

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

6 DECEMBER 2017

LAND SOUTH OF MILTON ROAD, SHIPTON UNDER WYCHWOOD

**ERECTION OF UP TO 44 DWELLINGS AND A SCHOOL CAR PARK WITH
ASSOCIATED ACCESS AND LANDSCAPING**

REF: 16/02851/OUT

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Catherine Tetlow, Tel: (01993) 861655)

(The decision on this matter will be a resolution.)

I. PURPOSE

To consider the implications of a material consideration that has arisen since the Uplands Area Planning Sub-Committee meeting resolved to approve the above application (subject to legal agreement) on 6th February 2017.

The material consideration is the Chris Blandford Associates report October 2017 (CBA Report) commissioned by the Council which assesses the proposed emerging Local Plan housing allocations within the AONB and Woodstock in terms of landscape and heritage considerations. The report forms part of the evidence base for the emerging Local Plan and makes certain recommendations as to the appropriateness of the sites for residential development.

Officers also wish to update Members on the implications for the decision arising from a Supreme Court judgment [2017] UKSC 37 dated 10th May 2017.

- 2. RECOMMENDATION:-** That, having regard to the information set out below, the Sub-Committee resolves to restate the resolution to approve the application subject to the applicants entering into a legal agreement.

3. DETAILS

The CBA report states that:

“Its conclusions and recommendations address potential landscape and heritage matters only; other factors such as transport, access, ecology are not addressed by this report and may remain as considerations for WODC depending on site circumstances. The recommendations relating to dwelling numbers, site layout and extent of development described in the text and shown on the opportunities and constraints plans are illustrative only and represent only one potential approach to providing development on the sites in a manner that addresses the various issues identified through the landscape and heritage appraisal.”

It is necessary to consider whether the findings of the report would have a significant bearing on the Officer assessment of planning application 16/02851/OUT, and whether such an assessment would lead to a different recommendation to Committee.

The CBA recommendations for Land south of Milton Road are as follows, and under each recommendation is the Officer advice in italics:

Landscape:

Overall the landscape of the south of Milton Road site is considered to be of medium landscape sensitivity and low-medium visual sensitivity. A few AONB elements/characteristics and special qualities here could be vulnerable to development but it is not considered that they would preclude it, subject to an appropriate character, form, density and design.

Taking the above into account it is concluded that in terms of landscape and visual issues a development of approximately 40 – 45 homes could be successfully accommodated on the Site, ensuring that development is generally of low density. Any greater dwelling numbers than these could make it more difficult to achieve an appropriate form/character or result in significant adverse impacts.

An illustrative master plan has been submitted and this shows that a development of 44 units can be accommodated within the site, whilst retaining existing landscape features and providing significant areas of open space. This outline application seeks permission only for the means of access and therefore detailed layout, landscaping, scale and external appearance would be for future consideration.

1) Strengthen the school hedgerow boundary with a minimum of c.10m width structure planted buffer.

Noted – the intention to provide a school car park adjacent to the school would have a bearing on the extent to which additional landscaping would be provided on the school boundary.

2) Retain and manage existing site boundary hedgerows/hedgerow trees outside of private garden plots (secured by S106 legal agreement), or otherwise demonstrate how these will be retained through developer covenants.

Noted – the layout and relationship of the development with boundaries would be considered at the reserved matters stage.

3) Incorporate a small area of semi-natural green space.

Noted - The illustrative master plan shows the western portion of the site retained as wildflower meadow, and other areas of open space can be accommodated.

4) Vehicular access from Milton Rd, ensuring replacement hedge planting behind visibility Splays.

The access to Milton Road forms part of the proposal and is acceptable. The illustrative master plan shows the ability to provide new hedgerow at the entrance.

5) Ensure residential development is restricted to two storeys (maximum c.8m roof ridge height), taking the opportunity to include some one and a half storey (maximum of c.6m ridge height) development towards the southern boundary of the site.

Noted – the scale of development in terms of building heights is for future consideration.

6) Design of development to be landscape dominated in accordance with the design principles/considerations set out in the 2017 Design Guide, Section II, Development and Context; and with reference to the *New Rural Form* illustrated in West Oxfordshire Design Guide (2006).

Officers have had regard to the Council's Design Guide and would apply this to any reserved matters submission.

7) Ensure predominantly local limestone building materials, a planting palette appropriate to local AONB context, and that any lighting is of a cut off lantern type.

Noted – External appearance is for future consideration. Proposed condition 16 deals with external lighting.

Heritage

The Site lies within the Shipton-under-Wychwood Conservation Area. Although the historic built core of the conservation area lies some distance from the Site, it is clear that when the conservation area was designated there was an intent to include areas of immediately associated historic rural landscape within the conservation area as these contribute to its special architectural or historic interest and its overall character and appearance.

Any residential development of the Site would not affect the character or appearance of the historic built core of Shipton-under Wychwood. Any development would however result in the loss of part of village's associated historic field systems. This would affect the historic interest of the conservation area and aspects of its overall character and appearance. This is a particular issue in the western part of the Site where it borders the stream. Historically, this stream valley marked the divide between Shipton-under-Wychwood and Milton-under-Wychwood and has remained largely undeveloped, bar historic mills. Although modern development e.g. the school and garage, has degraded the separation to a degree, the western part of the Site still forms an important space between the two settlements and as such contributes to the significance of the conservation area. Further development west of the School would degrade this historic separation. The area of the Site to the south and to the east of the school is slightly less sensitive in this regard and is bordered by modern commercial development and the school. It is also notable that much of the historical field and gardens along Milton Road have been subject to 20th century development and the character of this part of the conservation area is therefore more modern and developed.

Noted

Development within the Site would, as set out above, affect the rural character and appearance of the conservation area; especially to the west. This will need to be taken into account in weighing the balance for allocating the Site, particularly given the Council's statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990).

Noted

Additionally, development of the Site has the potential to affect the setting of the Shipton Court Registered Historic Park and Garden (Grade II Listed) to the south. The gardens were designed with ornamental canals / ponds leading towards the northern extent of the gardens. From the northern edge of the gardens there would be clear views towards any development on the Site, particularly in winter. Although these views are not a fundamental aspect of the garden's significance or aesthetic value, they still make some contribution. Any future development would need to address these issues through sensitive design and setback from the southern boundary to ensure the largely rural context for the gardens is retained.

Noted

Overall, in historic environment terms, the allocation site is not without concern. There are issues with the potential loss of open rural fields which form a component of the conservation area's character and appearance, with encroachment into the streamside land that historically separated Shipton-under-Wychwood from Milton-under-Wychwood and with the setting of the Shipton Court Registered Historic Park and Garden. In this context it is recommended that while the Site may be capable of accommodating some development, there should be a reduction in the extent of built development in the western and southern parts of the site as shown in Figure 5.3. Design based mitigation is also recommended to address potential harm, key measures that could be considered include restricting building heights to 1.5 / 2 storeys to reduce visual prominence and implementing a landscape design scheme to restrict views of the Site from the south and west in particular.

Noted

In the context of the Officer advice above, detailed matters of layout, landscaping, scale and external appearance would be for future consideration.

The application master plan is similar to CBA figure 5.3 and this illustrates that a suitable scheme can be brought forward at reserved matters.

Officers would draw Members' attention to the Planning (Listed Buildings and Conservation Areas) Act 1990) section 72, the provisions of the Local Plan, and the NPPF. Having taken account of this, and the CBA report, Officers consider that the harm to the Shipton Conservation Area and setting of Shipton Court Registered Historic Park and Garden would be less than substantial. As referred to in the Officer report to Committee 6th February 2017, the provision of new housing in a suitable location is considered to outweigh this limited harm.

Supreme Court Judgment

This was concerned with a re-consideration of previous High Court cases and the proper interpretation of paragraph 49 of the NPPF and its interaction with paragraph 14 of the NPPF in engaging the tilted balance, i.e. if policies for the supply of housing are out of date then permission should be granted unless –

- “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted”

The Court considered whether the interpretation of a policy for the supply of housing is: “narrow” and is limited only to policies dealing with the numbers and distribution of new housing; “wider” including both policies providing positively for the supply of new housing or counterpart policies whose effect is to restrain supply by restricting housing development in certain parts of the authority’s area; or “intermediate”, as under the “wider” interpretation, but excluding policies designed to protect specific areas or features.

Ultimately, the ruling found that the “narrow” interpretation is to be preferred.

This is relevant to the Officer report 6th February 2017, in that at paragraph 5.4.10 Members were advised that Local Plan Policy BE4 was a policy for the supply of housing and out of date. Having re-visited the application of BE4 as not being out of date, Officers advise that the proposal would not be contrary to this policy based on the illustrative layout and recommendations arising from the CBA report.

Overall the Officer recommendation remains to approve subject to legal agreement.

4. BACKGROUND

The Officer report to Committee 6th February 2017, the Chris Blandford Associates report (together with other documents published for consultation on 22nd December 2017), and Supreme Court judgment [2017] UKSC 37.

5. FINANCIAL IMPLICATIONS

None

6. ALTERNATIVES/OPTIONS

None

7. REASONS

See section 2

Members are recommended to restate their resolution to approve the application subject to legal agreement.

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Background Papers:

The Officer report to Committee 6th February 2017, the Chris Blandford Associates report (together with other documents published for consultation on 22nd December 2017), and Supreme Court judgment [2017] UKSC 37.