whole. Ipso facto, a determination in accordance with the Development Plan means that planning permission should be granted.

Notwithstanding, and without prejudice to, the foregoing, even if there were adduced to be some limited conflict with the Development Plan, given the shortfall in the supply of deliverable housing land, policies which are most important for determining the application are deemed to be out of date. Therefore, in accordance with NPPF, paragraph 11(d), planning permission should be granted absent either clear reasons for refusing it upon application of Framework policies that protect areas or assets of particular importance, or adverse impacts that significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

There is no conflict with specific policies in the Framework that protect areas or assets of particular importance. Moreover, considered against the policies in the Framework as a whole, the weight of benefits is overwhelming and there is no countervailing weight of disbenefits that approximates to the former, let alone 'significantly and demonstrably' outweighs it.

The application proposals will deliver, simultaneously, economic, social and environmental benefits, as follows:

- **Economic:** the proposals will contribute to building a strong and competitive economy by delivering housing land of the right type in the right place and at the right time to support urgent and compelling growth requirements. It will also provide construction jobs, and support for allied trades, and therefore have positive impacts for the local economy. This is particularly important given the current poor economic outlook.
- **Social:** the proposals will contribute to supporting a strong, vibrant and healthy community, by contributing to the supply of housing required to meet the needs of present and future generations in a context of an acute shortage of deliverable land and affordable homes to meet both.
- **Environmental:** the proposals will contribute to this objective through avoiding designated areas, heritage assets, areas at risk of flooding and high value landscapes, and through extending and formalising community access to the land where existing rights are extremely limited and restricted by the agricultural regime.

For the above reasons the proposals are positively aligned in relation to the three objectives of sustainable development set out in the NPPF, and will further them in a mutually supportive way.

In the light of all of the foregoing considerations, and applying the presumption in favour of sustainable development, planning permission should be granted.

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
OS5NEW Supporting infrastructure
H2NEW Delivery of new homes

H3NEW Affordable Housing
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH5 Sport, recreation and children's play
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH10 Conservation Areas
EH13 Historic landscape character
CN2 Chipping Norton sub-area Strategy
NPPF 2023
DESGUI West Oxfordshire Design Guide
NATDES National Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is an outline planning application with some matters reserved for residential and associated development (up to 80 dwellings) including means of access, access roads, green infrastructure, drainage and other infrastructure.
- 5.2 The site is an undeveloped, greenfield plot located on the northern edge of the village adjoining Holliers Crescent and the Barton Memorial Sports Ground to the west. The site also includes a strip of land running west to east for drainage purposes. A bridleway (365/11/20) passes along the eastern boundary running north to south and a public footpath (365/13/10) runs through the western part of the site again running north to south. The site occupies an elevated position above the village and is thus highly sensitive to development from a landscape perspective.
- 5.3 Middle Barton Conservation Area lies to the south of the site including properties and land adjoining North Street (B4030) and principally land to the south and west of the B4030. The site measures 8.72ha in area.
- 5.4 Pre-application advice has been sought, dating from 2017, relating to the proposed development of this site for housing. A Screening opinion has also been issued in relation to the proposed development which determined that the proposed development did not fall within the remit of the Environmental Impact Assessment Regulations. The suitability of the site for residential development has previously been assessed as part of the District Council's Strategic Housing Land Availability Assessment in 2016 (site reference: 402). The SHLAA assessment concluded that the site is unsuitable for development on the basis that it occupies an elevated position and is thus highly sensitive to development from a landscape perspective, with the potential for skyline development which is visible from some distance. The assessment also highlighted the fact that the availability of public transport in Middle Barton is relatively limited.

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
- Impact on Landscape
- Impact on Heritage Assets
- Housing mix
- Accessibility/Highway Issues
- Flood Risk/Drainage/Water Supply
- Residential Amenity/Noise/Air Quality
- Trees/Biodiversity
- Sustainability/Climate Change
- SI06 Contributions

The principle of the development

The Development Plan

5.6 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 Local Plan 2031 adopted in September 2018.

5.7 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages. Middle Barton is identified as a village in the Local Plan.

5.8 Policy H2 sets out that new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:

- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan.
- On previously developed land within or adjoining the built-up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;
- 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 in Policy OS2.
- On undeveloped land adjoining the built-up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

5.9 The application site is considered to be undeveloped land which adjoins the built-up area where convincing evidence is required to be presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy

OS2. The site also lies within the Chipping Norton Sub-Area Strategy where Policy CN2 advises that *'The focus of new housing, supporting facilities and additional employment opportunities will be Chipping Norton. New development in the rest of the subarea will be limited to meeting local community and business needs and will be steered towards the larger villages.'*

5.10 Policy OS2 also sets out general principles for all development. Of particular relevance to this proposal is that it should:

- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- d) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- e) Conserve and enhance the natural, historic and built environment; and
- f) Be supported by all the necessary infrastructure.

National Policy/Guidance

5.11 The Government's National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. This should include a buffer of at least 5% to ensure choice and competition in the market for land.

5.12 Policies H1 and H2 of the West Oxfordshire Local Plan identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031.

5.13 Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the West Oxfordshire Local Plan 2031 in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method.

5.14 For West Oxfordshire, the latest standard method calculation suggests a housing need figure of 570 homes per year. This is the basis upon which the requirement for the 5-year period 2023 - 2028 has been calculated. Taking into account past shortfall in housing delivery and 5% buffer, the 5-year requirement for 2023-2028 is 3,060 homes. Set against this figure, the Council is currently able to demonstrate a 5.4-year supply.

5.15 In terms of the other relevant housing and locational policies in the Local Plan, Policies OS2 and the second strand of Policy H2 remain consistent with the NPPF in setting out a sustainable pattern of development based on a 'hierarchical' approach and remain up to date and Policy CN2 remains broadly consistent with national policy.

5.16 As detailed above, the development of this undeveloped greenfield site would require convincing evidence to demonstrate that it is necessary to meet identified housing needs and more

specifically under Policy CN2 should be limited to meeting local community needs and no such evidence has been provided. The development would therefore conflict with Policies H1, H2 and OS2 of the Local Plan. As assessment of the development against the general principles of Policy OS2, as detailed above, is detailed further in the sections below.

Layout/Scale

- 5.17 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly, Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. The design of places and buildings is influenced by how these components are put together.
- 5.18 The application seeks outline planning permission with all matters except access reserved for consideration at a later date and as such, the design proposals are not for consideration as part of this proposal. Nevertheless, the application is supported with plans including revised Land Use, Access and Movement Parameter Plans, revised illustrative masterplan and an addendum to the Design and Access Statement (DAS).
- 5.19 The submitted Planning Statement (PS) advises that the preliminary concept plan indicates green infrastructure extending to 4.41 hectares, approximately 56% of the overall site area. The PS states that the planting of new woodland, trees and hedgerows along the boundaries of the site, together with a broad swathe of open space within the northern, more elevated part of the site, would create a landscape structure to integrate the development with its landscape setting. Away from the north eastern boundary with the countryside setting of Middle Barton, in the more suburban context of the Barton Memorial Sports Club, there are opportunities for more formal public open space, community allotments and a community orchard. The revised Land Use Parameter Plan and illustrative masterplan still shows the housing set away from the existing properties along Holliers Crescent and therefore proposes them to be located in the central/south eastern, more elevated part of the site. The Parameter Plan also indicates proposed swales along the southern boundary with an attenuation pond in the south east corner. A drainage connection to Cockley Brook to the east is proposed. The Access and Movement Parameter Plan indicates potential new pedestrian routes connecting to the Sports Ground to the west and new footpath access onto Holliers Close. A vehicular loop is proposed serving part of the development but the illustrative masterplan indicates a series of cul-de-sacs serving development to the north and east. A density of 35dph is indicated. In terms of scale, the Design and Access Statement addendum advises that development will be up to a maximum of two-storey dwellings with the exception of the north-east of the site where the maximum height will be reduced to 1.5 storey. The eastern edge will comprise retained trees and hedgerows with an area of new structural landscaping which is intended to soften the site edge with the landscape beyond. The west of the site will accommodate an orchard and kickabout area alongside retained trees and hedgerows. Key features of the development are identified as follows:
1. Village green at central location
 2. Kickabout space for recreation

3. Orchard planting
4. Biodiversity space
5. Attenuation pond
6. New planting to soften landscape edge.
7. Green space with new pedestrian infrastructure
8. Access off Holliers Crescent
9. New parking bays along Holliers Crescent

5.20 In terms of the scale of the development, a Briefing Note on the Growth Profile of the village has been submitted, which concludes:

'The foregoing evidence therefore confirms that the proposed development is limited and a proportionate scale of growth for Middle Barton. Greater scales of plan period growth have been permitted at other village settlements, including those that perform less favourably in the Village Settlement Sustainability assessment. Moreover, given the particular circumstances in the Chipping Norton Sub-Area, where there are no Rural Service Centres, only two village settlements that are not constrained by AONB, and both rank in the top 10 most sustainable villages, it is appropriate, and seemingly inevitable, that both should accommodate significant growth. Whilst significant plan-period growth has already occurred at Enstone, albeit proportionate and consistent with the interpretation of 'limited' elsewhere, that is not the case for Middle Barton, and which now needs to be rectified given the evidence of a stagnating population and services / facilities on the margins of viability. The evidence of the historic pattern of growth also confirms that the land north of Holliers Crescent is the logical and coherent location for the next phase of growth, which will be entirely consistent with the settlement morphology.'

5.21 Whilst the masterplan is indicative, the proposed siting for the housing is poorly related to the existing housing at Holliers Crescent and would appear as an isolated island of housing in an elevated position to the north of the village. The development would fail to form a logical complement to the existing pattern of development and the character of the area and would fail to protect or enhance the local landscape and the setting of the village in conflict with Policy OS2. The proposed development would therefore be of poor design quality in conflict with Policy OS4 of the Local Plan and both national and local design guidance.

Impact on heritage assets

5.22 The Middle Barton Conservation Area lies to the south of the site, principally to the south of North Street. Within the Conservation Area, there are several listed buildings. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10 and EH11 of the Local Plan reflect these duties and Policy EH13 of the Local Plan seeks to protect the historic landscape character of the district.

5.23 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 199 of the NPPF provides when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should

require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.24 The submitted Historic Environment Desk-Based Assessment concludes that impacts upon the 39 Listed Buildings and The Bartons Conservation Area within the 1km search area are not anticipated as a result of the proposed development. The Conservation Officer (CO) has commented that...*having visited the site it is not considered that any of the listed buildings in the settlement are close enough to the site to be affected in any significant way, including their settings. From the very great majority of views within and around the conservation area the site cannot be seen and is separated from the north boundary of the conservation area by modern buildings.* In light of the revised information and having re-visited the site to assess the impact on possible views across the valley from within the conservation area - particularly from Church Lane, which runs along the south-east extremity of the conservation area, the CO considers that these views would be limited and the development would be seen against the backdrop of modern development. The impact is thus considered to be negligible.

5.25 In terms of archaeology, the Historic Environment Desk-Based Assessment advises that the study site is considered to have low potential for archaeological remains. Nevertheless, the County Archaeological Officer has commented that the archaeological potential of the site is unknown, and as such a scheme of predetermination archaeological investigation should take place to inform the application. Whilst it is understood that such an investigation is in progress, no full archaeological evaluation has yet been submitted, in conflict with Policy EH16 of the Local plan and guidance in the NPPF.

Impact on Landscape

5.26 The site is characterised as an agricultural field bound by a combination of hedgerow, trees, post and wire fencing and a variety of residential boundary features to the southwest boundary (close board fencing and dry-stone walling present). To the north and east of the site is a continuation of the agricultural character within the site with further fields and hedgerow present. To the south is the existing settlement edge. This is comprised of residential development along Holliers Crescent. To the west is the Barton Memorial Sports Club facility. The site is relatively flat with gently sloping landform. Plans indicate the highest point (133m AOD) within the site is in the northwest corner. The elevation of the landform then drops to the low point (122m AOD approx) in the southeast. Before reaching the lower ground in the southeast there is a rise in the topography to form a small, elevated feature (128m AOD approx). The change in elevation continues beyond the site boundaries with the land continuing to rise to the north and west and fall to the south and east.

5.27 The Oxfordshire Wildlife & Landscape Study (OWLS) identifies eighteen Landscape Types (LTs). The site and much of the surrounding landscape lies in the extensive Farmland Plateau (LT), which covers the more elevated northern part of the county extending across the landscape between Chipping Norton and Banbury and dissected by the Rivers Evenlode, Glyme and Dorn. The West Oxfordshire Landscape Character Assessment identifies the site as lying solely within the large CA 2 Ironstone Valleys and Ridges and in the subsequent Semi Enclosed Limestone Wolds LT.

5.28 The submitted Landscape and Visual Impact Assessment (LVIA) concludes as follows:

The GI proposals seek to mitigate landscape and visual effects through: the careful siting of development in the lower level of the site where it has a strong visual relationship with the open settlement edge and is partly screened from surrounding elevated land; including wide green corridors to the north, east and west where close range and distance views of the site are available; adding a plethora of functional and recreational landscape features for use by the local community to integrate the development with the village; introducing substantial amounts of structural planting within the green corridors to filter and soften views of the scheme from the surrounding landscape; protecting views out of the site from public routes, where possible, and providing new links to the surrounding area from these routes; and the creation of a variety of new habitats and biodiversity enhancements across the site. The site is generally visually contained to most of the surrounding area and, where it is visible across the valley landscape, it is seen in the context of the existing settlement. Views of the development are mitigated through a number of design measures which will create a 'softened' northern edge to Middle Barton that is in line with landscape character recommendations. Whilst there would inevitably be some adverse landscape and visual effects at completion, it is judged that the effects of the proposed development would be localised and limited in their geographical extent and will not result in any unacceptable long-term harm.

5.29 The Council's Landscape Consultant originally commented as follows:

Having undertaken fieldwork and read the submitted material it is considered that the introduction of some development may be possible within the site although there are concerns regarding the introduction of development to the most elevated parts. The setting back of development from the northern boundary where the topography is highest makes sense. However, the positioning of development onto the raised area in the southeast is not considered to be appropriate. Having walked along Holliers Crescent the appearance of the rising landform is more prominent than plans or photos convey and the landform creates a local ridgeline. Development positioned on this local ridge is likely to have a dominating effect on the residents to the south and on footpath users to the east.

Viewpoint 2 of the submitted LVA is useful in highlighting the potential impact of development. The existing farm building to the east of the site is a dominant feature in the view. Currently the proposed development to the west/northwest of it would occupy ground roughly 2m higher than where the agricultural building is located and this is before development is positioned atop it.

The change in level between the proposed buildings in the southeast and Holliers Crescent is as much as 6m. The appreciation of this height difference may be further accentuated with the digging and grading of the proposed surface water attenuation in this corner. As set out above, the proposal represents a site wide change of landscape character that would cause landscape and visual implications beyond the boundaries. This would be to the detriment of the surrounding rural landscape and the setting of Middle Barton if not considered properly.

It is recommended that the proposed layout is considered further given the landscape and visual concerns highlighted within this response.

5.30 Following the submission of the revised parameter plans, the Landscape Consultant has made the following observations:

- Clarification provided on building heights. Generally 2 Storey with 1.5 storey max in the north east of the development area. Limiting heights in particular locations due to topography seems to be an appropriate approach;
- An 'indicative apartment block' has been moved away from the entrance to the site. Given the likely massing of an apartment block this seems appropriate;
- No further change has occurred at the localised high point in the south of the site. The indicative site sections are useful for illustrating the potential roofscape/skyline; and
- As highlighted previously, development in the south east of the site may have a dominating effect on the dwellings to the south due to the difference in elevation between the areas. It is recognised that an open gap between existing and proposed development has been provided.

Although an outline application, it would be beneficial to agree a number of parameters if minded to permit. Maximum storey heights should be agreed across the site due to the changes in topography. Relocation of 'bulkier' structures such as apartment blocks away from prominent parts of the site would be beneficial. Planting buffers are proposed around the development area as well as at what is being referred to as a 'green corridor' within the site. If these vegetative features were to be appropriately applied then in time, the roofscape would be broken up and the site better assimilated within the receiving landscape.

5.31 In conclusion, the site occupies an elevated position above the village and is thus highly sensitive to development from a landscape perspective. Development in this location would create a skyline development that is visible from some distance and would have a harmful effect that would be difficult to mitigate effectively. The proposed development would thus conflict with Policy EH2 of the Local Plan which seeks to conserve and enhance the quality, character and distinctiveness of the natural environment.

Affordable Housing

5.32 The site is within the high value zone meaning a requirement under Local Plan Policy H3 - Affordable Housing to provide 50% of the completed dwellings as affordable housing (40 units). The Planning Statement includes an Affordable Housing Statement indicating that this requirement will be met and that the mix and tenure of the affordable homes will be agreed through the planning process.

5.33 The Council's Housing Enabling Officer has advised that for reasons of affordability, the affordable homes for rental are provided as Social Rent tenure and that First Homes are included in the affordable mix. For the rented affordable homes, it should be agreed that rents are capped at the relevant Local Housing Allowance for the relevant area. Evidence indicates that there is a need for ground floor accommodation or accommodation with lift access and this information should be taken in to account in the design of the affordable homes. Policy H4 of the Local Plan includes a requirement (applicable to affordable and market housing) for the provision of homes designed to requirements of Building Regulations M4(2) and M4(3) and a layout is requested identifying plots designed to these standards.

Accessibility/Highway Issues

5.34 It is proposed that the site will be served by a single point of access taken from Holliers Crescent. The access will take the form of a raised table priority 'give-way' junction with Holliers Crescent. The access would comprise a 5.5m carriageway and revised details indicate a 3.5m

wide shared-use path along the site frontage. Off-street parking for the residents to the existing dwellings along the site frontage would also be provided.

5.35 The submitted Transport Assessment (TA) concludes that the proposed site access and the existing junction of Holliers Crescent with North Street, have both been demonstrated to operate well within capacity during the morning and evening peaks, and the proposed development has been shown to have a marginal impact on the existing highway network. The on-site scheme design would encourage and facilitate active travel modes, and also the transition to electric vehicles through the incorporation of charging technology. Moreover, homeworking would be encouraged and facilitated through the provision of superfast broadband to all dwellings. Through the TA, it has been demonstrated that the site is in a sustainable location that affords future residents' real opportunities and realistic choice to undertake day-to-day journeys by sustainable transport modes. Moreover, the evidence confirms that the existing highway network is safe, and the traffic impacts arising from the proposed development are negligible. Given these circumstances there is no basis for resisting the development on grounds of highway safety or capacity. Moreover, for development at a rural settlement, the site has good accessibility by non-car modes, and in particular by rail, the proximity of Heyford Station offering genuine choice and propensity for modal shift to travel to Oxford, Banbury and more distant destinations.

5.36 Middle Barton is by its very nature heavily reliant on private modes of transport. There is a limited bus service so the majority of trips by residents will be carried out by car. An adjoining site further to the northwest was refused planning permission in 2022 (22/02947/OUT) for residential development and one of the reasons for refusal was on the grounds that it would result in heavy reliance on private vehicles for journeys, particularly given its remote location on the outer edge of the village. Whilst this site is located closer to the main village maximising the opportunities for pedestrian and cycle links to other facilities in the village is crucial.

5.37 In terms of active travel, the TA considers that as facilities and services lie within 2km walk of the site, this is a 'reasonable' walking distance. It is worth noting however, that the Government's National Design Guide, in highlighting the range of benefits for people of living in a well-designed, compact and walkable neighbourhood, states that 'walkable' is where local facilities are no more than a 10-minute walk (800m radius). In light of climate and health emergencies, many in the planning and public health professions are advocating the merits of 20-minute neighbourhoods. Again these are seen as places designed so that residents can meet their day-to-day needs within a 20-minute return walk of their home (equivalent to 800m). The TA shows that some facilities lie within 800m of the site with others just outside (post office/store on Worton Road - 820m) with the pre-school and school approximately 1130m walking distance.

5.38 The TA highlights the active travel transport strategy proposed:

- Provide a footway connection between the western site boundary and the Barton Memorial Sports Club to the west, this being a more direct pedestrian route to the bus stops located on Worton Road and facilities in the village.
- Proposed footway along the Holliers Crescent site frontage from the proposed site access to the existing footway to the east and west.
- A signal-controlled crossing is proposed along the B4030 (North Street) to facilitate connection between the site and the primary school.
- Provision of electric bike hubs (One within the development and one at Heyford Railway station). It is unclear however how the one at the station can be delivered given that it lies outside the site and in separate ownership.

- The site also has existing rights of way which provide linkages to the village and National Cycle Network Route 5 lies within 300m of the site.

5.39 OCC Transport raise no objection to the application subject to S106 contributions towards the maintenance and improvement of public transport in the area; Travel Plan monitoring and both off-site mitigation and on-site works to public rights of way. In terms of bus accessibility to Middle Barton OCC Transport recognise that this is poor. As a result, it must be concluded that residents on the development would be highly likely to be car-dependent for their journeys outside the village, at odds with the County Council's policy objectives to reduce car use. OCC note however, that there are mitigating measures mentioned within the travel plan, that if implemented, would increase the options. Therefore, the provision of a car club vehicle, E bike hub, puffin crossing on the B4030, and an improved footway connection is welcomed.

5.40 In conclusion, the development site is in an area which does not benefit from a commuter frequency public transport service. This will result in heavy reliance on private vehicles for journeys to destinations outside of Middle Barton. In transport terms the development site is therefore considered to be in an unsustainable location. The proposal is therefore contrary to policies OS2, T1 and T3 of the West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF.

Flood Risk/Drainage/Water Supply

5.41 A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The report concludes as follows:

- Even though the Flood Map for Planning shows limited parts of the site affected by Flood Zone 2 and 3, all residential development will be in Flood Zone 1. This is therefore compatible with a "more vulnerable" development in line with policy guidance.
- The site is at low risk from surface water flooding. There is an area at high risk from surface water flooding adjacent to the Cockley Brook. Surface water flooding is expected to occur within the vicinity of the Cockley Brook as it is likely to already contain water.
- The risk of flooding from all other sources is low.
- Soakage tests were completed in July 2022 and in January 2023 in accordance with BRE 365 standards. The results of the soil infiltration testing indicate that rates vary significantly across the site and are likely dependent on the extent of fracturing within the limestone bedrock and any 'silting up' of fractures. Given the variable nature of the geology, soakaways are not a viable method of discharge from the site.
- In accordance with the National SuDS Standards, surface water flows will discharge into the Cockley Brook.
- A storage volume of 1,487.2m³ will be available within the attenuation basin to cater for all events up to and including the 1 in 100 year + 40% climate change allowance. Surface water stored within the attenuation basin will discharge at a controlled rate of 3l/s into the Cockley Brook.

The disposal of foul water from the site will be via a new proposed connection into the existing foul water sewers to the south of the site at either MH7901 or MH9806. Given the levels on site, foul water will discharge via gravity, subject to a formal S106 agreement. The peak foul flow rate arising as a result of the development was estimated as, approximately, 4.0l/s. With the above measures in place, the development of the site will not create any flood risk issues to the wider area.

5.42 Following concerns raised by the LLFA, the Flood Risk Assessment has been updated following a topographical survey of Cockley Brook and provides greater detail on the provision of an outfall pipe into the Cockley Brook and the treatment stages for surface water discharging into the brook. A Groundwater Monitoring Report has also been submitted which details the groundwater levels encountered across the site following a period of monitoring and considers the potential impact of the proposed development on groundwater levels and flow to the SSSI.

5.43 The Lead Local Flood Authority now raise no objection to the application subject to drainage conditions be attached to any permission granted.

5.44 With regard to the foul drainage strategy, as detailed above, Thames Water has raised no objection to the application on sewerage network infrastructure capacity grounds.

Trees/Biodiversity

5.45 The submitted Arboricultural Assessment, concludes that to achieve the proposed development as per the illustrative layout, no significant tree loss will be required. The proposed built element of the development is to be positioned centrally to the site which is devoid of tree cover and the existing trees which by virtue of their locations around the perimeters of the site are to be retained and reinforced with new tree and hedgerow planting as part of the landscape buffers of the Green Infrastructure proposals. There may be a need to remove a short section of hedgerow to create an opening along the western boundary for a future footpath link to the sports ground however any losses would be kept to a minimum as to only that which would be required and if possible, utilising existing natural breaks. The new development would also provide an ideal opportunity to increase the overall tree cover in the area through new tree planting, which would secure a future generation of trees to replace those rapidly maturing specimens and create new amenity for the housing area and local landscape alike. This would be a gain from an arboricultural perspective.

5.46 Policy EH3 states that development should protect and enhance biodiversity to achieve an overall net gain in biodiversity. There is one Site of Special Scientific Interest (SSSI) within 2km of the site boundary (Middle Barton Fen SSSI). The SSSI is located approximately 330m east of the site at its closest point and is designated for its calcareous fen meadow in association with a small tributary of the River Glyme with adjacent limestone grassland and hedgerows. One small section of a non-statutory site is located within 1km of the site, Glyme and Dorn Valleys Conservation Target Area (CTA), which includes the whole of the Glyme Valley and extends in a large swathe to the east, west and south of the site and incorporates the above SSSI.

5.47 Following a number of concerns/issues raised by various consultees including Natural England (NE), the Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT) and the Council's Biodiversity Officer, further information has been submitted including a Biodiversity Impact Assessment which demonstrates that the proposed development can deliver a net gain in biodiversity of at least 10% for both habitat and hedgerow units without the need for off-site mitigation; an Ecological Appraisal Addendum which considers the feedback provided by NE in respect of potential recreational effects on the local SSSI, assesses the potential impacts and proposes mitigation measures; a Groundwater Monitoring Report which considers the potential impact of the proposed development on groundwater levels and flow to the SSSI and a Framework Construction Environmental Management Plan to provide an additional level of comfort that the best practice working methods will be used.

5.48 The Biodiversity Officer (BO) has commented that further information is still needed to assess the potential biodiversity implications. In terms of Biodiversity net gain (BNG), there are discrepancies between the information provided on the habitats plan and details shown on the illustrative masterplan. Whilst it is acknowledged that the masterplan is illustrative only, the BO requires confirmation that the habitats proposed will be incorporated into the scheme and can be delivered/managed accordingly. An off-site baseline assessment for Cockley Brook has been included in the metric and off-site habitat enhancements or creation will need to be included within the metric to demonstrate an overall net gain. In terms of skylark, the breeding bird survey identified probable nesting skylark but the submitted ecological addendum has not outlined on-site compensatory nesting sites or suitable alternative off-site provisions. Skylark is classified in the UK as red under the Birds of Conservation Concern (2021) and is a rapidly declining species due to habitat loss, this species is also listed under Section 41 of the NERC Act 2006 as a priority species. Local plan policy EH3 makes it clear development will not be permitted that results in the loss, deterioration or harm to UK priority species unless there are exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm and the harm can be mitigated through appropriate measures and a net gain in biodiversity is secured. Therefore, the proposal is contrary to local plan policy EH3.

5.49 Natural England (NE) are still requesting further information to determine impacts on designated sites and have advised that as submitted, the application could have potential significant effects on Middle Barton Fen Site of Special Scientific Interest (SSSI). NE require further information in order to determine the significance of these impacts and the scope for mitigation. The BO shares these concerns.

Residential Amenity/Noise/Air Quality

5.50 As this is an outline application, the size, position, orientation of dwellings are not being assessed. Impacts on residential amenity including suitable interface distances and relationships as regards adequate light would be fully assessed and taken account of at reserved matters stage. However, noise and disturbance can be considered.

5.51 The ERS (Noise and Amenities) Officer has raised no objection to the application subject to conditions being attached to any permission granted relating to sound insulation and noise reduction, a Construction Environmental Management Plan (CEMP) and hours of working.

5.52 In terms of air quality, no objection has been raised with the inclusion of EV charging and promotion of active travel welcomed. Conditions are recommended to ensure the provision of EV charging; proposed pedestrian routes as detailed in the TA and the proposed e-bike hub. Improvements to the public rights of way could be secured by a S106 agreement (see below OCC request). The provision of the proposed electric car club vehicle and on-site e-bike hub could also be secured via a S106.

Sustainability/Climate Change

5.53 The Policy Team have commented that it is disappointing to note that the applicant is making no commitment to the use of renewable energy (e.g. solar) and the use of ultra-low energy building fabric. Whilst this is not a strict requirement of the Local Plan, if such a commitment were to be made, it would represent a benefit.

Summary of S106 contributions

5.54 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.

5.55 The applicant has referred to the provision of 50% affordable housing which is a policy compliant contribution. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement.

5.56 Matters relating to the provision of recreation, play areas and open space will also be secured via the legal agreement together with required monitoring costs. In respect of play facilities the applicant has suggested a contribution towards the improvement, maintenance and management of the existing facilities within the village.

5.57 Various on and off site contributions have been sought, as set out in the consultee responses. Those contributions are set out below;

OCC seeks:

- £90,640 towards public transport infrastructure.
- £1,890 towards the cost of monitoring the Travel Plan
- £30,000 towards public rights of way - offsite mitigation measures and onsite surface and infrastructure works
- Special Education - £44,871 towards special school education capacity serving the development
- Household Waste Recycling Centres - £7,517 towards expansion and efficiency of Household Waste
- Recycling Centres (HWRC)

5.58 In terms of health care, the NHS has requested a contribution of £69,120 towards primary care infrastructure funding.

5.59 In the submitted Travel Plan, key objectives are also set out including a package of initiatives and mechanisms designed to reduce the number and length of car trips generated by the proposed development. These measures include a car club and electric bike hubs, which most could be secured via a S106 agreement.

Conclusion

5.60 In view of the above officers consider that the proposal would fail to comply with adopted West Oxfordshire Local Plan Policies H1, H2, H3, CN2, EH2, EH3, EH5, EH16, OS2, OS4, OS5, T1 and T3, the West Oxfordshire Design Guide, National Design Guide and the NPPF.

6 REASONS FOR REFUSAL

1. The proposal is for housing development on a greenfield site on the edge of the settlement of Middle Barton. The development is not required to meet Local Plan housing requirements or local community needs and would not constitute an acceptable windfall opportunity in the context of the location and site characteristics. The proposed development fails to demonstrate that the proposed development can be satisfactorily accommodated on the site without significant landscape harm given the proposed land uses, building heights and its sensitive

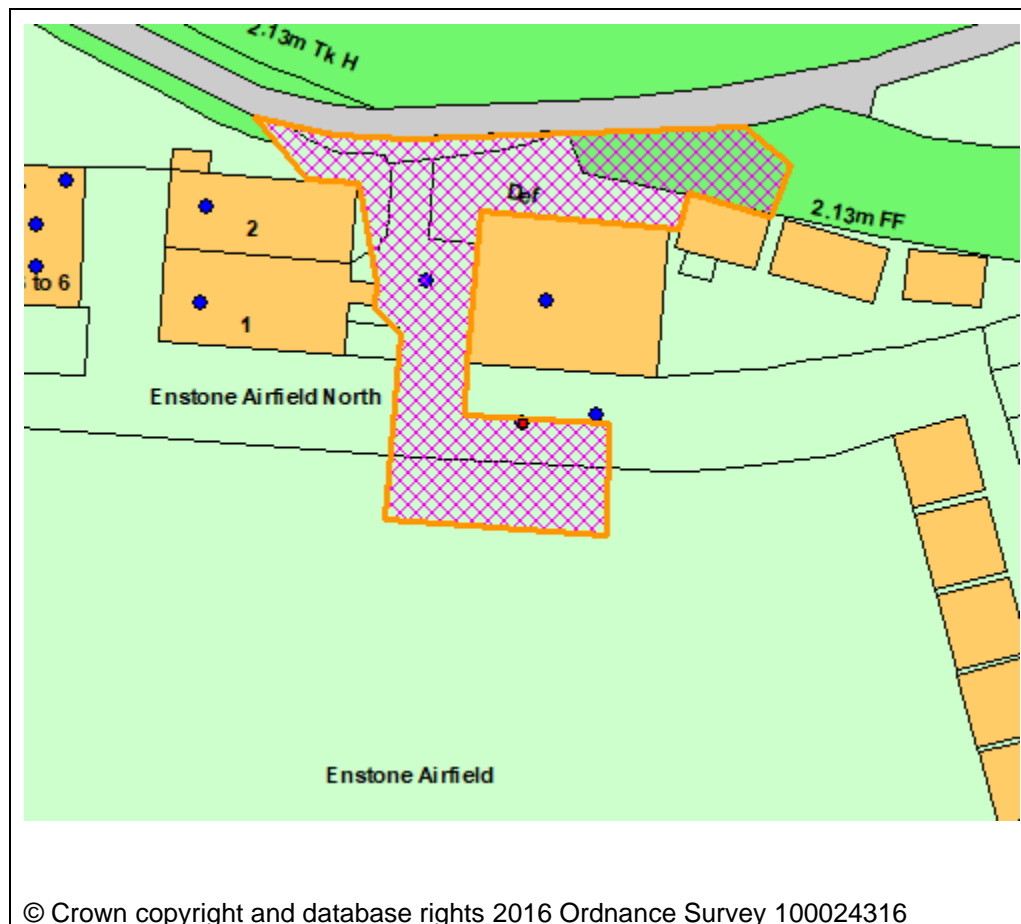
elevated landform and would not form a logical complement to the existing form and pattern of development or the character of the area and would not protect the setting of Middle Barton. There are no material considerations that indicate that the development plan should not be followed. The proposed development therefore conflicts with Policies H1, H2, CN2, OS2, OS4 and EH2 of the West Oxfordshire Local Plan to 2031, the West Oxfordshire Design Guide, relevant paragraphs of the NPPF and the National Design Guide.

2. Insufficient information has been submitted to demonstrate the proposal will result in a Biodiversity Net Gain and fails to provide on-site compensatory nesting sites or suitable alternative off-site provisions for skylark. In addition, insufficient information has been submitted to demonstrate that the proposed development will not damage or destroy the interest features of Middle Barton Fen SSSI. Therefore, the proposal conflicts with Policy EH3 of the West Oxfordshire Local Plan 2031 and advice in the National Planning Policy Framework.
3. The development site is in an area which does not benefit from a commuter frequency public transport service. This will result in heavy reliance on private vehicles for journeys to destinations outside of Middle Barton. In transport terms the development site is therefore considered to be in an unsustainable location. The proposal is therefore contrary to policies OS2, T1 and T3 of the West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF.
4. The archaeological potential of the site is largely unknown and no archaeological field evaluation has been undertaken, in conflict with Policy EH16 of the West Oxfordshire Local Plan 2031 and guidance in the NPPF.
5. The applicant has not entered into a legal agreement to provide affordable housing, recreation, play facilities and open space and the required contributions towards the provision of essential supporting infrastructure and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5, H3, EH5 and T3 and the relevant paragraphs of the NPPF.

Contact Officer: Joan Desmond
Telephone Number: 01993 861655
Date: 1st November 2023

Application Number	23/01569/FUL
Site Address	Land And Building (E) 439518 (N) 226211 Enstone Airfield North Banbury Road Enstone Oxfordshire
Date	1st November 2023
Officer	James Nelson
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	439518 E 226212 N
Committee Date	13th November 2023

Location Map



Application Details:

Erection of detached, single and two storey air traffic control facility, including associated offices for staff and flying school users, WC facilities and garage for fire and rescue vehicle (amended plans).

Applicant Details:

Mr Tom Gilbert
Land And Building (E) 439518 (N) 226211
Enstone Airfield North
Banbury Road
Enstone
Oxfordshire

I CONSULTATIONS

Oxford London Airport	No Comment Received.
OCC Highways	No objection.
Env Health - Uplands	No objection.
WODC Drainage	No objection subject to surface water drainage condition as set out in Section 6.
Adjacent Parish Council	No Comment Received.
Civil Aviation	<i>Initial Response</i>

Enstone Airfield is a former RAF station which is now a general aviation site. In unusual circumstances, the full extent of the former RAF site is now operated or owned by multiple entities which has led to a complex operating environment. On Thursday 3rd August 2023, we met with representatives from Oxfordshire Sports Flying (OSF) at Enstone Airfield. OSF operate both as a flying club / flight training organisation and as the aerodrome authority and have been on the site since the 1980s. They operate under a lease from the landowners. OSF provide an air ground communication service (AGCS) and basic rescue and firefighting service (RFFS) to aviation users of the site. We understand that in recent years the applicant of this proposal has acquired land immediately adjacent to the land leased and ran by OSF. We believe that the applicants' land holding includes a grass runway which runs parallel to the paved runway operated by OSF. We understand too that the applicant also provides aviation maintenance services, and that flight training is undertaken out of their site. It would be very useful to obtain a full understanding of the applicant's intentions, particularly associated with the proposed air traffic control facility and infrastructure associated with fire and rescue facilities. If the applicant is planning to provide a separate air traffic service provision, the very reasonable safety concerns of OSF are entirely justified. Such an outcome would essentially create two separate aerodromes collocated, sharing the same airspace and associated circuit tracks but not in cooperative communication with each other as a result of operating on independent frequencies.

Follow-up response

The AAT met with representatives from Enstone Hangar (the applicant) and Take Flight Aviation, an operator based on the applicant's land which provide flight training services. During the meeting, we reflected on the wording of the planning application proposal, "Erection of detached, single and two storey, air traffic control facility, including associated offices for staff and flying school users, wc facilities and garage for fire and rescue vehicle" with the intention of obtaining a full understanding of the applicants' intentions. We (AAT) explained that OSF were understandably concerned that the application appeared to signal that the applicant planned to establish an air traffic service provision which would of course, be in addition to the air ground communication service (AGCS) already provided to the wider site by OSF. The applicant made perfectly clear that this is not their intention. Instead, they explained that the plan is to erect such a facility to enable observation of their students from an elevated position in similar fashion to other flight training organisations on the wider aerodrome site. The applicant also explained that the facility would enable them to optimally locate an AGCS service of their own in the event that the present service is withdrawn for any reason by OSF. Furthermore, the applicant suggested that the assurance sought, could perhaps be obtained through conditioning the approval of the application should the planning officer deem it beneficial.

Providing the applicant doesn't intend to operate a form of air traffic service, whilst the existing service, or another (aerodrome flight information service (AFIS) for example) is provided by OSF, then it is reasonable to assume the concerns set out in our previous commentary been addressed satisfactorily by the applicant. The applicant explains that the new structure will enable them to better serve their customers and future proof their operation. Additionally, it will enhance their ability to observe flight movements. The AAT plan to liaise with OSF and the applicant as required going forward. Additionally, we remain available to West Oxfordshire Council should any further independent advice be required.

Parish Council

Enstone Parish Council unanimously objects to this planning application on the basis of the safety concerns raised by the Director of Oxfordshire Sportflying Ltd, particularly in relation to the Tower/Air Traffic Control Facility.

Enstone Parish Council recommends that the Civil Aviation Authority is consulted on this planning application.

Enstone Aerodrome

Initial Response

Oxfordshire Sportflying Ltd (OSF) objects to the full planning

proposal 23/01569/FUL on all the grounds stated below, which includes a short explanation of the negative effects of the proposal. The application appears to be a re-worked, re-presentation of the refused previous application(s) 22/01915, so it should be refused for the same reasons already given by the Local Planning Authority (LPA). In addition, there appears to be several deficient/inaccurate statements in the current application which OSF objects to.

These are :-

- There appears to be no design access statement or, dimensions on building drawings.
- The hours of opening of the building are particularly relevant, as they will influence when pilots arrive, plan and depart. This open-ended availability of the premises is very likely to facilitate activity day and/or night or even residence. To prevent disruption and nuisance to local residents, controls should be in place to prevent 24/7 operation and certainly to prevent any form of residency.
- The applicant is a "Member" of the Parish Council, contrary to what is stated.
- A previously considered, part retrospective application (21/02022/FUL), was for a car park to the north-side of the maintenance hanger. The current application (23/01569 FUL) relies on the previous application for access and parking, however, the land utilised for parking and part of a one-way access has been submitted without the owner (Tew Estates knowledge and consent.) This is contrary to that stated and shown on drawings, the land is not in the sole ownership of the applicant.
- The plan(s) shows 'airside & ground side" with an attempt to restrict access by means of a form of barrier. "Airside" generally conveys to pilots, aircraft operators, aviation vehicles that it is for their use only. As there is an established use with a right of pass and re-pass by OSF for it's clients/customers between adjacent area's of land, such restriction is erroneous, needs to be removed and no physical barrier allowed to be constructed.

Two clubhouses already exist on the Enstone site (even one on the north-side) providing appropriate aviation facilities in balance with the surrounding on and off airfield local environment.

There already exists a 'visual room' (tower) which through qualified air/ground operators provide information to pilots of all runway areas so there is no need for an additional tower. There cannot be two aeronautical radio frequencies providing an air/ground facility when the sites are immediately adjacent to each other and being operated by two stand-alone organisations. This at best would create

considerable confusion and a likely major safety concern/issue. The radio facility provided by OSF is and has been adequate for many years at the current number/amount of activity provided with the CAA/Ofcom approval.

It is believed that the LPA, in granting any further development, has a duty of care/safety obligation to protect existing infrastructure.

Concern has been expressed and investigated on several occasions to, and by the CAA about the low/inappropriate overflying of aircraft approaches to land on the northern grass strip over current infrastructure. This includes parked aircraft, public viewing area, clubhouse, public & member parking area and even north-side grass hangers and parked aircraft. This increased risk will be further worsened (refer below) if further development of the northside site is to be granted.

It is known that the northern grass strip has no current planning regulation attached to it as far as the number of aircraft movements, type, size/weight, times of operation are concerned. When provision was given for a relatively small amount of activity, it was many years ago and was obtained under a CLEUDS - the situation is much different today. If further development were to be approved it is clear that it has been designed to attract further activity which it must be stressed will be total unregulated. in ways of :-

- Much more aircraft/aviation related movement of visiting aircraft at any time of day (or even night!)
- Likely increases to the flight training which now takes place (e.g. Other organisations operating training from the northern grass strip). Training circuits, as reported by locals as some, showing little adherence to noise sensitivity and noise sensitive village locations and it being undertaken at unsociable times of day.

Further, the current level of activity, which undoubtedly will increase as a result of this application being approved is now believed to be vastly outside the case made for the CLEUDS as approved in July 2004. At the time the appellant stated "the business comprises aircraft maintenance and repairs. Aircraft movements using the appeal site grass runway, including some leisure flight, have mostly been associated in some way with this business. Test flying and the collection and delivery of aircraft for servicing have always been an integral activity in connection with the business" This did not include for recognition/approval on this land for training and other training organisations etc.

All the issues outlined above, and a snapshot of ongoing and future consequences seeks to undermine the current regulated activity that takes place on the immediately adjacent tarmac and south-side grass

runway which does have and has had for some 35 years planning conditions.

Follow-up response

I write further to my letter and the letter of Objection from Oxfordshire Sportflying (OSF) dated the 25th of July 2023.

Both of those letters in the main or in part referred to that section of the application that referred to the provision of an air traffic control facility. We subsequently referred the matter to the Civil Aviation Authority. James Head (Airfield Advisory Team Principal) responded to you on the 11th of August 2023.

Mr. Head and his team have subsequently visited the site and on separate occasions met with ourselves and the planning applicant. Following a video conference, we had with the CAA on the 13th of September 2023, you will have, or will very shortly, receive the official response from the CAA and provided that the LPL fully adopt the CAA's recommendations then we are satisfied that our concerns regarding the provision of a separate air traffic control facility have, for the time being, been satisfied.

During our video conference with the CAA we took the opportunity to discuss the potential safety implications associated with applicants' failure to properly identify the difference between airside and ground-side.

In defining on the plan that area of or as "Airside" there is a gross error on the plan to ignore access rights through the area (refer further below) by other users of the adjacent facilities which have been enjoyed for many years and remains "a right of pass and re-pass" to this day.

It is clear to us that Airside should not be defined as such at this location and that access be clearly signed by the applicant with a route shown through this area being made at least a "Planning Condition".

The CAA were sympathetic to our potential safety concern if this point is left unchallenged. Pilots manoeuvring aircraft in an "Airside" defined area would not expect to have to deal with non-associated access rights of others. The CAA suggested that you could contact them on this topic should you wish to obtain any clarification or an independent view on this matter.

We have previously raised this concern in correspondence as an objection with you.

For clarity this right of pass and re-pass has been for many years the only access to our site and as it was considered in the past to be

"Groundside", it represented a relatively safe means for vehicles and people to gain access to OSF. We do now have separate access which does not cross any land owned or occupied by the applicant, but the initial access does now represent our secondary means of access and continues to be used, not only by visitors to OSF but by people using the applicant's site.

If you wish to discuss this matter further, please let me know and we may well be able to involve the CAA again at that time.

In closing I note with interest the submission made by Wansbroughs dated 22nd August 2023 on behalf of the Great Tew Estate showing encroachment upon Great Tew land. It is widely understood that this has been done without the Applicant seeking their consent, with no agreement in place, and if consent were to be issued, it is done so not affecting/including the land owned by the Great Tew Estate. I cannot see how this application on this point alone can be accepted.

2 REPRESENTATIONS

2.1 The application has attracted a large number of comments, both in favour of and opposing the scheme.

2.2 A total of 67 objection comments have been received, which cover the following points:

- Failure to address reasons for refusal of 22/01915/FUL.
- Safety issues regarding two control towers.
- Noise, pollution and disruption to residents.
- Lack of information accompanying the application (e.g. D&A statement, pollution, drainage, contamination, lighting).
- Cumulative impact of development of the airfield.
- Danger of crashing.
- Poor design/out of character with the area/domestic appearance.
- Increase in CO2 emissions.
- Impact on local ecology.
- Poor outlook from ATC facility.
- Access rights/civil legal matters.

2.3 A total of 239 support comments have also been received, which cover the following points:

- Needed enhancement of facilities for users/engineers/support pilot development.
- Increase economic activity/competition.
- Increase safety due to briefing space and better views for instructors/ATC operator.
- High quality design.
- Highway safety benefits.
- Lead to the removal of portacabins.
- Increase disabled accessibility.
- Planning policy to support aviation.
- Limited visual perception/landscape impact.

- Increase in movements negligible.
- Some disturbance expected in close proximity to airfield.
- Support historic use of the land important during WWII.
- No ecological or flooding impact.
- Increased provision for female visitors.
- No change to the radio frequency or additional radio frequency.
- Help to reverse long term decline in airfields.

3 APPLICANT'S CASE

3.1 The planning statement is summarised as follows:

The proposal represents a most carefully conceived development that is produced fully mindful of its overall site and wider landscape context.

There are a raft of planning policies at both national and local level that combine in positive support of the proposal.

Importantly it would deliver identified and required improvements to the safer operation of the airfield.

it would also deliver significant improvements to the existing flying school business and facilities generally at the Airfield.

The accompanying LVIA demonstrates that the proposed siting and form of the new building would not cause any material impact to local landscape character nor visual environment impact.

The proposal is of course an identified form of sustainable development in itself, where a positive presumption in favour of such development exists.

Government advice requires local planning authorities to apply its policies in a positive and flexible way, in order to support business related development, and the proposal as submitted is just the sort of development this advice contemplates.

In all of these circumstances it is very much hoped that the submitted application can be approved and planning permission granted as applied for.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development.

OS2NEW Locating development in the right places.

OS4NEW High quality design.

E1NEW Land for employment.

E2NEW Supporting the rural economy.

EH2 Landscape character.

NPPF 2023.

DESGUI West Oxfordshire Design Guide.

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

5 PLANNING ASSESSMENT

Background

- 5.1 This application seeks consent for the erection of detached, single and two storey, air traffic control facility, including associated offices for staff and flying school users, WC facilities and garage for fire and rescue vehicle at Land and Building (E) 439518 (N) 226211, Enstone Airfield North, Banbury Road, Enstone.
- 5.2 The application site does not lie within any areas of specially designated planning control and lies adjacent to a range of hangar/warehouse buildings associated with the use of the land as an active airfield.
- 5.3 The application is brought before Members due to a conflict between officer recommendation and the views of the Enstone Parish Council, who have objected to the application as set out in the summary of consultee comments.
- 5.4 The scheme has undergone revision to remove four dormer windows to the principle (southern) elevation and install rooflights in their place.

Relevant Planning History

- 5.5 Enstone Airfield has an extensive planning history, not all of which is directly relevant to this application. Recent applications relating to the application site and adjacent land are cited below.

13/0394/P/FP- Erection of new aircraft hangar for storage and maintenance. Approved.

21/00879/FUL- Extension of existing aircraft maintenance hangar to form 'lean to' hangar for indoor aircraft maintenance (Retrospective). Approved.

21/01303/FUL- Erection of Hangar (Retrospective). Approved.

21/02022/FUL- Provision of car park to the North side of maintenance hangar accessed from 'Green Lane' part retrospective. Approved.

21/03722/FUL- Erection of a detached building to provide administration, welfare and storage facilities for aircraft maintenance business, flying school and resident pilots. Withdrawn.

22/01915/FUL- Erection of a detached building to provide administration, welfare and storage facilities for the aircraft maintenance business, flying school and resident pilots. Refused.

- 5.6 Taking into account planning policy, history and the representations of interested parties, your officers consider that the key considerations in this assessment are:

- Principle
- Siting, Scale and Appearance
- Landscape and Visual Impact
- Neighbourliness Impact

Principle

5.8 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal ascent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- a) the development plan, and
- b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.9 The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure. Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

5.10 In this case, the development plan is the West Oxfordshire Local Plan 2031 ("the WOLP").

5.11 Section 38ZA clarifies the meaning of "national development management policy" as:

(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.

5.12 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP unless material considerations strongly indicate otherwise.

5.13 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. The application site sites in a somewhat isolated location, which for the purposes of Policy OS2, is considered the open countryside.

5.14 WOLP Policy OS2 outlines that:

"Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area.

5.15 Proposals for non-residential development that is regarded as appropriate will include:

- Proposals to support the effectiveness of existing businesses".

5.16 Policy E1 of the WOLP states that: "proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses."

5.17 Policy E2 of the WOLP states that: "in rural locations such as this new and replacement buildings will be allowed where they meet a specific business need which cannot otherwise be met in a more sustainable location. It goes on to say that any new building(s) must be suitably located for the scale and type of the proposed use and have regard to the level of accessibility to settlements, facilities and services and impact on the character and amenity of the area."

5.18 In this case, officers recognise that the character of the area is dominated by Enstone Airfield, where low-lying, hangar-type buildings dominate the built form. The proposal would relate to an established flying school and provide a viewing facility allowing sight of the entire related runway. A control office and planning space for pilots/instructors would also be provided as well as storage and garage functions. An existing toilet building and flying club portacabin, which are currently relied upon to provide facilities, will be removed as part of the scheme. Officers are therefore satisfied that the proposed building is reasonably required to support the operation of the site.

5.19 WOLP Policy OS2 also sets out a series of general principles with which all development should comply. Those relevant in this case are that new development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s; and
- Conserve and enhance the natural, historic and built environment.

5.20 As such, the principle of development to support the established lawful use of the land is considered acceptable subject to assessment against the above general principles with regard to design, landscape impact, neighbourliness and other relevant material considerations.

Siting, Design and Appearance

5.21 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the National Planning Policy Framework ("the NPPF") reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 126) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134). The general principles of WOLP Policy OS2 require all development to 'be of a

proportionate and appropriate scale to its context' and 'form a logical complement to the existing scale and pattern of development and/or the character of the area'.

5.22 The proposed building would be sited 6 metres (m) south of an existing maintenance hangar (extended under ref. 21/00879/FUL) on an area currently laid to grass. The building would be set over a linear plan with main block of 15m by 7.5m with side element comprising garage with viewing terrace above. The building would take a duo-pitched form set over two stories with glazed cross gable and four rooflights. The ridge height of the building would be 6.3m with an eaves measurement of 2.6m. The building would be clad in dark green profiled steel.

5.23 The proposed building would exhibit a fairly utilitarian design akin to existing development in the locality, using materials in keeping with adjacent built form. In terms of siting, the building would be well-related to existing built form, with its siting influenced by the need to view the existing runway from the upper floor. Officers therefore consider that, on balance, the building would form a logical complement to the existing scale and pattern of development and the character of the area. The landscape and visual impact of the proposal is considered in the following section of this report.

Landscape and Visual Impact

5.24 WOLP Policy EH2 deals with landscape character and is also directly relevant in this case. It states:

"The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced. New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape".

5.25 The supporting text to EH2 is at paragraphs 8.5-8.11. Paragraph 8.6 states:

"The West Oxfordshire Landscape Assessment together with guidance in the West Oxfordshire Design Guide SPD, the Cotswolds AONB Landscape Character Assessment, Strategy and Guidelines, detailed appraisals of the landscape setting of the main towns (undertaken to inform strategic site allocations), the Historic Landscape Character Assessment (HLC) for Oxfordshire and the Oxfordshire Wildlife and Landscape Study (OWLS), should be used to inform development proposals and to ensure they respect the distinctive landscape character areas".

5.26 The West Oxfordshire Landscape Assessment 1998 ("the WOLA") is listed in the supporting text to WOLP Policy EH2 and forms a material consideration in this assessment. In terms of the existing landscape character of the area, the application site lies within the 'Enstone Uplands' Character Area ("LCA") as identified in the WOLA and within the 'Airfields and MOD Land' Landscape Type ("the LT").

5.27 The WOLA describes the key landscape and visual features of the LCA as: "dominated by its limestone geology, forming the typically largescale, open and elevated landscape of the limestone wolds. However, there is a sharp contrast between this and the heavily wooded and enclosed parkland and estate character around Heythrop House which dominates the northern part of the plateau and the minor river valleys."

5.28 At a granular level, the WOLA then lists characteristics of the LT as including:

- active or disused airfield sites that typically occupy flat, exposed and prominent locations;
- open, expansive and bleak character with very weak landscape structure;
- visually prominent buildings and features (e.g. large hangars, sheds, high security fencing, aircraft etc.)
- air of dereliction and neglect on disused sites;
- high intervisibility.

5.29 Officers consider that the application site shares these characteristics as it is clearly within the Airfield and within an elevated position within the landscape.

5.30 Any analysis of landscape effects needs to take account of magnitude of effect and sensitivity of receiving landscape. The WOLA outlines that Enstone Airfield itself is identified as 'potentially more tolerant of development but prominent plateau location and rural context are limiting factors...development should be set within a strong landscape infrastructure to minimise landscape and visual impacts...the introduction of urbanising influences (e.g. style of buildings) would be potentially damaging to the rural landscape character of the surrounding landscape'.

5.31 The proposed development would be set against the backdrop of existing built form, largely of low-lying and utilitarian character with 'Apple Pie Wood' providing a strong landscape structure to the north of the Airfield. To the south of the site, lie three runways and a generally open area of improved grassland and hardstanding. Officers acknowledge that the opportunities for additional screening within the applicant's landownership are extremely limited by the nature of the land use.

5.32 In visual impact terms, officers consider that the main affected public viewpoints would be to the south and southeast of the site as set out in the LVIA accompanying the application. The proposed building would be located in close proximity to existing built form and would be modest in terms of height and viewed with the backdrop of existing built form and mature woodland to the north. Further, the proposed amended plans have addressed officers' concerns regarding the character and appearance of the building through removing dormer windows, an overtly residential feature. As such, the building would appear in keeping with the general character and appearance of existing buildings and would not result in a significant urbanising impact in visual terms. Officers are therefore satisfied that the proposed development would accord with WOLP Policy EH2 and the guidance contained in the WOLA and NPPF and is therefore acceptable in this regard.

Neighbourliness

5.33 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in WOLP Policy OS4, the NPPF and the West Oxfordshire Design Guide.

5.34 The application has attracted significant opposition of the grounds of increased noise and disturbance that may result from the development of facilities at the Airfield. Your officers consider that the Airfield is a long-standing land use, the operation of which necessitates some relatively low-level noise disturbance. The number of aircraft movements at the Airfield are controlled by planning conditions attached to historical consents. Your enforcement officers have undertaken monitoring of the site during the past few years and officers understand that the

Airfield operates far below the number of movements permitted. As such, officers consider that given the relevant conditions would remain in place, and there appears capacity to accommodate a marginal increase in movements that could theoretically result from the proposal over time, there is no reason to conclude that the proposed development would adversely impact the amenity of nearby residents.

Response to Objection Comments

5.35 A key theme in the objection comments received related to the perceived danger that could result from the operation of a second Air Traffic Control facility at the wider Airfield, as one service is currently provided by Oxfordshire Sportsflying. The Civil Aviation Authority have been consulted on the application to advise in this regard and following discussions with the applicant, it has been clarified that no such facility would be provided. Instead, the proposal would enable observation of their students from an elevated position in similar fashion to other flight training organisations on the wider Airfield site, whilst providing a possible back-up location for such a facility should the present service be withdrawn for any reason by Oxfordshire Sportsflying. Officers have recommended a planning condition to ensure that no second Air Traffic Control facility is provided in the interests of aviation safety.

5.36 Objection comments raise the issue of carbon dioxide emissions. However, officers do not consider that such concerns would warrant refusal of the application given that the NPPF recognises the 'importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time - taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy' (Para. 106 (f)).

5.37 Objection has also been raised on the grounds of land ownership and rights of access. Officers consider that these concerns are largely civil matters and would not warrant refusal of the application.

Other Matters

5.38 The site lies within Flood Risk Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officers have raised no objection to the application subject to the imposition of a pre-commencement surface water drainage condition. Officers are therefore satisfied that the scheme will be required to demonstrate how surface water will be adequately managed prior to construction.

5.39 There are considered to be no ecological constraints to the scheme given the application site is laid to grass with active use by planes and supporting activity.

Recommendation

5.40 In light of this assessment, the application is considered to accord with WOLP 2031 Polices OS1, OS2, OS4, E1, E2 and EH2, the NPPF 2023 and the West Oxfordshire Design Guide 2016. The application is therefore recommended for conditional approval.

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. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 25.10.2023 and 30.10.2023.

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

3. 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 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. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework 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 alterations to the approved site layout being required to ensure flooding does not occur.

4. The external walls and roofs of the building hereby approved shall be constructed with dark green profiled steel cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before the erection external walls.

REASON: To safeguard the character and appearance of the area.

5. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

6. Within six months of the substantial completion of the building hereby approved, all buildings, structures or other chattels shown to be demolished/removed on Drawing 03A received by the Local Planning Authority on 30.10.2023 shall have been removed from the site in their entirety.

REASON: In order to safeguard the character and appearance of the area.

7. The use of the building hereby approved shall remain ancillary to the existing lawful use of the land as an airfield and shall not be used for any other purpose whatsoever.

REASON: The proposal is only suitable for the development specified because of the special circumstances of the site.

8. The building hereby approved shall not be used to operate an air ground communication service unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of aviation safety.

INFORMATIVES :-

Notes to applicant

- I. 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.
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021).
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1)).
 - CIRIA C753 SuDS Manual 2015.
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015)

Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 1st November 2023