

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LANDS AREA PLANNING SUB-COMMITTEE

**Date: 6th December 2017**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

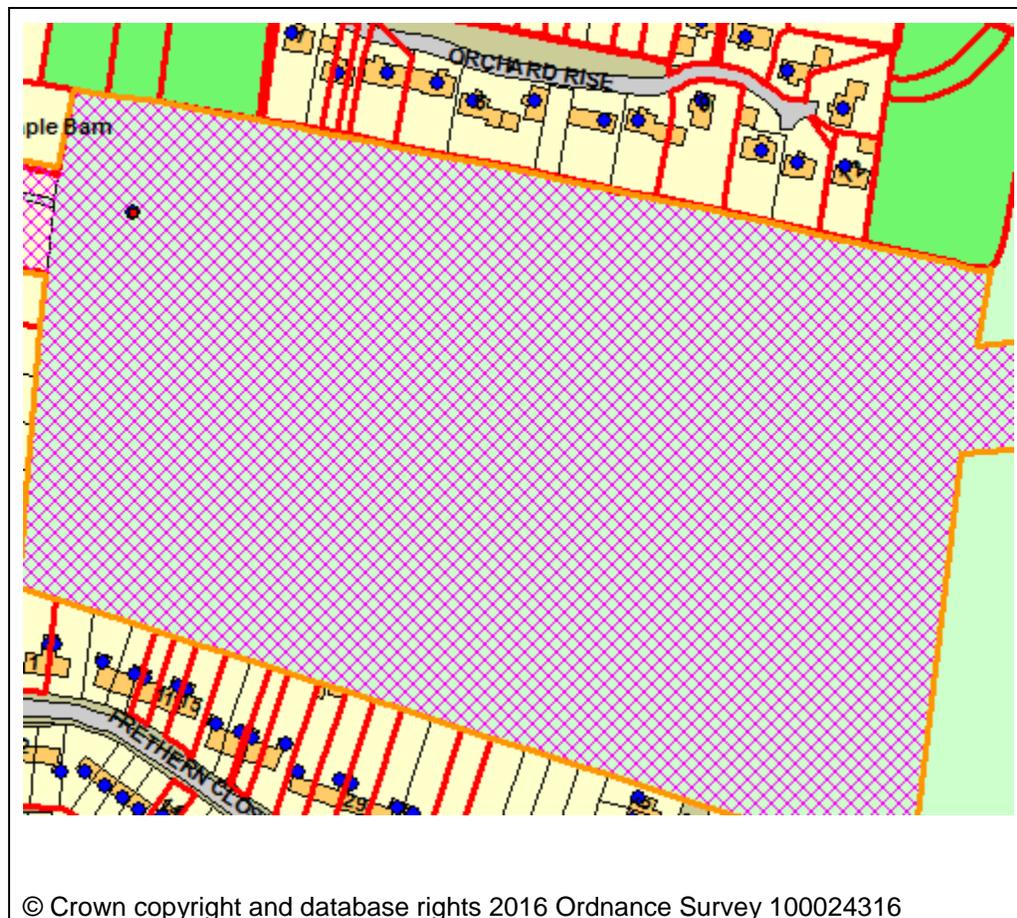
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	17/00642/OUT
Site Address	Land East Of Barns Lane Barns Lane Burford Oxfordshire
Date	23rd November 2017
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Burford Parish Council
Grid Reference	425313 E 211905 N
Committee Date	6th December 2017

### Location Map



### Application Details:

Outline planning application for up to 70 dwellings (Use Class C3), creation of new vehicular access off Witney Street and revised vehicular access off Barns Lane, and provision of public open space with associated infrastructure and earthworks. All matters reserved except for access (amended description and details).

**Applicant Details:**

Carterton Construction Ltd  
c/o Agent

**I CONSULTATIONS**

I.1	Major Planning Applications Team	see subsequent comments
I.2	WODC - Arts	see subsequent comments
I.3	Wildlife Trust	No comments received
I.4	WODC Community Safety	No comments received
I.5	WODC Architect	Comments incorporated into report
I.6	Environment Agency	In line with our Development Management Consultation Checklist we need only be consulted on sites in Flood Zone I, which have critical drainage problems as notified by the Environment Agency. We do not reply to Local Planning Authorities on planning applications where we should not have been consulted.
I.7	ERS Env Health - Uplands	<p>No objection to the application, but strongly recommend that any permission you choose to grant be tightly conditioned with appropriate noise controls in relation to the built design and site layout. This would normally be achieved by requiring the acoustic design of all the dwellings and care units satisfy the following noise condition:</p> <p>The internal noise levels to be achieved in bedrooms and living rooms in residential properties post construction is 30 dBLAeq T (where T is 23:00 - 07:00) and 35 dBLAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dBLAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in gardens and public open spaces should not exceed 55 dB LAeq 1 hour when measured at any period (in accordance with the WHO figure contained in BS8233:2014). Unless otherwise agreed in writing by the local planning authority.</p>
I.8	Historic England	See subsequent comments.
I.9	WODC Housing Enabler	A 50% affordable housing contribution is required in this location
I.20	WODC Landscape And Forestry Officer	No comments received
I.21	Natural England	No objection subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application could have a significant impact on the purposes of designation of the Cotswolds AONB.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

1) Sensitive building design, in particular use of roofing materials to match those of the historic buildings of Burford, and street tree planting to ensure integration of the development with the existing townscape and to mitigate impacts on views from within the AONB.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

I.22	WODC Planning Policy Manager	No comments received
I.23	WODC - Sports	£98,260 off site contribution towards sport/recreation facilities in Burford. £139,916 for the provision and maintenance of an on-site LEAP.
I.24	Thames Water	see subsequent comments
I.25	WODC Env Services - Waste Officer	No comments received
I.26	Parish Council	see earlier comments
I.27	Major Planning Applications Team	Highways - no objection subject to conditions and legal agreement Education - object in relation to lack of capacity at Burford Primary School. If permission is granted a contribution to facilitate the transportation of children to other schools would be required in the sum of £266,000.00 Property - Library contribution of £5,890.00 Archaeology - No objection subject to conditions Drainage - no objection subject to condition
I.28	WODC - Arts	A contribution of £210.00 per market house is required towards creative activity to aid orientation and create opportunities for new and existing residents to meet, interact, socialise and keep healthy.
I.29	ERS Env Health - Uplands	See previous comments
I.30	Biodiversity Officer	No objection subject to conditions
I.31	WODC Housing Enabler	see earlier comments
I.32	Historic England	Our initial response raised concerns regarding the proposed 60 extra

care units, principally the impact that the large roof of such a building would have on the significance of the Burford Conservation Area. The revised proposals have omitted this element and replaced this building with houses which would have much less prominent roofs. The plans also indicate additional tree screening could be provided, though this is only outside the red line of the application area. If a secure means can be agreed of delivering this landscape buffer we would consider the concerns we raised in our initial letter to have been addressed.

Recommendation

Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 17 and 137.

- I.33 Natural England Having reviewed the amendments made to the application we do not have any further comments to make and refer you to our letter of 26th April with regard to measures to mitigate impacts on views from within the AONB.
- I.34 WODC - Sports see earlier comments
- I.35 Thames Water  
Waste Comments  
Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed.  
"Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.  
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

#### Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

#### Supplementary Comments

WASTE - Thames Water have concerns with the proposed foul water drainage plan for this development site. The foul water flows from this site is likely to lead to hydraulic overloading of the receiving sewer (Manhole ref.2906) and increase the flooding risk in the area. We recommend that the developer fund an impact study to ascertain with a greater degree of certainty the impact of this development and any upgrade work required.

With regards to surface water run-off from this site, Thames Water have no concerns with the proposal to manage this by onsite infiltration.

#### I.36 CPRE

With regard to the above application, CPRE would request that the landscape effect of the proposed development from important and historic vantage points in the town be carefully considered, as it's prominent. We are aware of the need for some housing in all areas to meet unreasonable housing targets driven centrally and it is particularly difficult to find suitable sites around Burford. We are also aware of the Town Council's stated need for affordable housing for

people who work in the area (as stated in support of Burford Road), but aside from the extra care provision, it is not clear to CPRE what affordable housing is proposed- section 5.7 of the D & A Statement is vague. CPRE would point out that the site although the site is adjacent to existing development on 3 sides, it is in the AONB, so in that respect it is not ideally placed. Also, with Burford Road unfortunately passed on appeal, CPRE would question the need for this additional site.

I.37 Parish Council

Burford Town Council objects on the following grounds:

- 1) Incursion into Burford Conservation Area
- 2) Incursion into AONB and Upper Windrush Valley landscape character area.
- 3) No explanation for WODC change in policy in terms of previous resistance to development here, but assessment as suitable in 2016 SHELAA.
- 4) Impact on Burford's history and unique character.
- 5) Impact on views.
- 6) Impact on highway safety.
- 7) Lack of integration and visual effect of Witney Street access.
- 8) Inaccurate information on traffic generation.
- 9) Pressure on car parking affects attractiveness of the town for visitors.
- 10) Prematurity in relation to local plan.
- 11) Land west of Burford represents a better expansion option than this site and would relate better to existing infrastructure.

I.38 ERS Air Quality

No comments received

I.39 ERS Env. Consultation Sites

Following review of the following reports:

Phase I Preliminary Risk Assessment ' Land East of Burford, WSP, Parsons Brinkerhoff, February 2017, Ref: 70028707; and

Ground Appraisal Report for the land to the east of Barns Lane, Burford, Oxfordshire, OX18 4NE, Geo-Environmental Services Limited, 24/02/2017, Ref: GEI6084-GAR-FEB17:

I have the following comments:

I agree with the recommendations provided in the Ground Appraisal report, however, as four rounds of groundwater monitoring has been undertaken, it would be prudent to submit this information to the LPA for approval.

Please consider attaching the following condition to any permission granted:

1. No development shall take place until a report detailing the findings of the groundwater monitoring rounds, including recommendations, have been submitted to and approved by the LPA. If potential pollutant linkages are identified, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.
2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

## **2 REPRESENTATIONS**

2.1 695 objections have been received, a large proportion of which are proformas or letters in a standard format, (a considerable number are from visitors to Burford, rather than residents in the District). The objections refer to the following matters:

- The proposal is large scale development within a Conservation Area and close to Listed Buildings. Impact on character and heritage.
- Disproportionate addition to the town. Impact on existing community.
- Primary school is full and there would be a need to transport children to other locations.
- Impact on drainage and flood risk.
- Increase in traffic and impact on highway/pedestrian safety. Inappropriate means of pedestrian and vehicular access to the site. Unsuitable road network. Need for traffic calming and change to speed limits.
- Limited public transport.
- Limited facilities and services in the town.
- Loss of green space.

- Impact on ecology, Nature Improvement Area and Conservation Target Area.
- Impact on landscape, AONB and views.
- Lack of existing infrastructure and strain on infrastructure capacity.
- Increase in car parking demand/pressure for on-street parking in the town is high.
- Application is attempt to circumvent Local Plan process. The application should not be considered until the Local Plan is resolved.
- Impact on the attractiveness of the town and tourism.
- New housing should be located away from main views of the town. Unique character should be preserved.
- Lack of local employment and residents need to commute out.
- Existing traffic is causing damage to historic buildings.
- Permission on appeal at Shilton Road and other new housing in the town has fulfilled quota of new houses for Burford.
- Impact on privacy, loss of light and impact on general amenity.
- Increase in pollution and disturbance, and impact on quality of life.
- Precedent for further large scale development.
- The applicant is not specific on the provision of affordable housing.
- More suitable to develop in Carterton.
- Local opposition to the scheme and goes against localism.
- Poor design.
- Not sustainable development. Proposal does not represent exceptional circumstances for granting permission in AONB.
- No mains gas in Burford and the development would increase the number of oil tankers servicing properties.
- Proposal would not meet the needs of Burford.
- Oxford is not meeting its own housing needs. Unreasonable to allow growth so far from Oxford.
- HELAA findings inappropriate and should be disregarded.
- There are many empty properties in the town. Development likely to bring more second or third home owners.
- Land stability in terms of relationship to Orchard Rise.
- Difficult to envisage how there would be any meaningful benefit to local economy during construction phase.
- Detailed application should be provided in this sensitive location.
- No prior consultation with Parish.
- Impact on foul drainage.
- Properties at Roebuck Cottage, Springfield Cottage and Springfield House rely on private water supply that could be contaminated as a result of the development.
- Containment of surface water and discharge from the proposed attenuation pond adjacent to Witney Street is of concern.
- An environmental impact assessment should have been carried out.
- There should be a legal agreement preventing future development east of Cole's Field.
- Loss of arable land.
- The Council has a 5 year housing land supply.
- Views from A40 have been blighted by ugly, modern development.

2.2 Cotswold Conservation Board has objected on the following grounds, reflecting their comments submitted as part of the Local Plan review:

The Board objects to the inclusion of this site for development. The site lies wholly within the AONB and as such development is contrary to Paragraphs 115 and 116 of the NPPF. The Board's view is that alternative sites outside the AONB should be sought in order to meet housing need.

Recently West Oxfordshire District Council refused a larger development outside the AONB, south of the A40 (site 146 SHLAA Stage 2 Map 5 Burford). This suggests that other sites are available in Burford for development. In light of this the Board believes that the inclusion of the site East of Burford does not conform to the 3rd bullet point of Paragraph 116 of the NPPF "...the cost of, and scope for, developing elsewhere outside the designated area.." and should be removed from the plan".

On 17th January 2017, after the Board responded to the local plan consultation, planning permission was granted on appeal (Appeal Ref APP/D3125/W/15/3139687) for a residential development and care home on land west of Shilton Road, Burford. The Board did not object to this proposal as the site is outside of and reasonably well screened from the AONB.

The current proposal lies wholly within the nationally designated AONB landscape. With the creation of a new vehicular access off Witney Street the application seeks even further incursion into the AONB than that proposed in the draft plan. The NPPF makes specific reference to development in AONBs. Paragraph 115 affords 'great weight' to conserving landscape and scenic beauty in AONBs and Paragraph 116 advises that major developments in AONBs should only be permitted in 'exceptional circumstances'. With permission granted on Shilton Road for a similar development the Board does not believe that this application passes the 'exceptional circumstances' test. In addition, Paragraph 14 footnote 9 notes that the NPPF's presumption in favour of sustainable development does not automatically apply in AONBs.

Burford falls within the Broad Floodplain Character Type as described in the Cotswolds AONB Landscape Strategy and Guidelines

(2016)<http://www.cotswoldsaonb.org.uk/planningmanagement-advice/landscapestrategy/>.

This describes a landscape sensitivity of, "Wide views from the upper valley slopes and over the long stretches of the valley are possible, thus increasing the sensitivity of the valleys to large scale built development that might interrupt views or impact on their rural character."

Furthermore "The gently sloping valley sides have limited development capacity as they form an agricultural backdrop to views from the valley floor". With respect to new development the Guidelines advise that developments e.g. extensions to settlements which will intrude negatively into the landscape and cannot be successfully mitigated should be avoided.

- 2.3 3 expressions of support has been received referring to:
- (i) Burford needs homes for local people, not more weekenders and holiday lets.
  - (ii) Young people need opportunity to live in the town they were brought up in. Long term accommodation is needed, not just short term rented accommodation.
  - (iii) Working people is what keeps towns and villages alive. Affordable housing is needed for key workers.
  - (iv) Towns do change, the trick is to ensure that the change is managed and developed in a way that is beneficial to all.

### **3 APPLICANT'S CASE**

- 3.1 The application is submitted in outline and proposes the erection of up to 70 new homes, with all matters reserved apart from means of access. Burford is recognised as one of the most sustainable settlements in the district by the Council's Settlement Sustainability Report (2013).

Burford is identified as a Rural Service Centre, 'the second tier' of settlements. The site falls within the Cotswolds AONB and the Burford Conservation Area. It is also situated outside of but immediately adjoining the existing settlement boundary. The majority of the site is proposed for allocation in the emerging Local Plan and, following adoption of the Plan, would fall within the settlement boundary.

The NPPF makes clear that major developments in the AONB should only be allowed where exceptional circumstances exist and where they are in the public interest. The Council has stated that it considers that exceptional circumstances exist to justify the proposals. The Council has concluded that there is a demonstrable need for new housing in the sub-area including market and affordable housing with limited scope for meeting this need outside of the AONB or on alternative, less sensitive sites within the AONB.

- 3.2 The recent Wealden Court of Appeal decision ([2017] EWCA Civ 39) clarifies the requirement to consider 'need' for the whole of the District and not just the settlement at which the proposal is located. Only four sites have been proposed for allocation in the draft Local Plan in the AONB, and cumulatively they will deliver less than 3% of the total level of housing provision identified through the proposed allocations.
- 3.3 This need is further demonstrated in the Local Needs Assessment prepared by Turley (Economics) submitted in support of the application, which concludes that the proposed development can be expected to play an important role in meeting the significant local need for housing in Burford, contributing towards meeting the significant need for affordable housing and accommodating the growth needed to grow the younger working age population and support its ongoing economic role as a Rural Service Centre, even taking account of the consented land west of Shilton Road, Burford scheme.
- 3.4 The SHELAA (June 2016) and the Council's Site Selection Paper (June 2017) indicates that all settlements in the Burford - Charlbury Sub-Area are within the AONB. Furthermore it has been acknowledged by a number of appeal Inspectors that the District cannot hope to address the substantial housing need which has arisen, without allowing the development of sites within the AONB. Indeed, in relation to the Milton-under-Wychwood appeal (PINS Ref. 3143885), the Inspector explicitly stated this, noting that: "Meeting the need for housing in the Burford-Charlbury Sub Area will inevitably require the development of land in the CAONB and, in this regard, there are no other ways of meeting the need. There is no reason not to consider the proposed development on its merits." The proposed development will also generate a range of economic impacts both during construction and upon completion, resulting in a short-term and lasting benefit to the local economy.
- 3.5 West Oxfordshire District Council (WODC) do not currently have a 5-year supply of deliverable housing sites and currently have an unmet housing need. WODC also have to accommodate for Oxford City's unmet housing need therefore increasing the number of dwellings needed in the area. Given that a large proportion of the district is in the AONB WODC will have to allow development within these areas to meet their housing needs targets and demand in the area. The Council have accepted this when preparing their emerging plan and have undertaken an assessment which concluded that allocations will have to be made within the AONB. It is notable that the Government has backed the vision of the National Infrastructure Commission for the Cambridge-Milton Keynes-Oxford corridor and have committed to the delivery of 100,000 homes in Oxfordshire by 2031.

- 3.6 Careful consideration has to be given to the nature of the site and the relationship the site has to its immediate surrounding, as the site is located within a conservation area and in the AONB. The outline proposals have been carefully constructed and follow a landscape-led approach which is specified in emerging Policy BC 1b. The landscape-led approach seeks to respond carefully to the surrounding landscape and overall setting in which the development would sit. This approach to the development alongside the appropriate measures will help to mitigate any heritage and landscape impacts that the development may cause. Given the lack of available sites within the district and the uncertainty regarding the 5 year housing supply it is inevitable that areas with the AONB will have to be developed. The proposed development will be a sustainable development comprising a mix of which sensitively responds to the surrounding site context. The development will be of a high quality design that will integrate within the surrounding area. The development is situated in an accessible area that is considered a logical extension of the settlement.
- 3.7 This planning application has had a range of studies conducted they concluded that the development would achieve a high quality of design and that the appropriate mitigation strategies could be implemented to the site to prevent any serious impacts. There have been no serious environmental or technical reasons as to why the development should not be granted planning permission. The Oxfordshire County Council response to the current planning application dated 3rd April 2017 confirms the current position in respect of education requirements. Contributions are not sought towards Special Education Needs, Early Years education or Secondary education. The response confirms that existing secondary school capacity is forecast to be sufficient, taking into account this proposed development and other already approved development.
- 3.8 Insufficient capacity is forecast at Burford Primary School to accommodate the additional pupils anticipated to be generated by the development. As such a financial contribution of £266,000 is sought to cover the costs of transporting primary age children to the nearest school with an available place if the District Council are minded to approve the application. Whilst some objections have been received from third parties in respect of the sustainability of bussing children to another school, it is noted that the Inspector in respect of an appeal on Land at Milton Road, Adderbury (APP/C3105/A/1/2132662) concluded that: "Bussing children to school is less sustainable than being able to accommodate them at the village school. It is more sustainable however, than the children being taken to school by private car and I find no inherent conflict with the thrust of policy...". Whilst Burford Primary School does not have capacity, a number of alternative local schools are forecast to have capacity as shown below.

DfE	School	R-Y6	Capacity May 2016
2251	Burford Primary School, Burford	105	105
2252	Carterton Primary School, Carterton	260	300
2254	Gateway Primary School, Carterton	246	351
2255	Edith Moorhouse Primary School, Carterton	274	315
2613	St John The Evangelist Primary, Carterton	385	420
3124	Leafield Primary School	98	105

3125	St Kenelm's Primary School, Minster Lovell	98	157
3257	Wychwood Primary School, Shipton under Wychwood	286	292

- 3.9 When preparing this application there has been engagement with the local community, statutory consultees and WODC. Part of this engagement involved addressing comments received during the process and to try and mitigate any concerns and potential impacts that the development may have and this has led to the changes to the scheme from those originally submitted. In light of the Council's recently commissioned independent Landscape and Heritage Advice prepared by Chris Blandford Associates the proposed scheme has been amended to propose up to 70 dwellings on the site, in accordance with the recommendations of this report. This includes S106 agreements that would be attached to any granted planning permission.
- 3.10 The proposal accords with relevant policy and has no serious reason as to why planning permission should not be granted. The site is achievable and deliverable for residential dwellings which would contribute towards the local housing need which is currently being unmet in the District.

#### 4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.  
 BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 BE4 Open space within and adjoining settlements  
 BE5 Conservation Areas  
 BE8 Development affecting the Setting of a Listed Building  
 BE13 Archaeological Assessments  
 BE18 Pollution  
 BE19 Noise  
 BE21 Light Pollution  
 H2 General residential development standards  
 H7 Service centres  
 H11 Affordable housing on allocated and previously unidentified sites  
 NE1 Safeguarding the Countryside  
 NE3 Local Landscape Character  
 NE4 Cotswolds Area of Outstanding Natural Beauty  
 NE6 Retention of Trees, Woodlands and Hedgerows  
 NE13 Biodiversity Conservation  
 NE15 Protected Species  
 T1 Traffic Generation  
 T2 Pedestrian and Cycle Facilities  
 T3 Public Transport Infrastructure  
 BC1NEW Burford-Charlbury sub-area  
 EH1NEW Landscape character  
 EH2NEW Biodiversity  
 EH5NEW Flood risk  
 EH6NEW Environmental protection  
 EH7NEW Historic Environment  
 OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places  
 OS4NEW High quality design  
 OS5NEW Supporting infrastructure  
 T1NEW Sustainable transport  
 T2NEW Highway improvement schemes  
 T3NEW Public transport, walking and cycling  
 T4NEW Parking provision  
 TLC7 Provision for Public Art  
 WOLA West Oxfordshire Landscape Assessment  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The proposal as originally submitted referred to the erection of up to 85 dwellings and 60 extra care units. It was subsequently amended to now omit the extra care and propose up to 85 dwellings with associated access and works. A further amendment has now been made to reduce the number of units to up to 70. There would be two points of vehicular access, one at Barns Lane and one at Witney Street. A range of supporting information has been provided.
- 5.2 The site is greenfield, under arable cultivation and is not classified as best and most versatile land in agricultural terms. The north, south and west boundaries are formed by residential rear garden boundary treatments of various types. The east boundary is marked with a dilapidated drystone wall and sporadic hedge/trees. Beyond the east boundary is further agricultural land. An existing agricultural access is taken from Barns Lane to the west.
- 5.3 There are residential properties on three sides of the site. The houses at Orchard Rise are at a substantially lower level than the field. Adjoining properties are generally two storey in height. New dwellings are currently under construction on land adjacent to the south east corner of the site.
- 5.4 The site is within the Burford Conservation Area, part of the boundary of which follows the eastern boundary of the site. There are a number of Listed Buildings in the vicinity, but not close to the site. The site is within the Cotswolds Area of Outstanding Natural Beauty.
- 5.5 There is no relevant planning history associated with the site.
- 5.6 The site is identified in the SHELAA 2016, as site I44. The commentary on the site is as follows: "The site is considered to be suitable for development subject to overcoming access constraints and provided development is designed to read as part of the existing settlement edge. 85 dwellings." The site was identified as a housing allocation in the submission version of the emerging Local Plan (Policy BC1b) with an indicative capacity of 85 units. As part of the EiP process, at the request of the Inspector, the Council has commissioned landscape and heritage assessments of the proposed allocations in the AONB and in Woodstock. The report of findings (the Chris Blandford Associates report - CBA) has been published and this recommends "a development of approximately 70 homes could be accommodated on the site, ensuring that development is generally of low density with significant areas of green space provided in the central parts of the site and towards the southern and northern boundaries. Any greater dwelling numbers than these could make it more difficult to achieve an appropriate form/character or result in significant adverse impacts". Some detailed observations are made about the provision of landscaping, layout, design and impact on views.

- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Impact on AONB  
Heritage  
Highways  
Siting, design and form  
Trees, landscaping and ecology  
Drainage and flood risk  
Residential amenity  
S106 matters

Principle

- 5.8 Burford is classified in the Local Plan 2011 as Group C service centre. Based on the settlement sustainability assessment (Nov 2016) the town is ranked 6th of the 41 settlements assessed, in terms of services and facilities available.
- 5.9 The town benefits from services, including a primary school, secondary school, community buildings, sports facilities, shops and pubs. It is, however, acknowledged that other than retail, services and tourism related employment, job opportunities in other sectors are limited in Burford.
- 5.10 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.11 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation.
- 5.12 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.13 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to

approve, a large number of housing proposals. The Council has made a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.

- 5.14 Following consultation on the modifications to the Plan, it was submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions taking place in July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.15 Emerging Local Plan 2031 Policy OS2 allows for some development in Burford, but notes that along with Bampton and Charlbury, it is relatively constrained and intended to accommodate a modest level of development of an appropriate type that will reinforce the service centre role.
- 5.16 The site is identified as a housing allocation in the emerging Local Plan (Policy BC1b) and in response to the CBA report the applicant has reduced the indicative capacity to up to 70 units. It is noted that the boundary of the allocation does not exactly match the red line site area of the current application. This is because it has proved necessary to move the main access to the east. The site adjoins the existing built up area of the town. Therefore, on the basis of emerging policies for the supply of housing, the location of the development proposed would be acceptable in principle.

#### Impact on AONB

- 5.17 The site is entirely within the Cotswolds AONB and the NPPF paragraph 115 requires that great weight should be given to conserving landscape and scenic beauty in this location. It is also within the Upper Windrush Valley character area, as identified in the West Oxfordshire Landscape Assessment, and falls specifically in the valley side farmland landscape type. Burford is identified as a key settlement and it is noted that a hard, visible edge is formed by existing development at Frethern Close/Wydom Way. Open views towards the site are identified from the A361, A40 and Witney Street.
- 5.18 The site is readily visible in long and medium range views from various points including: Westhall Hill and public right of way 220/2/10 which runs south from here; the A424; the A361; the Fulbrook/Swinbrook road; Witney Street; and the A40. In these views the field is perceptible as an undeveloped parcel, but the viewer is aware of surrounding urban influences which largely frame the field. The most striking views are perhaps those looking westward from Witney St and the A40 where the field forms part of the skyline. However, these views are already somewhat compromised by existing housing and the new development taking place to the east of the town at Falkland Close. Views from the surrounding streets within the town are limited by existing development, and the site is glimpsed between buildings.
- 5.19 The applicant's submitted Landscape and Visual Impact Assessment concluded that: "Residential development within the Site could be accommodated and integrated successfully in a way that retains the special qualities of Burford and AONB, provides an appropriate location for a sustainable development, and reflects the 20th century expansion of the town by 'infilling' part of

the existing gap within the eastern part of the settlement. Due to the nature of settlement expansion, the eastern part of Burford is assessed as being less sensitive to change in comparison to the northern and western parts, and more integral to the town core than fringe areas to the south. The proposals would provide a high quality residential development that has: a locally distinctive built character; limited loss of hedges; enhanced boundary treatments; improved access and connectivity for pedestrians and cyclists between the town centre and the adjoining countryside; and the creation of large area of new public open space, green infrastructure, and play facilities. This would increase the presence of landscape features and habitats within the site and provide a development that is sympathetic and consistent with the historic townscape character of Burford".

- 5.20 A converse opinion is set out in a Landscape and Visual Assessment that has been jointly commissioned by Burford Town Council and a group of local residents. This finds that "significant harm would arise to both the site and the AONB as a result of the prominent built form proposed". It is further noted that "the site forms an important open/rural backdrop to the landmark Grade I listed church of St John, particularly when viewed from the PROW network within Westhall Hill to the north and within the settlement of Fulbrook to the north east. Should the application site be developed as currently proposed views of this important heritage asset would be significantly harmed". With regard to the access to Witney Street concern is expressed regarding extensive groundwork required and urbanising elements that would "significantly alter the otherwise rural character that exists along Witney Street".
- 5.21 Natural England is the statutory consultee on AONB and its officers raise no objection subject to appropriate mitigation being delivered. In the absence of mitigation, they advise that the proposal could have a significant impact on the purpose of the designated landscape. Cotswold Conservation Board objects, and is of the view that alternative sites outside the AONB should be sought in order to meet housing need. It is noted that the creation of the new vehicular access to Witney Street seeks even further incursion into the AONB than that proposed in the emerging Plan. The Board does not believe that the proposal passes the tests of paragraph 116 of the NPPF. Officers have had regard to the AONB Management Plan and supporting position statements in assessing the application.
- 5.22 In your Officers' opinion, a development of 70 houses would undoubtedly represent significant change to the landscape, and this change would be readily perceptible from a number of public viewpoints. Having taken account of the CBA report, Officers consider that subject to careful consideration of landscaping provision, layout, design and regard to key views a development of this scale can be accommodated. The latest iteration of the plans (which relate to the 85 unit scheme) shows an intention to provide a wide tree belt to the eastern edge of the site, as well as significant planting within the development. At the reserved matters stage it would be possible to arrange the scale and layout of development, with appropriate landscaping, to reduce visual intrusion and ensure successful integration with the existing built form of the town and the wider landscape. The visual impact is unlikely to be completely overcome, but could be acceptably mitigated, subject to details being agreed and on-going effective management of planting and green space. The description of development refers to up to 70 units and therefore this does not represent a minimum or fixed number. Details provided at reserved matters would allow an appropriate form of development to be determined, along with landscape mitigation measures.
- 5.23 The proposed main access to Witney Street presents a key challenge in seeking to integrate the development in the landscape. Notwithstanding the intention to plant a number of trees to

south side of the access and around the proposed attenuation pond, it would inevitably be seen as an urbanising feature, stretching out beyond the established edge of the settlement. The location of the access has been selected out of the necessity to provide adequate visibility to Witney Street in highway safety terms and is not conceived with the intention to limit landscape impact. The effect of the scale and appearance of the road itself and the intrusion from light and noise pollution in what is currently an unspoilt rural location would be significant. The site frontage to the road is currently overgrown hedgerow at the back of a verge. Much of the existing vegetation would need to be cut back or removed to provide the access and splays. The degree of change here would be substantial and could not be completely mitigated, resulting in some residual harm.

5.24 Paragraph 116 of the NPPF requires that planning permission for major development in the AONB is refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest. The test has three components which are assessed as follows:

- 1) The need for the development, including in terms of any national considerations, and the impact of permitting or refusing it, upon the local economy.

In this context, the need for new housing is a national imperative underlined by the NPPF, which refers to boosting significantly the supply of housing. Locally, the Council is required to meet objectively assessed need and in the emerging plan has to plan for in the region of 16,000 new homes over the period 2011 to 2031.

The local economy requires new housing to support jobs and services and promote viable, cohesive communities.

There is no doubt that new housing is required at the District level and housing growth should logically be directed to existing sustainable locations.

Meeting housing need is fundamentally in the public interest.

- 2) The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way.

The Cotswolds AONB covers a large part of the District which includes many significant settlements offering suitable locations for some growth. Two of the service centres, Burford and Charlbury, are within the AONB.

Through the SHELAA process the Council has considered the availability of sites and their suitability for housing. Many sites promoted, although not within a designated area, are otherwise constrained and locationally undesirable. The Council has sought to allow development to come forward outside the AONB where this would represent sustainable development, but not all housing requirements can be met beyond the designated area. Service centres and larger villages within the AONB are envisaged to accommodate some new housing and thereby achieve a geographical distribution, which amongst other things will importantly deliver affordable housing in existing communities which is in the public interest.

The Council has not taken the decision to approve development, and allocate land in the AONB lightly. This is a consequence of the massive increase in housing numbers needed in the District.

- 3) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The site is not of itself special or important in environmental terms. It is not of significant ecological or geological value, and although used informally by residents for recreation, is not a public open space or accessible by public right of way. Its value lies in its forming part of the AONB and providing part of the setting of the historic town of Burford.

Officers acknowledge that some harm would arise in landscape terms, but this harm is in the context of the site being enclosed on three sides by established development. The harm can to a large extent be mitigated and moderated by good design, layout and effective landscaping. The residual harm, in the context of the other considerations addressed in points 1 and 2 above suggest that the test of public interest is passed and the development would meet the requirements of paragraph 116. The harm identified will nevertheless be factored into the wider planning balance.

### **Heritage and landscape**

- 5.25 The site is within the Burford Conservation Area, and there are a large number of listed buildings within it. The setting of all nearby listed buildings and the effect on the Conservation Area need to be considered under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There are no known archaeological features within the site but it is within an area of archaeological potential. Accordingly, conditions are recommended to deal with archaeological investigation and recording.
- 5.27 Local Plan Policy BE5 states that the character and appearance of Conservation Areas should not be eroded by the introduction of unsympathetic development proposals within or affecting their setting. Policy BE8 requires that development should not detract from the setting of a listed building.
- 5.28 Section 12 of the NPPF deals with the historic environment and addresses the impact of development on heritage assets. Emerging Local Plan Policy EH7 has been drafted in the light of the NPPF and promotes the conservation and enhancement of West Oxfordshire's historic environment.
- 5.29 A Built Heritage Statement has been submitted by the applicant. In addition, the findings on heritage matters contained in the CBA report have been considered. This advises that "development of the Site for residential uses would probably not result in substantial harm to the significance, setting, character or appearance of the conservation area or church; but it would result in some harm. The scale of harm is not considered sufficient to entirely rule out the allocation of the Site for residential development but design based mitigation would be required to address this potential harm".
- 5.30 The application site forms an important part of the Conservation Area, in being a large area of undeveloped space that constitutes a significant portion of the overall area covered by the designation. There is no recent Conservation Area Character Appraisal, and town studies produced in the 1960s and 1970s are of little utility in assessing the application site. These studies focus mainly on the history of the settlement and its historic core. At the time they were written the Conservation Area was considerably smaller than it is today. The Conservation Area boundary was extended significantly in 1991. Importantly in terms of the assessment of the application, the area extends south to the A40 to take in the site and also extends east along Witney Street to take in Roebuck Cottage, Springfield Cottage and Springfield House.

- 5.31 Officers recognise that the site represents a significant area of open space in the Conservation Area which, as referred to above, can be seen from a number of public viewpoints. However, in your Officers' view, the openness of the site is not fundamental to the appreciation of any listed building or undesignated heritage asset, in the sense that it does not form part of a planned view which better reveals or allows appreciation of an asset. An example of a planned view would be an avenue in a landscaped park terminating at a monument or folly. The site rather provides an open area which allows the rural environment to interface with the town and provide an element of various views. There are no listed buildings adjacent to the site, and those nearby are separated by intervening modern development. In views from the north west, north and north east looking towards the town, it is seen as an assemblage of largely tightly grouped buildings ascending the hill towards the A40. It is difficult to pick out individual buildings, although clearly the Grade I listed church of St John the Baptist with its tall spire is a prominent landmark. Whilst the site can be seen in the background of the church spire from the north, the eye also takes in the other development around it, including the development towards the ridge at Wysdom Way/Frethern Close. Nevertheless, the design, layout and landscaping of development would need to take account of key views.
- 5.32 From the A40 travelling west, at various points one can take in the church spire and the site, along with adjacent agricultural land, in a field of view, where the intervening development between the site and the church around Orchard Rise and Witney Street is at a lower level. However, given the speed of traffic on the A40 and presence of some development and planting, these views are relatively fleeting. As one approaches the edge of the town, the view across the site to the church spire is to some degree compromised by the new development at Falkland Close. Travelling west along Witney Street, the church and the site are not readily appreciated in the same view.
- 5.33 Whilst from certain viewpoints the church and the site can be seen in the same view, the proposed development would not necessarily close off or significantly affect any key viewpoint. The layout and provision of open space at reserved matters would provide the opportunity to accommodate particular viewpoints. In this respect, the impact on the setting of the church is judged less than substantial in terms of paragraph 134 of the NPPF.
- 5.34 No listed buildings would be directly affected by the proposal. There is significant separation between the site and listed buildings in the locality which include those in the town, at Westhall Hill and Fulbrook. Given that the historic core of the town has been added to with extensive modern development to the east and south east at Barns Lane, Swan Lane, Witney Street, Windrush Close, and Orchard Rise, the listed buildings in the vicinity can no longer be appreciated in an open setting. Your Officers have not been able to identify any significant points of intervisibility, or viewpoints, between the site and an individual heritage asset in the town itself (other than the church). Although at longer range there is some intervisibility and effect in terms of listed buildings at Westhall Hill, Whitehill Farmhouse and Fulbrook. In this context, it is considered that the listed buildings would not be significantly affected, with any harm at the lower end of the less than substantial range. The importance of the nearby listed buildings in assessing the application lies more in their contribution to the character of the Conservation Area as a whole.
- 5.35 The loss of the application site as an area of open space causes some harm to the Conservation Area, but given that it does not fulfil any key land use or visual role, this harm is judged less than substantial.

- 5.36 It is also important to consider the setting of the Conservation Area. In this respect, the creation of the main access to Witney Street extends beyond the Conservation Area boundary into an agricultural field that is important to the setting of the town. At both ends of the access it directly adjoins the Conservation Area. When the Conservation Area boundary was redrawn in 1991 it purposefully included the Witney Street approach to the town, and took in Roebuck Cottage, Springfield Cottage and Springfield House. Although these buildings are not listed they can be considered undesignated heritage assets. The access would be an urbanising feature, not only because of its incursion into the countryside, but because of the way it emerges onto a rural lane in a position some distance from the existing urban edge. The access would need to be effectively landscaped to reduce the visual effect. Harm arises in this respect which is judged less than substantial with regard to paragraph 134 of the NPPF.
- 5.37 Historic England has advised: "Our initial response raised concerns regarding the proposed 60 extra care units, principally the impact that the large roof of such a building would have on the significance of the Burford Conservation Area. The revised proposals have omitted this element and replaced this building with houses which would have much less prominent roofs. The plans also indicate additional tree screening could be provided, though this is only outside the red line of the application area. If a secure means can be agreed of delivering this landscape buffer we would consider the concerns we raised in our initial letter to have been addressed. Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 17 and 137."
- 5.38 It is necessary for the harm to heritage assets identified above to be weighed against public benefits. In this context it is considered that the benefit of the delivery of new housing (including 50% affordable) in one of the Districts service centres, together with associated economic benefits, does outweigh the less than substantial harm arising in this case.

#### Siting, Design and Form

- 5.39 An indicative layout has been provided, and this indicates that a scheme of up to 85 dwellings can readily be accommodated within the site area. However, in light of the CBA report, substantial parts of the site would need to be given over to landscaping and a lower density form of development. The description of development has been amended to reduce the number of dwellings to up to 70 which increases the scope to lower density and provide additional landscaping.
- 5.40 The indicative layout provided must be treated as such and the arrangement of built form and open space would be carefully considered as part of any reserved matters submission. A landscape belt can be secured against the eastern edge on adjacent land in the same ownership. Substantial areas of open space and planting would be required throughout the site.
- 5.41 The applicant has stated that the houses would be 2 storey, which would be consistent with the scale of properties in this location. Nevertheless, to minimise visual impact and provide for a varied roofscape, a mix of 1.5 and 2 storey forms is likely to be the preferred approach. In any event, the house types are for future consideration as part of a subsequent reserved matters application. The design is likely to be inspired by vernacular forms, but no detailed elevations are available as part of the application.

- 5.42 It is considered that the use of the site for housing would represent a logical complement to the existing pattern of development in this location.

#### Highways

- 5.43 The application envisages two vehicular accesses: one would be taken from Barns Lane to the west; the main access serving the remainder of the development would link the site to Witney Street to the east.
- 5.44 Barns Lane is acknowledged to be constrained in terms of width, with a pinch point existing between the proposed access and Swan Lane where two cars cannot pass. In addition, there are no hard surfaced footways on Barns Lane until a point south of the access where footpath 149/7/10 joins the lane. Swan Lane and Pytts Lane also lack footways. OCC Highways Officers have had regard to the existing highway layout and advise that access for no more than 10 units from Barns Lane is acceptable. The highway works would include provision of a footway approximately 100m in length on the east side of Barns Lane south of the access to link with footpath 149/7/10 and the existing footway on the west side of the lane. This would involve removal of some of the existing embankment on the east side of the road which is within the highway boundary.
- 5.45 The main access would join Witney Street at a point just south of Springfield House. This is a point where suitable visibility in both directions can be achieved. However, the access would only operate safely if the speed limit on this part of Witney Street is reduced to 40mph. A footway and crossing point to link with the existing footway on the north side of the road would be required. A separate pedestrian access is proposed to Witney Street which would be ramped or stepped, given the existing gradient.
- 5.46 It is envisaged that a pedestrian link only would be created via the existing cul de sac at Wisdom Way in the south east corner of the site.
- 5.47 West Oxfordshire's bus strategy includes the Burford-Witney-Woodstock route (currently run by service 233) as a 'secondary' corridor, supplementing the main Carterton-Witney-Oxford routes. The strategy aims to increase the service to a twice-per-hour service, as well as some evening and Sunday bus services. OCC therefore requires a S106 contribution from this development towards enhancing the future strategic bus service to/from Burford. The contribution rate per dwelling is £1000.
- 5.48 Subject to conditions and agreements relating to contributions and highways works, no objection is raised by OCC.

#### Trees, landscaping and ecology

- 5.49 The applicant has submitted a tree survey which identifies trees and hedgerows on and adjoining the site. All these features can be retained, save for limited removal to facilitate the means of access. Subject to the submission of a full tree protection plan which can be secured by condition, it is considered that there would be no detriment in landscape terms arising from the treatment of existing trees and hedgerow on the site. Existing planting will be supplemented with additional landscaping within and adjoining the site.

- 5.50 The submitted ecological report was considered by the Council's Biodiversity Officer and no objection is raised subject to conditions regarding mitigation, enhancements and management for wildlife. The site lies outside the Conservation Target Area and County Wildlife Sites in the Windrush valley to the north and these are not considered significant constraints in this case.

#### Drainage and flood risk

- 5.51 The site is within Flood Zone 1 and therefore at low risk of flooding. However, concern has been expressed locally about flooding, drainage, and potential contamination of private water supply. OCC had expressed concern that changes arising from revisions to be plans need to be incorporated into a revision to the Flood Risk Assessment. This has now been provided and OCC no longer objects on drainage grounds. Sufficient space is available within the site to provide attenuation features. No specific comments or observations were made by the Environment Agency.
- 5.52 Specific concerns were raised by the resident at Roebuck Cottage referring to the potential contamination of the private water supply to properties in this location. It is envisaged that suitable design and implementation of surface and foul drainage systems would avoid detriment to local water supplies.
- 5.53 Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. They therefore request the imposition of a condition requiring the submission of a drainage strategy detailing any on and/or off site drainage works required.

#### Residential amenity

- 5.54 The indicative layout shows that a development of 85 units can be accommodated on the site without causing impacts on privacy, light or general amenity to neighbouring property. Likewise a reduced scheme of 70 units could be accommodated. The detailed arrangement of buildings would be addressed at the reserved matters stage in any event.
- 5.55 Given the change in levels between the site and the development at Orchard Rise, there is understandable concern about the potential for the development to appear overbearing. In this regard, the indicative plans show that a substantial set-back could be achieved so that Orchard Rise was separated by a wide landscape buffer. It would be necessary to avoid planting species that would be tall at maturity so that overshadowing from trees close to the boundary is not created. The safe development of the site with regard to the change in levels and embankment to the rear of properties in Orchard Rise is the responsibility of the developer/landowner under paragraph 120 of the NPPF.
- 5.56 Existing properties close to the access with Barns Lane would experience some disturbance from vehicle movements but given that no more than 10 properties would use this access it is considered that such disturbance would not be at an unacceptable level.
- 5.57 At the request of Officers the Witney Street access has been moved further south from its original proposed position so that it does not emerge directly opposite the front elevation of Springfield House. Nevertheless, the three properties in this location currently experience low traffic levels and a rural outlook and environment. The use of the access to serve the bulk of the development would introduce additional noise from the passage of cars, and their braking and

acceleration at the access point. There would be light pollution from car headlights and potential light shining into windows given that the houses are below the level of the proposed road. It is acknowledged that the proposed planting either side of the access would ameliorate these effects but it is unlikely that they could be completely overcome. There would be some harm to the residential amenity of these properties.

#### SI06 matters

- 5.58 The applicant has referred to the provision of 50% affordable housing which is a policy compliant contribution. The mix of housing would be set out in a legal agreement.
- 5.59 A contribution of £7,350.00 is required towards public art.
- 5.60 Contributions to sport and recreation will be required. The details will be provided at the meeting.
- 5.61 In the OCC consultation response to emerging Local Plan they advised that the proposed scale of development at Burford would be expected to exceed the current primary school's capacity, and this school may be challenging to expand due to site constraints. It is confirmed by current data that Burford Primary School is full; as of the January 2017 pupil census the school had 105 children on roll, and its capacity is 105 places. For children starting school in September 2017, one child living in the designated area was refused a place as the school was oversubscribed within catchment.
- 5.62 Initial assessment has indicated that the school has potential to expand from an admission number of 15 to one of 20, creating 35 additional places in total, but no larger. As 91 new homes were permitted in Burford on appeal in January 2017, projected to generate 25 additional primary pupils, the school is not expected to be able to accommodate this proposed development in addition.
- 5.63 If this application is permitted, there is a high risk that at least in some years, some children living in the village would not be able to attend the village school. This would be detrimental to community cohesion and hence social sustainability.
- 5.64 The nearest alternative schools are around 5-6 miles from Burford, in Wychwood, Minster Lovell and Carterton, and OCC would therefore incur transport costs should children not be able to be admitted to Burford Primary School. As some of the nearby schools themselves may be full, parents who wouldn't secure a place at Burford Primary School may also be unsuccessful in securing a place at their preferred alternative school. As OCC is required to provide free transport to the nearest available school, it is likely that this would be to a number of different schools, depending on the precise address of the pupil and the availability of spaces at surrounding schools, which would increase the costs to the County Council.
- 5.65 If the development is to be permitted against OCC advice, a contribution towards the costs of transporting pupils who would not be able to attend Burford Primary School would be required. The amount of contribution sought will be provided at the meeting.
- 5.66 As regards secondary education, Burford School (an academy) is expected to have sufficient capacity to accommodate the likely level of local housing growth. No developer contributions are currently sought.

- 5.67 A contribution of £1,000.00 per dwelling is required to increase frequency of the Burford-Witney-Oxford bus service.
- 5.68 A contribution of £2,500.00 is required towards implementing the speed limit extension along Witney Street. In addition, a travel plan monitoring fee of £1,250.00 would be required. A separate S278 agreement would cover necessary highways works at Barns Lane and Witney Street.
- 5.69 A contribution to Burford Library will be required and the amount will be advised at the meeting.
- 5.70 A legal agreement will be required to secure the provision of landscaping outside the red line site area and effective management of all structural planting and landscape buffers in the future.

### Conclusion

- 5.71 The site adjoins a service centre, which is considered a suitable location for some new development. This is recognised in emerging Policies OS2 and H2.
- 5.72 The site lies within the Cotswolds AONB where major development can only proceed when there are exceptional circumstances and it is in the public interest. It is acknowledged that there would be some landscape harm arising from the proposal. However, it is considered that landscape and scenic beauty would not be unacceptably affected. For the reasons expressed above, Officers are of the view that subject to securing effective landscaping and screening the tests of paragraph 116 of the NPPF are met.
- 5.73 The site is within Burford Conservation Area and there are a number of listed buildings in the locality and beyond the town. Although there would be some effect in terms of siting significant housing development within the Conservation Area and in a relatively short distance, of listed and unlisted heritage assets, the impact on the setting of these heritage assets is judged less than substantial, as set out above. The provision of new housing, including 50% affordable, in a suitable location is considered a benefit which outweighs this limited harm in this case.
- 5.74 Existing trees and hedgerow would be retained, save for limited removal to facilitate the access to the development. The site is not well screened at present and it would be necessary to provide substantial new planting to effectively integrate the development into the landscape and setting of the town, and soften the visual effect of built form.
- 5.75 The access to the site is acceptable in highways terms, subject to conditions and legal agreement.
- 5.76 The site is at low risk of flooding and a sustainable drainage scheme is intended to deal with surface water.
- 5.77 There would be no adverse impact on protected species and mitigation and enhancements for wildlife can be secured by condition.
- 5.78 There is no reason to believe that residential amenity would be unacceptably affected and detailed layout and design will be considered at reserved matters in this regard.

- 5.79 A number of S106 contributions will be required to address impacts on infrastructure provision.
- 5.80 The lack of predicted capacity at Burford Primary School arising from the permitted development at Shilton Road, and the proposal under consideration here, would be likely to necessitate children being educated outside the village. It is acknowledged that this may lead to unsustainable travel and impact detrimentally on community cohesion.
- 5.81 In terms of restrictive policies of the NPPF, assessing harm and public interest/public benefit with regard to impact on AONB and heritage assets respectively suggests that the balance is in favour of granting consent.
- 5.82 Given that the saved Local Plan 2011 Policies for the supply of housing are time expired, and the emerging Local Plan is yet to complete examination and adoption, the Council cannot currently definitively demonstrate a 5 year supply of housing. In this context, policies for the supply of housing are out of date and paragraph 14 of the NPPF is engaged. This requires that development is approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, subject to consideration of restrictive footnote 9 policies. Officers have applied the restrictive policies that pertain to AONB and heritage assets and have undertaken the planning balance. There is limited environmental harm in landscape and heritage terms, and some social harm in terms of residential amenity at Witney Street and the predicted lack of capacity at Burford Primary School. However, significant weight is attached to the social and economic benefit of the provision of new housing (in general terms), and in particular the required 50% affordable housing in this case. The economic benefits associated with the construction of new dwellings, and potential economic activity associated with new residents are acknowledged.
- 5.83 On balance, it is considered that the harm arising from the proposal would not significantly and demonstrably outweigh the benefits. Accordingly, it is recommended that the application is approved subject to conditions and the completion of legal agreements.

## **6 CONDITIONS**

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
- 2 Details of the scale, appearance, landscaping and layout (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
REASON: The application is not accompanied by such details.

- 3 The development shall be carried out in accordance with: plan 1004 Rev 01 (site location plan); access plans 160324-24 Rev G, 160324-25 Rev D, 160324-TK04 Rev B, 160324-TK05 Rev B, and 160324-SK07. The height of buildings shall not exceed two storey.  
REASON: For the avoidance of doubt as to what is permitted.
- 4 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation the means of access shall be constructed and retained in accordance with the approved details.  
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
- 5 Vehicular access onto Barns Lane shall be limited to access for a maximum of 10 (ten) dwellings. In the event of an emergency only, access for emergency service vehicles can be facilitated into the remainder of the site. There shall be no vehicular through route in either direction between Witney Street and Barns Lane.  
REASON: In the interest of highway safety and safeguarding the character and appearance of the area
- 6 No development shall take place until details and the timing of implementation of the walking routes between the site and Barns Lane, between the site and Witney Street (to include a continuous pedestrian link between both accesses), and between the site and Wysdom Way have been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation, the footways shall have been constructed in accordance with the approved details and timescales and retained thereafter.  
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
- 7 Prior to first occupation of the development, the consultation process and implementation of the Traffic Regulation Order for a new 40mph speed limit no less than 50 metres to the east of the Witney Street access shall have commenced.  
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
- 8 No development including works of site clearance and site preparation shall take place until a Construction Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). This plan is to include a routeing agreement for construction related traffic to access the entire site via A40 and Witney Street only. The approved plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the CTMP approved. The plan shall include:
- 1) The CTMP must be appropriately titled, include the site plan and planning permission number.
  - 2) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - 3) Details of and approval of any road closures needed during construction.
  - 4) Details of and approval of any traffic management needed during construction.
  - 5) Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.

- 6) Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- 7) The erection and maintenance of security hoarding / scaffolding if required.
- 8) A regime to inspect and maintain all signing, barriers etc.
- 9) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- 10) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- 11) Details of parking for site operatives and details of how operatives will be transported to/from site in relation to off-site park and ride arrangements
- 12) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- 13) Prior to commencement a highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111.
- 14) Local residents to be kept informed of significant deliveries and liaised with throughout the project. Contact details for person with whom issues should be raised in first instance to be provided and a record of incidents or issues kept, together with how they have been resolved.
- 15) Any temporary access arrangements to be submitted to and approved in writing by Highways Depot.
- 16) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

REASON: In the interests of highway safety and amenity.

- 9 No development, including any works of site clearance or site preparation, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
  - 1) The parking of vehicles for site operatives and visitors.
  - 2) The loading and unloading of plant and materials.
  - 3) The storage of plant and materials used in constructing the development.
  - 4) The erection and maintenance of security hoarding including decorative displays.
  - 5) Wheel washing facilities.
  - 6) Measures to control the emission of dust and dirt during construction.
  - 7) A scheme for recycling/disposing of waste resulting from demolition and construction works.
  - 8) Working hours for the operation of the site.

REASON: In the interests of highway safety and amenity.

- 10 Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

REASON: In order to maximise use of sustainable transport.

- 11 Prior to commencement of the development, including any site clearance and preparatory works, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

12 Following the approval of the Written Scheme of Investigation referred to in condition 11, and prior to commencement of the development, including any site clearance and preparatory works (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

13 No development shall commence until details of any necessary noise attenuation measures have been submitted to and approved in writing by the local planning authority. Measures shall be identified for any dwelling affected by noise such that it would not conform with the desirable daytime and night time levels set out in BS8233/2014 of internal noise levels in living rooms of 35dB LAeq 16-hour (0700 to 2300hrs) and in bedrooms of 30 dB LAeq 8-hour (2300 - 0700hrs). No dwelling shall be occupied until any measures relevant to it have been carried out as approved. Such measures shall be retained thereafter.

REASON: In the interests of residential amenity.

- 14
- 1) No development shall take place until a report detailing the findings of the groundwater monitoring rounds, including recommendations, have been submitted to and approved by the LPA. If potential pollutant linkages are identified, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.
  - 2) The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

15 No development, including site clearance and site preparation, shall commence until a tree protection plan has been submitted to and approved in writing by the local planning authority. The plan shall be generally in accordance with the findings of "Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement" by the Landscape Partnership dated February 2017 including retention of trees in accordance with the schedule and plans therein. The approved tree protection plan shall be adhered to throughout the construction period. No work including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure features that contribute to the character of the area are protected.

- 16 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 17 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbps). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.  
REASON: In the interest of improving connectivity in the District.  
NB Council will be able to advise developers of known network operators in the area.
- 18 The development shall be completed in accordance with the recommendations in Section 5 of the Ecological Assessment dated February 2017 prepared by The Landscape Partnership. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.  
REASON: To ensure that nesting birds, foraging/commuting bats, hedgehogs and scrub habitat are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 19 No development shall take place until a landscaping scheme has been submitted and approved by the Local Planning Authority, including the incorporation of biodiversity enhancements as recommended in the Ecological Assessment February 2017 by The Landscape Partnership and additional habitat creation to create wildlife corridors through the site, and a 5-year maintenance plan. The scheme shall incorporate the planting of native trees to become new standards of appropriate species and at appropriate locations.  
The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved.  
If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.  
REASON: To enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 20 Before development takes place, details of the provision of bat roosting features and nesting opportunities for House martin, House sparrow, Starling, Swift and Swallow into the new buildings and boxes in trees shall be submitted to the local planning authority for approval, including a drawing showing the locations and types of features. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently maintained.  
 REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011 and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 21 Prior to occupation, a "lighting design strategy for biodiversity" [and in particular for foraging/commuting bats] shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- i. identify those areas/features on site that are particularly sensitive for bats and bat roosts; and
  - ii. show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.  
 REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 11), policy NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 22 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- i. Risk assessment of potentially damaging construction activities;
  - ii. Identification of 'biodiversity protection zones';
  - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
  - v. The times during construction when specialists ecologists need to be present on site to oversee works;
  - vi. Responsible persons and lines of communication;
  - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
  - viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
  - ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a professional ecologist certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that protected and priority species (hedgehogs, nesting birds) and scrub are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 23 A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
  - ii. Landscape and ecological trends and constraints on site that might influence management;
  - iii. Aims and objectives of management;
  - iv. Appropriate management options for achieving aims and objectives;
  - v. Prescriptions for management actions;
  - vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
  - vii. Details of the body or organisation responsible for implementation of the plan;
  - viii. Ongoing monitoring and remedial measures;
  - ix. Timeframe for reviewing the plan; and
  - x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 24 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site

shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 25 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- 1) Discharge Rates
  - 2) Discharge Volumes
  - 3) Maintenance and management of SUDS features (inc contact details of any management company)
  - 4) Sizing of features - attenuation volume
  - 5) Infiltration in accordance with BRE365
  - 6) Detailed drainage layout with pipe numbers
  - 7) SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
  - 8) Network drainage calculations
  - 9) Phasing
  - 10) Easements will be required to enable continued access to attenuation areas including underground storage.
  - 11) Details of how the storage tanks will be cleaned must be provided.
  - 12) Residents and OCC should be provided with a maintenance plan for the surface water systems.

REASON: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property, and to comply with Government guidance contained within the NPPF.

- 26 The reserved matters shall provide for a substantial landscaped buffer on the northern edge of the site no less than 15m deep measured from the northern boundary of the site, and a structure planted landscape buffer no less than 30m deep at the eastern edge of the site incorporating the existing eastern field boundary and extending into land in the same ownership adjoining the red line site area to the east. In addition the reserved matters details shall include substantial areas of open space and planting within the development having particular regard to the effect of development on important views.

REASON: To ensure that the impact on the landscape is appropriately mitigated and to ensure that the development satisfactorily assimilates into the locality.

#### NOTES TO APPLICANT

- I Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a

public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

#### Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Thames Water recommend the following informative be attached to any planning permission:

There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact

Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

#### Supplementary Comments

WASTE - Thames Water have concerns with the proposed foul water drainage plan for this development site. The foul water flows from this site is likely to lead to hydraulic overloading of the receiving sewer (Manhole ref.2906) and increase the flooding risk in the area. We recommend that the developer fund an impact study to ascertain with a greater degree of certainty the impact of this development and any upgrade work required.

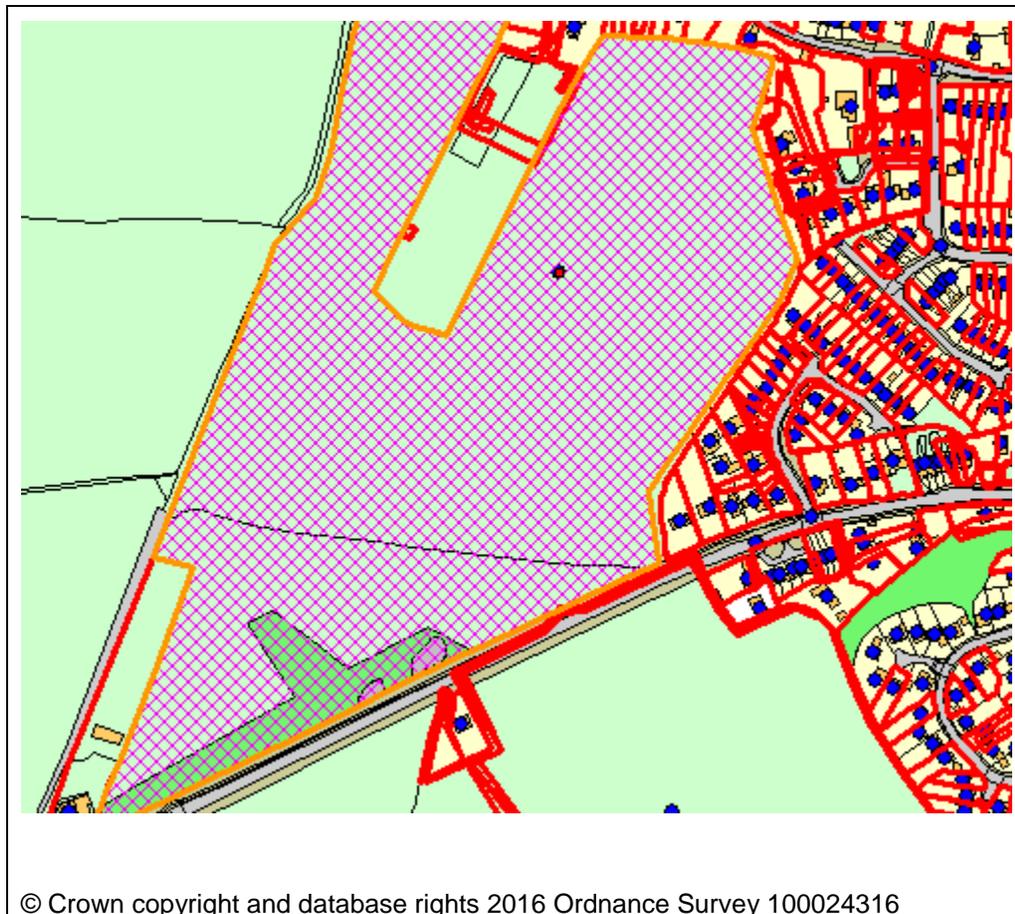
With regards to surface water run-off from this site, Thames Water have no concerns with the proposal to manage this by onsite infiltration.

- 2 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865 815700 or email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)  
Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access and off site works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team
- 3 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. Further information can be found at the West Oxfordshire District Council

website: <http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)

Application Number	17/01082/OUT
Site Address	Land North Of Witney Road Long Hanborough Oxfordshire
Date	23rd November 2017
Officer	Hannah Wiseman
Officer Recommendations	Approve subject to Legal Agreement
Parish	Hanborough Parish Council
Grid Reference	441171 E 214342 N
Committee Date	6th December 2017

### Location Map



### Application Details:

Erection of up to 170 dwellings with access from Witney Road, open space and associated works (Amended Plans)

## **Applicant Details:**

Pye Homes  
Langford Locks  
Kidlington  
OX5 1HZ

## **I CONSULTATIONS**

### **I.1 WODC Planning Policy Manager**

The Council's Planning Policy Manager has commented on the application. The full response can be viewed online however the summary of that response states;

This is a sensitive greenfield site and the application proposal requires careful consideration. Whilst Long Hanborough is a designated rural service centre it is one of the less well-performing service centres in terms of available services and facilities. This site is also relatively distant from those services and facilities and is not within walking distance of Hanborough Station.

There is currently a degree of uncertainty regarding the Council's ability to demonstrate a 5-year housing land supply and at the present time, it can be reasonably argued that the provision of c.160 houses would make a significant contribution towards meeting identified housing needs including affordable housing.

Cumulative impact is a particularly important consideration for development at Long Hanborough and whilst this application must be treated on its merits, regard must also be had to the fact that a large number of new homes are already committed/allocated in the locality.

This is of particular importance in terms of impact on infrastructure, traffic on the A4095 and also potentially harmful changes to the character and scale of the village.

### **I.2 Parish Council**

In respect of the revised details Hanborough Parish Council have submitted the following summary;

In conclusion, HPC contends that the planning balance, in respect of application 17/01082/OUT, remains overwhelmingly negative. To recap:

1. Reduction of the number of dwellings is slight (9) and not a certainty.
2. Adverse impact on the Conservation Area remains direct, by accident or design.
3. The development would detract from the AONB and breach the village boundary rather than rounding it off in the accepted sense used in planning policy.
4. Traffic generated by the development (and indeed "street activity" by development residents) would exacerbate traffic congestion and its knock-on effects (pollution, delay etc.) to such an extent as to cause a severe impact on our

environment, our social fabric and our local (as well as wider) business economy.

5. A preponderance of smaller dwellings would result in difficult to manage repercussions for our primary school and, at the other end of the age scale, might also add to our already large proportion of elderly residents.
6. The outline of the development site protrudes from the existing settlement and has no natural relationship to its historic boundary; the applicant has failed to produce a layout capable of "creating a transition from the settlement of Long Hanborough to the fields to the west."
7. The application is as low as before on benefits and is still heavily weighted with the harmful and unsustainable features discussed in relation to the previous version.

We hope that, together with our 14th June submission, this response will help persuade Uplands Planning Committee to refuse planning permission for 17/01082/OUT.

I.3 WODC - Sports

Should this proposal be granted planning permission then the Council would require a contribution towards sport, recreation and play facilities.

Contributions

£1,156 x 170 = £196,520 off site contribution towards sport/recreation facilities within the catchment. This is index-linked to second quarter 2016 using the BCIS All in Tender Price Index published by RICS.

£139,916 for the provision and maintenance of an on-site LEAP. This is index-linked to first quarter 2014 using the BCIS All in Tender Price Index published by RICS.

I.4 Historic England

No detailed comments to offer- seek own advice.

I.5 Major Planning Applications Team

Transport

No objections subject to the suggested conditions.

Detailed comments;

The county council no longer objects to the development subject to the use of planning conditions and legal agreements set out in the original response (see below).

Engineering (all amendments and clarifications shown on DTA drawing number 17324-01 Rev E)

Site access - visibility splays now shown fully (and how the dimensions have been arrived at); footway/cycleway across the access now shown satisfactorily; tracking of the appropriate refuse wagon has now been shown.

Pedestrian connection to A4095 - an additional connection to the A4095 for pedestrians and cyclists has now been shown to the west of the main site access. A route to this connection from the dwellings should be secured through the S106 agreement.

#### Drainage

A revised drainage strategy ICS2269.07.013 Rev C has been submitted in response to the county council's comments on drainage. As a result, this is now no longer a reason for objection.

#### Traffic impact

I am satisfied with the revision to the future testing year for traffic modelling, the additional traffic from locally committed developments and the revised trip rate for the proposed development. However, I still do not agree that the (revised) ARCADY modelling presented in the TAA adequately describes the existing congestion problem that drivers on the A4095 experience on a regular basis as they travel through the village eastbound in the morning peak and westbound in the evening peak. As such, it is still not possible to have sufficient confidence in the predictions that the ARCADY modelling makes about the future worsening of traffic conditions on the A4095 as a consequence of the development traffic when it is added to existing traffic plus background growth and traffic from already (recently) permitted local developments.

Having said that, the TAA does include journey time data for vehicles travelling along the A4095 on two term time days in June this year (21st and 22nd). This shows that drivers currently experience delays through Hanborough greater than the ARCADY results suggest. And whilst background traffic growth and traffic from committed development will add to this existing delay in the future, there is clearly a degree of variability associated with this delay - not only within the peak periods but also from one day to the next. Outside of term times, delays are almost certainly generally less significant.

I do not accept the basic statement in the TAA at paragraph 5.15 that traffic from the proposed development will not disrupt flows along the A4095. However, I have revisited the updated traffic flow predictions in the TAA and also the number of new car journeys predicted to be generated by the proposed development that would have the potential to disrupt mainline flow or at the very least simply join the queues in the morning and evening peaks.

If approved, the development is predicted to add 27 vehicles to the eastbound queue in the morning peak hour and 22 vehicles to the westbound queue in the evening peak hour. 27 vehicles would be 2.5% of the total eastbound traffic in the morning peak (base flow plus

background growth and traffic from committed development). 22 would be 2.0% of the total westbound traffic in the evening peak. Spread out throughout the peak hours, the number of new vehicles from the development on the A4095 at any time will be small. In fact, this additional traffic from the development represents about one vehicle every 2 and 3 minutes in the morning and evening peaks respectively.

As such, I do not believe that this new development traffic would generally add any more than only a very small amount of delay. Certainly, in the either of the morning or evening queues, it is unlikely that there will be many times when there are more than 2 or 3 cars from the development in the same queue. On reflection therefore, I do not think that the impact of the level of traffic generated by this development could be considered severe harm. Accordingly, the county council no longer objects to this proposal for development.

I do not agree with the suggestion in the TAA that amending the speed hump crossing to the west of Riely Close would help address traffic delay through Hanborough. In any case, the speed hump is an important aspect of the crossing that helps make walking journeys to destinations such as the school and post office attractive.

#### Education

No objection subject to:

S106 Contributions as summarised in the tables below and justified in this Schedule.

Hanborough Manor CE Primary School currently operates as 1fe and, other than in the oldest year group, is full or nearly full. It has recently been oversubscribed (from within catchment) at Reception age.

Due to the permitted and planned housing growth in Hanborough, a capital project has been commissioned to expand the school to 1.5 form entry. The school is on an under-sized site, but a detached playing field has been secured through a s106 agreement to supplement the school's area. Local discussions are underway into possible land swap arrangements to achieve a better site area solution for the school. In addition, relocation of the pre-school currently on the school site is planned to free up space for the school's expansion.

The school has confirmed that it could expand further to 2 form entry if required as a result of local population growth. The development proposed in this application would be related to this later phase of expansion, i.e. from 1.5 form entry to 2 form entry, and should contribute proportionately towards the cost of that project.

## Archaeology

Further information requested from the applicant

The application site is within an area of considerable archaeological potential.

The applicant has submitted a geophysical survey of the application area that has revealed a number of archaeological anomalies that require further investigation

We have requested that a predetermination archaeological evaluation is undertaken in line with the NPPF to provide information upon which an appropriate mitigation strategy can be based. This is in line with paragraph 12.7 of the Environmental Statement

- |     |                |  |
|-----|----------------|--|
| I.6 | WODC - Arts    | No objections subject to financial contribution to the Public art.                             |
| I.7 | Wildlife Trust | No Comment Received.   |
| I.8 | WODC Architect | No objections subject to certain conditions and requirements set out in the detailed response. |

On revised scheme;  
This proposal is much improved. I note:

The development is now pulled well back from the boundary of the conservation area adjacent to Millwood End - and I think that views of the new development from within the conservation area will be minimal. I think that the country lane character of the western part of Millwood End will now be largely preserved.

The projection to the west has been cut back - it would still benefit from further rounding back I think, but it is no more obtrusive than the approved development to the south.

The development has been set well back from the road, and whilst the new access will still represent a significant gap in the green boundary, I don't think that the western approach into the settlement will be greatly urbanised. And again, the impact is likely to be much less than that of the approved development to the south.

So, bearing this in mind, and also bearing in mind that the general form and density chime pretty well with the existing development to the east and the approved development to the south, this now looks to be supportable, from our point of view.

- |     |                    |  |
|-----|--------------------|--|
| I.9 | Environment Agency | We have assessed this application as having a low environmental risk. We therefore have no comments to make. |
|-----|--------------------|--|

I.10	Biodiversity Officer	No Comment Received.
I.11	ERS Env Health - Uplands	Mr ERS Pollution Consultation No objection subject to condition regarding noise criteria.
I.12	WODC Housing Enabler	<p>I have had the opportunity to review the Council housing waiting system, known as Homeseeker Plus.</p> <p>I can confirm that as of today 138 households qualify for affordable housing in Long Hanborough.</p> <p>To meet this need and to be policy compliant the Council will seek the following mix and tenure split;</p> <p>50% affordable housing overall, of which;  65% will be for singles, couples, smaller families, older persons and those requiring level access accommodation  35% will be for larger families, principally 4 persons and above with a very limited number of 4 bedroom homes</p> <p>A ratio of 2 : 1 affordable rent to shared ownership, to meet the overwhelming need for affordable rented homes</p> <p>If the development delivers affordable housing as per the policy compliant mix above, then the application is supportable in affordable housing terms.</p>
I.13	WODC Landscape And Forestry Officer	<p>There are some positive outcomes in the revised scheme when compared to the original one but some of the more interesting ideas have been lost as a result of the compression of the developed area into a rather uninspiring block with typical housing estate characteristics.</p> <p>If some development is to be carried out here there is more that could be done to truly integrate it into its context.</p> <p>There are some interesting points raised and illustrated in the Design Narrative which, if followed through into the illustrative layout, would make a big difference and help achieve some of higher design aspirations alluded to in the assessment work. It is disappointing to see that some of the concepts illustrated in Section 3 have become so diluted that they are barely perceptible in the finished product. As a result of this aspects put forward as 'benefits' are rather overstated.</p>
I.14	Natural England	No Comment Received.
I.15	WODC - Sports	No objections
I.16	Thames Water	<p>Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.</p> <p>The existing water supply infrastructure has insufficient capacity to</p>

meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

WASTE - Thames Water have assessed this development site and reviewed the drainage strategy "FLOOD RISK ASSESSMENT AND DRAINAGE STATEMENT - ICS2269.07.01 | REV. A" and advise that we have no objection to the planning application. (Foul water to be discharged to the public sewer on Witney Road am manhole ref. 2101 and surface water run-off to be managed by onsite infiltration.)

- |      |                                   |  |
|------|-----------------------------------|--|
| 1.17 | WODC Env Services - Waste Officer | No Comment Received.   |
| 1.18 | Adjacent Parish Council           | Object to the proposal and its revised form, with a summary;<br><br>Freeland Parish Council Object most strongly to the planning application that has been submitted for this development and do not feel that the concerns raised has been mitigated from the solutions offered by Pye's. We request that all of the above concerns raised area taken into account when determining this application. |
| 1.19 | Parish Council                    | The Parish Council have considered the amended design and still object to the proposal as set out in the original response as set out in full.   |

## **2 REPRESENTATIONS**

- 2.1 There has been a total of 154 objections received in relation to this application, and the revised proposal. Those grounds of objections are summarised below;

### Principle of Development

Planning consent has been given for several developments in the surrounding area; there is not an immediate need for the proposed development.

Scale of the development is out of character and disproportionate with the area.

Fears of urban sprawl and merging with Freeland.

The necessary infrastructure to cope with the increased pressure doesn't exist.

The houses aren't affordable for low income households/first-time buyers.

There are other sites available in the District with a better capacity to accommodate developments of this scale.

Long Hanborough has deemed to have already contributed a substantial number of new dwellings to the housing shortage.  
Separating applications for Land South and Land North of A4095 is viewed as a way of avoiding EIA required for larger developments on the developer's part.  
The site is not an allocated area in the Draft Local Plan.  
SHLAA (2014) Assessment deemed the site unsuitable.

#### Conservation Area and landscape

The proposal will cause damage to the Millwood End Conservation Area.  
The proposal is deemed an incursion into the Conservation Area and countryside.  
Loss of fertile and productive agricultural land and open countryside.  
Significant reduction of green space around the village.

#### Highways

Increased traffic along A4095 through Long Hanborough.  
A4095 is over capacity (According to OCC Traffic Analysis), already subject to traffic congestion.  
Residents of the new development will be dependent on private car ownership.  
Bus services which have been reduced will not be able to cope with increased pressures.  
Potential of single track roads surrounding Long Hanborough becoming rat runs in times of traffic congestion.

#### Residential amenity

Strain on local services and infrastructure (buses, railways, schools, shops, doctor's surgery, parking, sewerage, extra-curricular activities), with existing problems not being addressed/upgraded by the proposal.  
Potential issues of new dwellings overlooking into existing dwellings and resulting in a loss of privacy.  
An application for a new doctor's surgery has not been submitted/not comprehensively thought through.  
Loss of recreational spaces and footpaths.

#### Other matters

Pye Homes have produced contradicting reports concerning the capacity to which the A4095 is operating at.  
Biodiversity will be adversely impacted.  
Local residents are aware that certain areas of the site are vulnerable to flood risk.  
Increased pollution levels due to increased traffic which will impact human health  
Potential archaeological sites have been ignored.  
Further large-scale development in Long Hanborough will turn it into a dormitory settlement for Oxford.

- 2.2 The Campaign to protect Rural England objects to the proposal on the following grounds, they note that the revised plans do not alter their original views.

The proximity of the site to the AONB and Conservation Area. Therefore, the development will adversely affect the historic, landscape and rural character of the area.

The effect on the public right of way crossing the site.

The fact that a large proportion of the site is arable land. We need to grow more food (not less) in the UK to be more self-sufficient than we are currently.

The fact that the site is not an allocation in the Draft Local Plan. It is detrimental for the extremely high housing target to be exceeded. Growth of 40% in 20 years is planned in the District, which is already unprecedented and unsustainable. There are allocations to cover this level of growth already, so further large permissions are not needed.

### **3 APPLICANT'S CASE**

- 3.1 The applicant has provided a suite of supporting information with the application including a design and access statement and a planning statement. These documents can be read in full on the Councils' website however for the purposes of this report the conclusions of the submitted planning statement are copied below.

“The development submitted to the Local Planning Authority for a development of up to 170 new homes, including 85 (50%) affordable dwellings, will meet a clearly identified need for additional homes within the District. The evidence to support this is clearly presented and supported. The site is available, developable and deliverable and presents the Local Planning Authority with a clear opportunity to address their current and future housing shortfall.

- 3.2 The issues surrounding the need to consider this application against paragraph 14 of the NPPF are discussed in detail throughout this document. The application is submitted on the basis that the Council does not have an up-to-date local plan or a 5 year supply of land for housing and therefore the Council should grant planning permission without delay unless:
- 3.4 Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework (NPPF) taken as a whole; or
- 3.5 Specific policies in the Framework indicate development should be restricted.
- 3.6 The information contained within this Planning Statement and the application as a whole demonstrates clearly that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposals. The development would provide much needed additional housing that meets the housing and economic policy objectives of the Government that are clearly set out within the NPPF. The 'golden thread' of sustainable development has been met by these proposals which represent a sustainable addition to Long Hanborough.”

### **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
BE5 Conservation Areas  
NE1 Safeguarding the Countryside

NE4 Cotswolds Area of Outstanding Natural Beauty  
 NE3 Local Landscape Character  
 NE13 Biodiversity Conservation  
 H7 Service centres  
 H2 General residential development standards  
 NE4 Cotswolds Area of Outstanding Natural Beauty  
 H11 Affordable housing on allocated and previously unidentified sites  
 OS1NEW Presumption in favour of sustainable development  
 OS2NEW Locating development in the right places  
 OS3NEW Prudent use of natural resources  
 OS4NEW High quality design  
 H6NEW Existing housing  
 H2NEW Delivery of new homes  
 H3NEW Affordable Housing  
 EH1NEW Landscape character  
 EH2NEW Biodiversity  
 EH3NEW Public realm and green infrastructure  
 EH7NEW Historic Environment  
 EH6NEW Environmental protection  
 H4NEW Type and mix of new homes  
 T4NEW Parking provision  
 T3 Public Transport Infrastructure  
 T1NEW Sustainable transport  
 TLC8 Public Rights of Way  
 T1 Traffic Generation  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The proposal is an outline application for the erection of up to 170 dwellings (including 50% affordable) on a site to the north of the Witney Road on the western edge of the village of Long Hanborough. The applicant has submitted a blue line boundary to indicate land ownership, and within this a red line to denote the development area, although only a parcel of lands within the red line is proposed to be built on. The site is relatively flat, although there is a rise to the west of the site and ‘dips’ towards the east. The application site sits within an area of land which is previously undeveloped and used for agricultural purposes, namely the growing of crops. The site is bounded to the north by the Millwood End Conservation area and to the east by the existing later 20th century residential development. To the west of the site is open countryside and a public right of way. To the south there is an extensive hedgerow and trees which abut the A4095. The illustrative layout shows where the houses would be likely to be built and indicates the development would be located toward the east of the site and fit within the existing landscaping constraints of the site. A range of supporting information has been provided with the application. It is envisaged that the buildings would be up to 2 storeys in height and range in size and type. A new access is proposed from the A4095.
- 5.2 The site lies outside the established settlement edge of Long Hanborough, the southern boundary of the site forms the northern edge of the A4095 in this location. This boundary features an established hedgerow and a tree belt. The site is visible from a public right of way which runs through the site east to west, then continues northwards to the AONB boundary to the north of the site. The site would also be visible in private views from residential properties

to the north and east, and from the few interceding public vantage points from the Conservation area.

- 5.3 The site lies just outside of the Millwood End conservation area, and approx. 35m south of the boundary of the Cotswold AONB. There are listed buildings to the north of the site which would be in fairly close proximity to the proposed development.
- 5.4 There is no relevant planning history for this site, however members will recall the recent applications (14/1234/OP) and subsequent and allowed appeal on the site to the south of the Witney Road (A4095) by the same applicants, for 169 dwellings and a doctor's surgery. The most recent application was the approval of the reserved matters under ref. 15/00578/RES, and 15/03418/FUL for 'Change of Use of Part of an Agricultural Holding to Site a Residential Caravan at The Market Garden' which was a refused and upheld on appeal (ref: APP/D3125/W/16/3144869) on the site immediately to the north west, adjacent.
- 5.5 The site was assessed in the SHELAA November 2016 and was deemed unsuitable with the summary of the findings; 'Harm to landscape setting and separate identities of village and Freeland and to setting of Conservation Area. Relatively distant from village facilities and currently insufficient capacity at primary school'.
- 5.6 The proposal is classed as EIA development due to the proposal site area exceeding 5 hectares and the potential for cumulative impacts of this development on Long Hanborough and other developments in the vicinity. As such an Environmental Statement has been submitted with the application to provide information on the likely significant environmental effects of the developer and any required mitigation measures which may be needed to make the development acceptable and sustainable.
- 5.7 The Environmental Statement covers the assessment and likely impacts on the following criteria;
- Community facilities and economic assessment
  - Transport and accessibility
  - Flood risk, Drainage and Water resources.
  - Lighting
  - Air Quality
  - Noise and vibration
  - Landscape and Visual Impacts
  - Cultural heritage
  - Ecology and Nature conservation
  - Agricultural land classification
- 5.8 The scope of the Environmental statement is considered sufficient to fully assess the likely impacts on the factors set out above. The key consultee's were advised of the amended plans and the responses were that the amendments did not raise any significant issues that would alter their original comments and that specific advice on local matters should be sought. The national Planning casework unit has not responded to the consultation. As such officers consider that this proposal is unlikely to be EIA development of national significance.
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Siting, design and form  
Landscape Impacts  
AONB  
Effect on Conservation area  
Trees, landscaping and ecology  
Highways  
Residential amenities  
Effect on Infrastructure  
Archaeology  
S 106 Matters  
Other Matters

Principle

- 5.7 Long Hanborough is classified in the Local Plan 2011 as Group C settlement (service centre). Based on the settlement sustainability, weighted assessment (Nov 2016), the village is ranked eighth of the nine service centres assessed in terms of services and facilities available.
- 5.8 The village benefits from services, including a primary school, community buildings, a train station, bus route, recreation facilities, shops and pubs.
- 5.9 Local Plan 2011 Policy H7 would not allow for the development of the application site because it involves new build housing that does not constitute infilling or rounding off. However, this policy is considered increasingly out of date.
- 5.10 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.11 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .
- 5.12 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.13 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to

approve, a large number of housing proposals. The Council is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.

- 5.14 Following consultation on the modifications to the Plan, it was submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions having taken place in July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.15 Emerging Local Plan 2031 Policy OS2 refers to the main service centres being the focus for a significant proportion of new homes. The status of Long Hanborough as a service centre is likely to remain within the EWOLP, given its provision of a train station and other facilities, it is expected the Local Plan Inspector will retain this classification. It is noted that the two allocated sites at Myrtle Farm (permitted) and Olivers Garage (current application pending decision) are made at Long Hanborough.
- 5.16 Emerging Policy H2 allows for housing development on undeveloped land within or adjoining the built up area where the proposal is necessary to meet housing needs and is consistent with a number of criteria (now expressed in OS2), and is consistent with other policies in the plan. The emerging Local Plan does not impose a ceiling on development in any given settlement or sub-area, and Officers are mindful of the Government requirement that authorities should boost significantly the supply of housing. Additionally, it is noted that there is a certain 'windfall' requirement in the proposed figures that it expected to come from other, unallocated, sites.
- 5.17 With reference to a range of policy considerations, prior to the full outcome of the examination of the EWOLP paragraph 49 of the NPPF is engaged and therefore applications must be considered in the context of paragraph 14 of the NPPF. As such the balancing of harm and benefit required under paragraph 14 of the NPPF, and the detailed merits of the proposal are assessed fully under the headings below.

#### Siting, Design and Form

- 5.18 An indicative layout had initially been provided, and this showed that a scheme of 170 dwellings could be accommodated within the site area. However, the arrangement was considered very suburban in concept and was not considered to respect or work with the sensitivities of the site and its surroundings adjacent to the conservation area and the wider AONB beyond. As such an amended layout was received reducing the overall coverage of the built form and setting the development further away from the conservation area and the public right of way.
- 5.19 The amended layout shows an intention to locate buildings set back from the Witney road, behind the existing landscaping, extending from a main road which runs northward through the site with cul de sac arrangements. The density through the site varies, and in the latest drawing indicates 155 dwellings, however in its amended form, more terraced/semi-detached and two storey forms are included. The design follows a 'layered' pattern in that the more traditional forms are to be located to the east of the site and the further it extends westward, the more

contemporary the design. Officers would suggest this approach is not particularly typical of the layout and spatial form of that found in Long Hanborough although it is similar to the design principles of the site to the south, although this is yet to be built out.

- 5.20 Officers have concerns about the overall connectivity and legibility of the proposed development. The site is to be accessed from the one access to the south of the site. There are no points of connection or links to the settlement to the east at Bolsover Close or Millwood end to the north. However the constraints of the site are such that there are no available connections to make. There is an existing right of way which extends through the site which would have development to the north, which would help link the site to the village by foot and for recreation to the countryside beyond.
- 5.21 The proposal is outline only and therefore, beyond the supporting documents in the Design and Access statement and Design Code which guides the design process, there are no street scenes or individual house types provided at this stage. The amended plans propose a development in a form which would appear to respect the constraints of the site whilst providing a significant number of smaller scale family homes, which are noted to be required within this sub area. The Councils Housing Enabling Manager has confirmed that of those who would qualify for housing in this area, 1 and 2 bed premises would be the highest in demand. The design at this outline stage is therefore, on balance, considered acceptable.

#### Landscape Impact

- 5.22 The site lies within the Lower Evenlode character area, as identified in the West Oxfordshire Landscape Assessment. The landscape type is semi-enclosed rolling vale farmland. The principal factors that potentially threaten landscape quality in this area include: intrusion from built development; and expansion of rural settlements and suburbanisation of the wider countryside.
- 5.23 The development would have a visual impact locally, in replacing open countryside with an amount of housing which would be visible in both public and private views. There is a very clear boundary formed by the settlement edge and domestic boundary treatments on the north and eastern side of the proposed development area. It is noted that as a result, the loss of those open countryside views and the rural setting to this part of the village would be altered. However, there are no rights to protection of private views, and the harm to the rural setting would have to be very much weighed in the balance against the wider public benefits arising from the scheme.
- 5.24 The proposal will involve the removal of stretches of the hedge line and trees along the south of the site to make way for the means of access and necessary engineering required to address the slight change in land levels and the provision of the bus stop lay by. It is noted that this will have an urbanising impact on this approach to the village, however, as above; this limited harm must be weighed against the wider public benefits of the scheme.
- 5.25 The amended proposals includes the enhancement and long terms management of the landscaped copse area to the south west of the site to provide ecological enhancements and a longer term protection for this part of the site. However, taking the site as a whole, trees and hedgerows would be substantially retained and development would be set back from these features, allowing appropriate tree protection measures to be employed where necessary.

- 5.26 Landscaping details for the whole of the site would need to be provided at the reserved matters stage to show tree species, size and planting density. The creation of a landscaped margin and the copse area to the site's eastern edge will be particularly important in reinforcing the separation between built form and agricultural landscape to the east. The agricultural land in this location forms a rural setting for Long Hanborough and therefore the buffering and screening are important components of the proposed scheme.
- 5.27 The applicant has provided an updated addendum to their original Landscape and visual assessment which suggests that the design amendments have led to a positive impact in terms of the landscape and visual perspective, as the development is removed from the south of the public right of way and containing the development to the east of the site within the natural 'dip' in the land will enable the glimpsed views of the spire at Church Hanborough to be maintained.

### AONB

- 5.28 The relevant Chapter of the submitted Environmental Statement concluded that the proposed development would have a negligible impact on the Cotswolds AONB to the north and that the amended scheme would not affect that conclusion. Overall, the proposal could be argued to present an opportunity to reduce any perceived landscape impacts and work towards enhancing the existing settlement edge.
- 5.29 The proposed amendments are considered to reduce the overall harmful impacts identified early on in the application process. Whilst there will undoubtedly be some landscape impact on the rural character of this part of the village, the impact on the AONB will be very limited indeed given distance the proposal is from the AONB boundary, and the containment of the development to the lower part of the site. Officers consider the impact on the 'rural' approach could be successfully mitigated against and indeed, there are opportunities to for both landscape and biodiversity enhancements which would be considered, on balance, to outweigh this harm.

### Effect on Conservation area

- 5.30 The site adjoins of the Millwood End conservation area which comprises of a number of traditional buildings, some listed, interspersed with more recent development to the east of the development site.
- 5.31 As the site adjoins the Millwood End Conservation Area, the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of this application.
- 5.31 Also, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development that may affect the setting of a listed building the council must have special regard to preserving the setting or any features of historic interest in which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of any listed buildings, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset, which varies in line with the importance of such assets. Paragraph 14 state that where a development proposed will lead to less than substantial harm, which officers

consider to be the case here, then that harm should be weighed against the public benefits of the proposal.

- 5.32 Officers consider that the application site and its rural setting forms part of the setting to the village and, thus, part of the setting of the Conservation Area. Also, the Conservation Area derives part of its significance from its setting, in this case, a setting which contributes to the rural character of the village. As such development within this setting must be assessed within the above framework.
- 5.33 There is a recent appeal decision relating to the siting of an agricultural workers dwelling on a market garden which is located just to the north west of the application site. The Inspector in this case considered the siting of a caravan in this location would be harmful to the setting and character of the conservation area, regardless of any established screening. The Inspector concluded; "... neither its pre-fabricated nature nor its location would be in keeping with the established built form of, or countryside setting to, this part of the village. Thus, the proposed development would adversely affect the setting of the Conservation Area and, as such, fail to preserve its character or appearance. Although the harm caused to the significance of the Conservation Area would be less than substantial, following paragraph 134 of the Framework, no wider public benefits have been advanced to weigh against this."
- 5.34 With reference to the Inspectors summary, officers consider this proposal would also cause a less than substantial harm on the setting of the conservation area, due to it being set away and screened from the Millwood End Conservation area. There are limited public view points from within the Conservation Area where the proposal would be highly visible, as the Conservation area itself is well contained and the proposed development is set away and will be lower lying than the immediate public vantage points. In this case, there are wider public benefits coming forward from the application in terms of 50% affordable housing provision and other financial contributions to facilities for the local community. When taking this in the balance, the less than substantial harm is considered to be outweighed by the wider public benefits arising from the proposal.

#### Trees, landscaping and ecology

- 5.35 The illustrative site plan indicates that the development would be set away from the conservation area and the south side of the public right of way. The Councils Landscape Officer considers the amendments are an improvement on the initial plans received, and that there is scope for well managed and meaningful landscape scheme being implemented; however much further detail would be required in order to appreciate the full vision of this.
- 5.36 An Arboricultural Impact Assessment has been submitted with the application which lists the condition of the identified trees on site and the proposed mitigation and protection measures for the species indicated for retention. As detailed further above in this report, the proposal has the opportunity for not only mitigation but enhancement for wider landscaped areas and the protection of existing species. As such officers consider that with suitable conditions and further details of long term management and enhancement at the reserved matters stage, the long term maintenance of the trees and landscaping on site can be achieved.
- 5.37 The submitted ecological report was considered by the Council's Biodiversity Officer and no objection is raised subject to conditions. The parts of the site to be directly affected by the development have limited ecological value at present and other land within the blue edged area

could be managed and maintained to enhance biodiversity, which has been included and further developed within the amended revisions. However it is noted that further details in relation to maintenance, enhancements and on-going management are required. A number of detailed conditions are recommended in this regard. These would include a Construction Environmental Management Plan and Landscape and an Ecology Management Plan. As such there are no technical objections to the proposal in terms of tree and landscape management, or impacts on ecology.

### Highways

5.38 Access would be taken from the A4095 by way of one estate road. The site is located within a reasonable walking and cycling distance of the village facilities, although convenient pedestrian and cycle access has not been fully demonstrated with regard to the connectivity to the north and west. The applicants have indicated that this is not possible due to the arrangement of built form and private properties which bound the site at these points. A further pedestrian footway is proposed from the rear of the proposed bus stop to join up with the existing right of way that runs east to west through the site.

5.39 It is noted that as result of a number of housing proposals in Long Hanborough (and wider afield) there is a growing body of evidence that the junction of the A4095 and Church Road is over capacity. A great many objectors to this application refer to concerns about traffic volumes, congestion, and highway safety as being one of the main concerns regarding the proposal and an indication of its overall unsustainability. Officers note this is a key and material consideration to this application, given that the other matters such as impact on landscape, design, conservation area and biodiversity are considered to be addressed by the amended scheme, or are capable of being mitigated against at reserved matters stage or by detailed conditions.

5.40 In their initial comments on transport, OCC objected on the following grounds:

“The main concern is the operation of the A4095/Church Road mini roundabout. The ARCADY modelling does not give a realistic picture of how the junction operates now. As such, it is not possible to have confidence in the outputs of the model in the future year when background traffic growth, committed development and the development itself has been factored in. More work is needed to resolve this.

There are other aspects of the detailed modelling that need to be resolved e.g. I do not agree with the future year that has been used for future testing, some committed developments are not included in future modelling scenarios, the junction has been modelled in ARCADY as a standard roundabout rather than the mini roundabout.

The site access drawing does not show the required visibility splays. Additionally, clarity is needed on how the dimensions stated in the Transport Assessment have been arrived at – according to the results of speed surveys carried out for this purpose. The site access design has not been tracked for large vehicles that are likely to use it including an 11.4m long refuse wagon. As such we cannot tell if the site will have safe and suitable access according to the National Planning Policy Framework (NPPF).

In the absence of an acceptable Flood Risk Assessment (FRA) the applicant has not demonstrated that the proposed SUDS features are appropriately sized to manage surface water

flood risk onsite for all storm events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change. Consequently the attenuation will not be able to cope with increased volumes, leading to increasing flood risk elsewhere. This is contrary to Paragraph 103 of the NPPF.”

- 5.41 However, subsequently, the applicant has been in discussion with OCC and has recently submitted further information that seeks to address these matters and a revised consultation response has been received. The revised details submitted are considered acceptable in terms of highway safety for the provision of sufficient visibility splays and vehicle tracking, subject to S106 agreements for the route connection to the A4095. The revised drainage strategy is also now considered acceptable and no longer remains a reason for objection.
- 5.42 The potential traffic impact of the proposed development has been re-assessed in line with the future testing year for traffic modelling, the additional traffic from locally committed developments and the revised trip rate from this proposed development. The detailed comments from Oxfordshire County Council detail that whilst OCC does not agree that the revised ARCADY modelling presented within the Transport Assessment Addendum accurately represent the current situation, and therefore casts doubt over the predications, the TAA does include journey time data from a survey undertaken on term time days in June this year.
- 5.43 From that data it is noted that there is a degree of variability associated with the delays in journey time, not just within the peak periods but from one day to the next. Having revisited the data regarding the traffic flow predictions it appears that if approved, the development would add 27 vehicles to the eastbound queue in the morning and 22 vehicles to the westbound queue in the evenings. When these figures are spread out as a percentage over the peak period, it has been assessed that the additional traffic from the proposed development would represent one additional vehicle very 2-3 minutes in the morning and evening peak times respectively.
- 5.44 As such the conclusion from OCC is that the proposed development would not add any more than a very small amount of delay; it is suggested that in the morning or evening queues it is unlikely that there would be any more than 2-3 cars from the development in same queue at the same time. This impact is not considered ‘severe’ and therefore the County Council no longer objects to the proposal, subject to the condition suggested in the original representation.
- 5.45 Whilst officers note this response does not address the existing congestion on the A4095, especially at the Church Road roundabout, the lack of a formal objection from the County Council on the grounds of highway safety or traffic impact would make it difficult to demonstrate that the addition impact would, taken in the round including committed development, contribute to make an already unsatisfactory situation, materially worse. In the balancing requirements of paragraph 14 of the NPPF, the highways impacts are not considered to be demonstrably harmful to warrant the refusal of the application on the grounds of highway safety given the lack of an OCC Highways objection.
- 5.46 In the future there are commitments to improving the A40 and the provision of park and ride facilities as part of wider infrastructure projects. The recent works at the A40 Wolvercote roundabout are reported to have already had an impact on the delay times on the A40. As such it is likely that in time the impact of the A4095 will lessen when such improvements have been made. Section 106 contributions are sought towards public transport improvements, an additional bus stop is being provided (consented as part of the scheme allowed on appeal south of the Witney Road) and an additional pedestrian and cycle connection from the site to the

A4095 are proposed to encourage more sustainable means of travel. These are considered to contribute to the wider public benefits of the proposal.

#### Residential Amenities

- 5.47 It is possible that 170 units could be accommodated on the site and there is no reason to believe that suitable interface distances and relationships as regards adequate light could not be provided in respect of the application site itself, given the indicative layout provided. These matters would be fully assessed and taken account of at reserved matters stage. There is also no reason to believe that existing properties to the north and east would be materially affected in terms of overlooking or loss of light as a result of the siting of the proposed dwellings. However, the outlook from some properties in particular, would be affected in terms of the loss of an attractive view, but effect on a private view is not material to this assessment.
- 5.48 It is acknowledged that short term effects can be experienced during the construction phase, such as construction vehicle movements, noise from construction activities, and pollution such as dust. However, such impacts arising could be ameliorated through compliance with a construction management plan. The tranquillity of the area would undoubtedly be affected by a development of this scale on a site in the countryside and this has a bearing in terms of public amenity and experience of the rural environment by walkers etc.. However, in terms of private amenity it is not possible to say that the development would impact on existing residents in a materially harmful way as regards noise and disturbance. It is likely that suitable boundary treatments and planting would perform a function as acoustic barriers to nearby residents. A certain level of activity is already experienced by existing residents in terms of the layout, density and relationship of existing housing to each other and individual proximity to the highway (those on the Witney Road).

#### Effect on Infrastructure

- 5.49 A very large number of objectors have referred to strain on infrastructure and services in the village arising from disproportionate growth of new housing. Given the now permitted and planned level of development there will undoubtedly be greater demand for all sorts of services and facilities and an adjustment to a larger resident population will be necessary. However, particular concern is raised regarding the capacity at the primary school and doctors' surgery.
- 5.50 Oxfordshire County Council notes that the Primary school currently operates as 1 form entry and is full or nearly full. Due to the permitted and planned housing growth in Hanborough, a capital project has been commissioned to expand the school to 1.5 form entry. The school is on an under-sized site, but a detached playing field has been secured through a s106 agreement to supplement the school's area. Local discussions are underway into possible land swap arrangements to achieve a better site area solution for the school. In addition, relocation of the pre-school currently on the school site is planned to free up space for the school's expansion.
- 5.51 The school has confirmed that it could expand further to 2 form entry if required as a result of local population growth. The development proposed in this application would be related to this later phase of expansion, i.e. from 1.5 form entry to 2 form entry, and should contribute proportionately towards the cost of that project. This has been calculated at a cost per pupil place.

- 5.52 In addition contributions would be required towards secondary and early years education, again worked out on a cost per pupil place.
- 5.53 As part of the permitted scheme (allowed on appeal) at Witney Road (14/1234/P/OP) it is intended that a new doctors' surgery will be provided to allow relocation of the current surgery from its existing site. The reserved matters application for this has recently been approved under delegated powers. However it is accepted that in the short term the surgery is oversubscribed and on a site that is no longer appropriate. However, there is no evidence to suggest that the new facility would be inadequate to cater for envisaged demand. Given that a reserved matters application has recently been approved on the Witney Road site, it is likely that scheme will be implemented in advance of this proposal being built out.

#### Archaeology

- 5.54 The applicant has submitted an archaeological desk based assessment and a report of a geophysical survey of the application site. The geophysical survey has identified a number of anomalies, including an enclosure and a number of infilled pits. The County's Archaeologist has commented that those features do appear at this stage to have some similarities with the archaeological features that were revealed by evaluation and subject to further investigation on the site immediately south of the Witney Road by the same applicants. These were not identified by the geophysical survey but by the subsequent evaluation. As such it has been suggested that initially a geophysical survey of the application area should be undertaken, to be followed by a programme archaeological evaluation (trenching) to test the veracity of the geophysics.
- 5.55 The relevant section of the Environmental Statement, at paragraph 12.7 states that an evaluation will be undertaken at the reserved matters stage. The County Archaeologist is seeking this to be a pre determination evaluation. Officers suggest this can be satisfactorily addressed by the imposition of a suitably worded 'Grampian' style condition seeking the evaluation to be done prior to commencement of any development on site, as was the case on the site south of the Witney Road as determined by the appointed Planning Inspector. However, members may consider that the potential finds of the evaluation may be determinant to development on this site and therefore consider the evaluation should be pre determination. If that is the case, officers would suggest a recommendation of deferred approval, subject to the full assessment of the resultant field evaluation being subject to assessment and agreement with the County Archaeologist, before the decision is issued.

#### SI06 matters

- 5.56 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.
- 5.57 Various on and off site contributions have been sought, as set out in the consultee responses. The applicant has confirmed they are willing to enter any required Section 106 agreement with subsequent head of terms to be agreed. Those contributions are set out below;

#### OCC Education

Nursery contribution- £58,371

Primary contribution - £620,536  
Secondary contribution- £675,686

#### OCC Highways

Section 278 agreement to secure new site access junction on to A4095 and connections to the planned bus stop as part of the development opposite the other side of the A4095.

S106 agreement to secure;

Highways works as above  
£170,000 towards public transport service improvements  
£10,000 contribution to public right of way improvements  
£1,240 contribution towards the monitoring of a residential travel plan

#### Public Art

An allocation of £17,850 towards public art to enhance onsite public spaces and infrastructure by introducing unique features to aid orientation and create engaging places for people/residents to meet and interact, socialise and keep healthy.

#### Leisure Facilities

##### Contributions

£1,156 x 170 = £196,520 off site contribution towards sport/recreation facilities within the catchment. This is index-linked to second quarter 2016 using the BCIS All in Tender Price Index published by RICS.

£139,916 for the provision and maintenance of an on-site LEAP. This is index-linked to first quarter 2014 using the BCIS All in Tender Price Index published by RICS.

#### Other matters

- 5.58 The Councils Environmental health team have raised no objections to the proposal in terms of noise or pollution, subject to the imposition of the suggested conditions.
- 5.59 The application has been supported by an Agricultural land use classification report. This concludes that 81.25% of the site area (whole of the red line, not just the area proposed for development) is grade 2 agricultural land, therefore is classed as land capable of producing a wide range of crops. 11.18% of the site is classed a 3, subgrade b and the remained is non agricultural as it is classed as woodland. The loss of grade 2 and subgrade 3b land will not have a significant effect on either regional or national agricultural production, given the relatively small area affected.

#### Conclusion

- 5.60 The site is located immediately adjacent to the village of Long Hanborough, which provides a range of amenities and is considered a suitable location for some new development. This is recognised in policy OS2 of the emerging Local Plan, and two specific site allocations are made.

Two major appeal decisions have also been allowed in the village. The proposal has undergone amendments and the scheme has reduced in size and form in such that it has addressed any harms that were initially identified by officers in terms of design, impact on conservation area and wider landscape. Officers therefore consider with suitable conditions and details at reserved matters stage, a suitable scheme could assimilate in to the landscape in this location without being highly prominent in wider public views or harmful to the AONB.

- 5.61 The new point of access to the highway, provision of pedestrian and cycle linkages, ability to access public transport, and predicted vehicle movements are, on balance, acceptable and no objection on these matters is raised by OCC Highways. However, a S278 agreement will be required to secure the highways works and improvements that are necessary to facilitate the scheme. In addition, S106 financial contributions are requested to off-set or mitigate the highways impacts of the development and improve public transport. A number of conditions are also recommended to address highways matters. Subject to compliance with such agreements and conditions the proposal, insofar as those elements listed, would comply with adopted and emerging policy.
- 5.62 There would be no unacceptable impact on the residential amenity of neighbouring properties as regards privacy and loss of light, based on the details of the amended illustrative layout plan as submitted, and the indicative layout for the site as a whole. However, this matter would need further consideration as part of any future reserved matters application.
- 5.63 As regards impacts on heritage assets, it is adjudged there would be a less than substantial harm to the Millwood End Conservation Area and setting of the nearby listed building. This harm, under paragraph 134 of the NPPF, would need to be outweighed by public benefits. In this regard, the provision of 50% affordable housing, in addition to all of the financial contributions listed above, is considered significant in terms of weighing against the planning balance.
- 5.64 Impacts of the development as regards social infrastructure can be addressed through a legal agreement, and there are no technical objections from consultee's on these grounds. However, officers note that regardless of these responses there is a public perception that the school will not be in a position to expand for the additional capacity and that the mechanisms for that expansion may not be resolved in a satisfactory time frame for the committed development in the area.
- 5.65 There would be no direct impact on protected species and appropriate mitigation and enhancements for wildlife can be secured by condition. The overall ecological value of the site would be enhanced compared to the current arable cultivation.
- 5.66 The development would undoubtedly represent a major change in character of the site from agricultural to housing. Its visual effects cannot be entirely mitigated, but the harm would be for the most part localised and ameliorated by the position of the development against an existing urban edge of the late 1960s housing development. The retention of key landscape features (hedgerow and tree species), and reinforcement with additional planting, the introduction play spaces and managed 'green corridors' will, over time mature into scheme which will provide wider biodiversity enhancements and habitats. Overall the plans for landscaping are considered acceptable.
- 5.67 The consideration of material factors in this case results in a very finely balanced recommendation. The delivery of up to 170 dwellings, including affordable housing provision, to

contribute to wider housing needs, financial contributions to support the school expansion and public transport improvements would represent significant planning benefits. On the other hand, there remains a significant concern regarding the overall sustainability of this proposal and the potential population growth that Long Hanborough will be subject to over the next few years, given permitted schemes in the area. This 'macro' issue officers note is of concern. However when the individual 'development management' issues are addressed in turn, none result in any significant harm which would, on their own warrant, refusal of the application, for the reasons set out earlier in the report and in the absence of an adopted plan and with paragraph 14 of the NPPF engaged, the macro concern is not itself so harmful to justify refusal at this point in time.

- 5.68 Assessing the scheme in the round, on balance, the benefits of the proposal are considered to outweigh the harms and therefore with reference to paragraphs 14, 49 and 134 of the NPPF the proposal in this case is considered, on balance, to represent an acceptable form of development. The application is accordingly recommended for approval subject to the detailed conditions suggested and the necessary legal agreements.

## **6 CONDITIONS**

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 Details of the appearance, landscaping, layout and scale,, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

- 3 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway on the A4095/Main Road including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 4 Vehicular and pedestrian access to the site shall be implemented in accordance with drawing 17342-01e and completed in full prior to the first occupation of the development hereby approved.

REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 5 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

REASON: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the commencement of the development hereby approved, full details of surface improvements to the public right of way footpath 238/19 as it runs through the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to occupation of the development, the surface improvements shall be constructed and retained in accordance with the approved details.  
REASON: To ensure safe and suitable access to the development for all people.
- 7 No dwelling shall be occupied until car parking space(s) to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.  
REASON: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 8 No dwelling shall be occupied until cycle parking spaces to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.  
REASON: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 9 Prior to occupation, a revised Residential Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: To encourage occupiers to use sustainable modes of transport as much as possible in line with the NPPF
- 10 Travel Information Packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every resident on first occupation.  
REASON: In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.
- 11 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment to deliveries only arriving at or leaving the site between 0930 and 1430. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.

- 12 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- Discharge Rates
  - Discharge Volumes
  - Maintenance and management of SUDS features
  - Sizing of features - attenuation volume
  - Infiltration in accordance with BRE365
  - Detailed drainage layout with pipe numbers
  - SUDS - (in a treatment train approach to improve water quality)
  - Network drainage calculations
  - Phasing
  - Flood routes in exceedance
- REASON: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.
- 13 Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.
- 14 No works in connection with the development hereby approved shall commence until a detailed site specific construction method statement and related site plan have been submitted to and approved in writing by the local planning authority. All construction works on the site shall be carried out in accordance with the approved construction method statement and site plan.
- REASON: To protect the residential amenities of the neighbouring occupiers.
- 15 No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive in any year unless the prior written approval of the local planning authority has been obtained.
- REASON: To protect nesting birds in accordance with the provisions of the Wildlife & Countryside Act 1981 (as amended)
- 16 Prior to the commencement of development an Archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority. Following approval of the Written Scheme of Investigation and prior to the commencement of development (other than in accordance with the agreed Written Scheme of Investigation) a staged programme of archaeological evaluation and mitigation shall be carried out in accordance with the Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication, which shall be submitted to the local planning authority.
- REASON: To ensure proper evaluation of the archaeological resource of the site

- 17 Prior to the commencement of any development or preparatory site works, the results of an investigation of the site for contamination shall be submitted to and approved in writing by the local planning authority. Where it is determined by the site investigation that remediation of the site is required, an appropriate remedial scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development or preparatory site works. The approved scheme of remediation shall be carried out in its entirety before the occupation of any dwelling.  
**REASON:** To ensure that the health of future residents of the development would not be put at risk from contamination in the soil
- 18 (i) The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions) These standards currently require:
- Resting 35 dB LAeq, 16hour  
Dining 40 dB LAeq, 16hour  
Sleeping 30 dB LAeq, 8hour  
and any external amenity space(s) should achieve 55 dB
- (ii) No dwelling shall be occupied until a pre-occupation validation noise survey has been carried out in order to demonstrate that the layout and design is sufficient in reducing external noise to an acceptable level and a certificate of compliance by an approved acoustic assessor has been submitted to the Local Planning Authority to demonstrate that the noise levels set out above and required under BS 8233:2014 have been achieved and the Local Planning Authority has confirmed acceptance in writing.  
**REASON:** To ensure that future residents enjoy an appropriate standard of residential amenity.
- 19 Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority, and the said agreed details shall be implemented prior to the first occupation of any of the houses hereby approved or to such other timescale as shall be first agreed in writing by the Local Planning Authority;
- a) details of the type and location of play equipment, seating and litter bins to be situated within the play area;
  - b) details of the surface treatment of the play area, including the location and type of safety surfaces to be installed;
  - c) details of the fencing to be erected around the play area;
  - d) details of the phasing of these works;
  - e) details of the future maintenance.
- REASON:** To ensure the provision of adequate play facilities within the site and in the interests of the visual amenities of the site and the residential amenities of the occupiers of the proposed dwellings.
- 20 There shall be no built development within the areas identified as public open space or green space in the northern and southern parts of the site as shown on the amended illustrative masterplan (Revision B) dated 10th October 2017.  
**REASON:** To ensure that protected and priority species (amphibians, reptiles, badgers and hedgehogs) and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as

amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 21 No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) (biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on the recommendations in Section 12 of the Environmental Statement by West Waddy ADP and include, but not necessarily be limited to, the following:

Risk assessment of potentially damaging construction activities

Identification of 'Biodiversity Protection zones' including the area of green open space to the south of the site, which shall not be used for the storage of materials or vehicles or as a site compound during construction.

Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including the reptile mitigation measures

The locations and timing of sensitive works to avoid harm to biodiversity features (e.g.. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset).

The times during construction when specialist ecologists need to be present on site to oversee works

Responsible persons and lines of communication

The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s).

The of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period, and

Ongoing monitoring, including compliance checks by a competent person(s) during construction period strictly in accordance with the approved details.

The approved CEMP shall be adhered to and implemented through the construction period in strict accordance with the approved details.

REASON: To ensure that protected and priority species (amphibians, reptiles, badgers and hedgehogs) and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended) the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 22 A report prepared by a professional ecologist /the Ecological Clerk of Works/ similarly competent person certifying that the required mitigation and compensation measures identified

in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that protected and priority species (amphibians, reptiles, badgers and hedgehogs) and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 23 No development shall take place until a landscaping scheme has been submitted and approved by the Local Planning Authority, which shall be based upon the Ecological Mitigation Plan (Figure 12.4 of the Environmental Statement), and include the planting of a new hedgerow and woodland belt along the western boundary of the site and a 5-year maintenance plan. The scheme shall incorporate the planting of native trees to become new standards of appropriate species and at appropriate locations.

The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved.

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

REASON: To provide full details of the landscaping of the site and to enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 24 A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development to cover a period of at least 10 years post-construction. The content of the LEMP shall include, but not necessarily be limited to, the following information:

Description and evaluation of features to be managed; including location(s) shown on a site map

Landscape and ecological trends and constraints on site that might influence management

Aims and objectives of management

Appropriate management options for achieving aims and objectives

Prescriptions for management actions

Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period)

Details of the body or organisation responsible for implementation of the plan

Ongoing monitoring and remedial measures

Timeframe for reviewing the plan

Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 25 Prior to occupation, a "lighting design strategy for biodiversity" (particularly for bat species, including Barbastelle) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

Minimise harm to biodiversity from artificial lighting during the construction period, particularly foraging/commuting Barbastelle bats;

Identify those areas/ features on site that are particularly sensitive for bats, and

Show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts (e.g. Bat boxes)

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 11), policy NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 26 Before development takes place, details of the provision of bat roosting features and nesting opportunities for birds (House martin, House sparrow, Starling and Swift) into the new buildings and on suitable trees shall be submitted to the local planning authority for approval, including a site plan and elevational drawings showing the types of features and their locations. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently maintained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework,

Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 27 No more than 7 days prior to the commencement of tree removal works, a qualified ecologist shall undertake a detailed check of the trees proposed for removal for roosting bats, barn owls and active birds' nests. Written confirmation that no birds or bats will be harmed and/or that there are appropriate measures in place to protect roosting bat and nesting bird interest on site shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the tree removal works.

REASON: To ensure that bats, barn owls and birds are protected from harm during construction in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Policy NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and the National Planning Policy Framework (in particular Section 11). It is important that these details are agreed prior to the commencement of tree removal in order to ensure that there will be no adverse impact on protected species.

#### NOTES TO APPLICANT

- 1 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865 815700 or email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk).
- 2 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the West Oxfordshire District Council website:  
<http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)

Application Number	17/01670/FUL
Site Address	Land East Of Stonesfield Woodstock Road Stonesfield Oxfordshire
Date	23rd November 2017
Officer	Catherine Tetlow
Officer Recommendation	
Parish	Stonesfield Parish Council
Grid Reference	439808 E    217485 N
Committee Date	6th December 2017

**THIS APPLICATION HAS BEEN WITHDRAWN FROM THE  
AGENDA**