

WODC Position Statement – December 2017

Land East of Burford (Policy BC1b)

1. Introduction

- 1.1 The purpose of this statement is to confirm for the benefit of the Local Plan Inspector the District Council's current position in relation to the proposed allocation of land east of Burford under Policy BC1b of the emerging draft West Oxfordshire Local Plan 2031.

2. Background

- 2.1 Following the suspension of the West Oxfordshire Local Plan examination in January 2016, the District Council undertook additional work in relation to its housing requirement which in turn led to a number of additional sites being allocated through proposed modifications published in November 2016.
- 2.2 This included the allocation of land east of Burford for 85 new homes under Policy BC1b as one of a number of non-strategic housing allocations. Consultation on the proposed main modifications took place from 11 November – 23 December 2016.
- 2.3 Subsequently in January 2017 outline planning permission was granted on appeal¹ in relation to a site west of Shilton Road, Burford, for up to 91 dwellings and 5.2 acres of care provision comprising 78 assisted/supported living apartments and up to a 90 bed care home (15/00166/OUT).
- 2.4 An outline planning application was validated for the erection of up to 85 dwellings on the land east of Burford in February 2017 (17/00642/OUT).
- 2.5 The proposed main modifications were submitted for examination in March 2017. Examination hearing sessions were held in May and July 2017. The proposed Burford allocation was discussed during the Matter 15 Burford – Charlbury hearing session held on 19 July 2017.
- 2.6 As part of the examination process the Council agreed to commission additional landscape and heritage advice on seven proposed housing allocations, including the land east of Burford, which was one of 4 proposed allocations in the Cotswolds Area of Outstanding Natural Beauty (AONB). Independent consultants Chris Blandford Associates (CBA) were appointed at the end of August 2017.
- 2.7 The findings of the CBA report were considered at a meeting of the Council's Cabinet held on 15 November 2017, together with a number of other documents including an updated Sustainability Appraisal further addendum report, topic papers on development at Woodstock and within the Cotswolds AONB and a schedule of suggested further changes to the Local Plan. A copy of the report is attached at **Appendix 1**.

¹ APP/D3125/W/15/3139687

- 2.8 At the meeting, in respect of the land east of Burford, the Cabinet Member for Strategic Planning and Economy questioned whether there was a need for further development following the grant of planning permission on appeal in respect of a site to the south of the town. A copy of the minutes of the meeting is attached as **Appendix 2**.
- 2.9 The decision of the Cabinet was as follows:
- (a) That the Cabinet notes that the Landscape and Heritage Advice, the Sustainability Appraisal (SA) Further Addendum Report, Cotswolds AONB Topic Paper and Woodstock Topic Paper will be published for a four week period of public consultation as requested by the Local Plan Inspector in order to help him consider their findings; and*
- (b) That Officers be requested to seek legal advice on the potential impact of removing the allocation at Land East of Burford and the final decision on that matter be delegated to the Head of Planning and Strategic Housing in consultation with the Cabinet Member for Strategic Planning and Economy and the Leader of the Council.*
- (c) That, subject to (b) above, the Cabinet agrees that the suggested further changes to the draft West Oxfordshire Local Plan 2031 as outlined in Section 5 of the report (and as set out in full at Appendix 1) are submitted to the Local Plan Inspector for his consideration in relation to the 'soundness' of the Local Plan.*
- 2.10 In light of the Cabinet decision, and in order to avoid confusion, the Council did not submit to the Local Plan examination the two topic papers and schedule of suggested further modifications that were reported to Cabinet on 15 November 2017.
- 2.11 Instead, three technical evidence base documents were submitted and subsequently consulted upon for a 4-week period starting on 22 November 2017. This included:
- West Oxfordshire Local Plan Allocations Landscape and Heritage Advice (Chris Blandford Associates)
 - Sustainability Appraisal (SA) Further Addendum Report (Enfusion)
 - Note on Housing and Demography in the Burford – Charlbury Sub-Area (Peter Brett Associates)
- 2.12 In respect of the outline planning application for the land east of Burford, the agent acting on behalf of the landowner of the east Burford site confirmed by email dated 22 November 2017 that they wished to amend the description of development to the following:
- 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.*
- 2.13 The application was reported to the District Council's Uplands Planning Committee on 6 December 2017 with a recommendation for approval. Following a lengthy debate, the application was refused for the following reasons:

1. The site lies within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is required to give great weight to conserving landscape and scenic beauty. The site is prominently located in the countryside beyond the existing settlement edge of Burford. The development would encroach unacceptably into agricultural land and would fail to relate satisfactorily to the town or the existing rural environment which provides a setting for it. It would not easily assimilate into its surroundings resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be highly prominent and visible in a number of public views. The proposal would represent major development which would not conserve landscape and scenic beauty, and no exceptional circumstances or public interest have been demonstrated to justify or moderate the harm caused. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2, BE4, NE1, NE3, NE4, and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, and EH1, and the relevant policies of the NPPF, in particular paragraphs 17, 58, 109, 115 and 116.

2. The site is a substantial agricultural field forming part of an extensive area of countryside around Burford that provides a setting for the town. The site is substantially within the Burford Conservation Area, with only the means of access sitting outside it. A large number of Listed Buildings and undesignated heritage assets are located in the vicinity. The Grade I Listed church of St John, and in particular its spire, is inter-visible with the site from a number of public viewpoints. The proposed development would significantly encroach into the countryside and would have an urbanising effect on the Conservation Area and the setting of heritage assets. This would lead to less than substantial harm to the setting and significance of the assets which is not outweighed by public benefits. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies H2, BE2, BE5, and BE8, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS4, and EH7, and the relevant paragraphs of the NPPF, particularly paragraphs 131, 132, and 134.

3. The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, secures the provision and appropriate management of landscaping and open space, makes an appropriate contribution to public transport services and infrastructure, and provides for public art. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently the proposal conflicts with West Oxfordshire Local Plan 2011 Policies BE1, TLC7 and H11, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS5, and H3, and paragraphs 17, 50, 69, 70, 72 and 203 of the NPPF.

2.14 A copy of the (unconfirmed) minutes of the meeting is attached at **Appendix 3**.

3. The Council's Current Position

3.1 In reporting to Cabinet on 15 November, Officers initially took the view that in light of the additional technical evidence prepared including the CBA landscape/heritage report and the recommendations and suggested mitigation measures contained therein, that it would be appropriate to retain the proposed allocation of land east of Burford, subject to a number of further changes including a reduction in the number of homes from around 85 to around 70.

3.2 Having considered the view of Officers, at that meeting, the Cabinet formed a different opinion on what is essentially a matter of planning judgement.

3.3 Similarly, whilst the outline planning application (17/00642/OUT) was recommended to the Uplands Planning Committee for approval, the Committee were fully entitled to refuse the application and identified three separate refusal reasons as outlined above.

3.4 The Council acknowledges that the proposal represents 'major development' within the Cotswolds Area of Outstanding Natural Beauty (AONB). Paragraph 116 of the NPPF states that:

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

3.5 Whilst the landscape and heritage report prepared by CBA identifies a number of potential mitigation measures to reduce the impact of development, it is evident that a degree of harm would remain in both landscape and heritage terms if the site were to be built out for residential use.

3.6 Importantly, since the original draft allocation was published as a proposed main modification in November 2016, outline planning permission has been granted on appeal in January 2017 for up to 91 dwellings and 5.2 acres of care provision comprising 78 assisted/supported living apartments and up to a 90 bed care home (15/00166/OUT) on an alternative site to the south of Burford which is located outside of the AONB.

3.7 It is therefore reasonable to conclude that there is an alternative site at Burford in a less sensitive location, the principle of residential development on which has already been accepted through the planning process.

3.8 The Council's current position on the east Burford site, reached under delegated powers, is therefore that it is no longer possible to demonstrate that exceptional circumstances exist to justify the proposed allocation in accordance with paragraph 116 of the NPPF.

4. Proposed Way Forward

- 4.1 It is acknowledged that ultimately the decision on this matter is one for the Local Plan Inspector when considering consistency with the relevant policy framework, including the requirements of paragraphs 115 and 116 of the NPPF, and having regard to the representations of all parties on this matter.
- 4.2 However, the Council's current position is that it is no longer possible to demonstrate that exceptional circumstances exist to support the proposed allocation of land east of Burford and, as such, paragraph 116 of the NPPF is no longer satisfied.
- 4.3 In light of this, the Council now requests that consideration is given to whether it is necessary to remove the site from the Local Plan as a main modification in order to make it sound.

Appendix 1

Report to Cabinet 15 November 2017

'Further Suggested Changes to the West Oxfordshire Local Plan 2031'

WEST OXFORDSHIRE DISTRICT COUNCIL

CABINET: WEDNESDAY 15 NOVEMBER 2017

**FURTHER SUGGESTED CHANGES TO THE
WEST OXFORDSHIRE LOCAL PLAN 2031**

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Giles Hughes, Tel: (01993) 861000)

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

I. PURPOSE

To consider the findings of additional evidence undertaken to address issues that have arisen during the examination of the draft West Oxfordshire Local Plan 2031 and to consider further suggested changes to the draft Local Plan as a result of this work.

2. RECOMMENDATIONS

- (a) That Cabinet notes that the Landscape and Heritage Advice, the Sustainability Appraisal (SA) Further Addendum Report, Cotswolds AONB Topic Paper and Woodstock Topic Paper will be published for a four week period of public consultation as requested by the Local Plan Inspector in order to help him consider their findings; and
- (b) That Cabinet agree that the suggested further changes to the draft West Oxfordshire Local Plan 2031 as outlined in Section 5 of this report, and as set out in full at Appendix I, subject to any amendments agreed by Cabinet, are submitted to the Local Plan Inspector for his consideration in relation to the 'soundness' of the Local Plan.

3. BACKGROUND

- 3.1 The West Oxfordshire Local Plan 2031 was formally published in March 2015 and submitted for examination in July 2015. The Local Plan sets out a framework for managing the development of the District up to 2031 and will replace the current adopted West Oxfordshire Local Plan 2011. Examination hearing sessions began in November 2015 before an Independent Inspector. The Inspector had concerns regarding the overall housing requirement and, as a result, the examination was suspended in January 2016 to allow the Council to undertake further work.
- 3.2 That further work was carried out during 2016, alongside joint work with the other Oxfordshire local authorities in relation to the apportionment of 'unmet' housing need from Oxford. Proposed changes to the Local Plan were published for consultation during November/December 2016 which included an increase in the overall housing provision and the allocation of a number of new sites.
- 3.3 These proposed changes to the Local Plan were submitted to the Planning Inspectorate in March 2017, together with the consultation responses received and supporting background documentation. The examination hearing sessions resumed in May 2017, dealing with a number of general matters such as legal compliance, the overall spatial strategy and housing need (including Oxford's unmet housing need). In July 2017 further sessions dealt with the five sub-area strategies focusing in particular on proposed housing site allocations, as well as five-year housing land supply.
- 3.4 During the examination hearing sessions, Officers acknowledged that a number of further changes to the draft Local Plan would be required, in addition to those already

published in November 2016, addressing issues raised by the Inspector and/or by others, changing circumstances and more recent evidence and analysis and to improve the clarity/application of policies through the development management process.

- 3.5 In September 2017 Cabinet considered these further suggested changes to the Local Plan and agreed that subject to some minor amendments, the changes should be submitted to the Local Plan Inspector for his consideration. The Inspector has now received the suggested changes and it will be for him to determine the extent to which they address any potential 'soundness' concerns he may have and to recommend 'main modifications' to the plan as appropriate. Any such modifications will be subject to statutory public consultation in due course.
- 3.6 The suggested changes have also been published on the Council's website, with a note making clear that: they have not been formally considered by the Inspector; they may be subject to change; and as such, comments on them are not being sought/nor will be accepted at this stage.

4. ADDITIONAL EVIDENCE AND TOPIC PAPERS

- 4.1 In addition to the suggested changes put forward in September, there were a number of other specific issues which arose during the examination hearings that required additional work by or on behalf of the Council. Four main pieces of work have been undertaken and all are inter-related.
- 4.2 The first study is some independent consultancy advice on the landscape and heritage impact of the proposed housing allocations at Woodstock and within the Cotswolds AONB. The report is attached at Appendix 2 and is summarised below.
- 4.3 The second study is an updated Sustainability Appraisal (SA) addendum report to ensure that all 'reasonable alternatives' have been considered through the plan making process. The updated SA report has also been prepared by independent consultants and is attached at Appendix 3. The main findings are also summarised below.
- 4.4 The third piece of work is a Topic Paper relating to the proposed housing allocations within the Cotswolds AONB. This has been prepared by Officers (although incorporates some external independent analysis on housing need) and takes into account the findings of the landscape/heritage advice as well as considering the extent to which 'exceptional circumstances' can be demonstrated to justify major development within the AONB. The topic paper is attached at Appendix 4 and is summarised below.
- 4.5 The fourth piece of work is a further Topic Paper prepared by Officers which relates to the proposed housing allocations at Woodstock. This takes into account the findings of the independent landscape/heritage advice and also considers the case for further housing development at Woodstock as a designated rural service centre. The topic paper is attached at Appendix 5 and is summarised below.

Landscape and Heritage Advice

- 4.6 The proposed main modifications to the Local Plan published in November 2016 took account of a proposed uplift in the overall housing requirement from 10,500 homes to 15,950 homes. This included the allocation of 15 'non-strategic' housing sites, with 3 sites identified at Woodstock and 4 sites identified within the Cotswolds Area of Outstanding Natural Beauty (AONB):
 - Land east of Woodstock (300 homes)
 - Land north of Hill Rise (120 homes)

- Land north of Banbury Road (250 homes)
 - Land north of Jefferson's Piece, Charlbury (40 homes)
 - Land north of Woodstock Road, Stonesfield (50 homes)
 - Land east of Burford (85 homes)
 - Land south of Milton Road, Shipton under Wychwood (44 homes)
- 4.7 The sites were allocated following positive evaluation through the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) and Sustainability Appraisal undertaken in 2016. A large number of representations were received objecting to these allocations, with particular concerns expressed about the potential impact of the allocations on the historic and natural environment.
- 4.8 The merits of the sites were discussed at the July 2017 examination hearing sessions, at which it was agreed that it would be appropriate for the Council to undertake further landscape and heritage assessment of the proposed allocations at Woodstock and within the AONB to better understand their potential impact, such as in relation to the Blenheim Palace World Heritage Site (WHS).
- 4.9 The Council commissioned independent advice from specialist landscape and heritage consultants Chris Blandford Associates (CBA) on landscape and heritage. Their report is attached at Appendix 2 and the findings and recommendations fed into the further Sustainability Appraisal (SA) work and Topic Papers attached at Appendices 3, 4 and 5.
- 4.10 In broad terms the CBA report endorses the Council's decision to allocate the seven sites listed above albeit subject to some specific recommendations/changes to address a number of issues they have identified.
- 4.11 In relation to Woodstock, the CBA report concludes that in landscape and heritage terms, all three allocations are acceptable although recommends that in order to address some specific concerns including the rural setting of the Blenheim Palace World Heritage Site (WHS) and the cumulative impact of the proposed developments, that both the land north of Banbury Road and land east of Woodstock are reduced in scale. The report makes a number of other detailed recommendations in relation to each site.
- 4.12 In relation to the Cotswolds AONB, the CBA report concludes that in landscape and heritage terms, all four proposed allocations are acceptable although recommends that in order to address some specific concerns regarding the land east of Burford that the scale of development is reduced from around 85 homes to around 70 homes. The report also makes a number of other detailed recommendations in relation to this and the other three sites.
- 4.13 Having regard to the findings and recommendations of the CBA report, the further Sustainability Appraisal (SA) work and the two topic papers prepared in relation to Woodstock and the AONB – further discussed below, Officers remain of the view that it is appropriate to continue to seek to allocate the seven non-strategic housing sites listed above.
- 4.14 However, it is recognised that to take proper account of the landscape and heritage issues raised by CBA in their report, and the conclusions of the further SA work, further modifications to the Local Plan are required including the allocation policies and their supporting text. Officers have therefore drafted some further suggested changes which, subject to the agreement of Cabinet will be submitted to the Inspector for his consideration. These are attached at Appendix 1 and outlined at Section 5.

Sustainability Appraisal (SA) Addendum Report

- 4.15 In accordance with legislative and policy requirements, a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) must be carried out of a Local Plan. The SA/SEA of the West Oxfordshire Local Plan 2031 has been on-going since the start of the Local Plan process and is being undertaken alongside with SA Reports subject to public consultation at key stages.
- 4.16 Some parties have been critical of the SA undertaken, including the SA Addendum Report published for consultation alongside the proposed Local Plan Main Modifications during November – December 2016. In response to these criticisms further SA work has been undertaken and the updated report is attached at Appendix 3.
- 4.17 To summarise, the additional SA work comprises:
- Refreshed (i.e. checked and updated) appraisal of the main strategic directions of growth at Witney, Carterton and Chipping Norton together with a comparative appraisal of each option;
 - Consideration of reasonable alternatives to the Oxfordshire Cotswolds Garden Village (including land north of the A40 at Barnard Gate and the Barnard Gate Garden Village being promoted near South Leigh);
 - Consideration of reasonable alternatives to the West Eynsham Strategic Development Area (including land adjacent to Hanborough Station and a split site option between the West Eynsham SDA and land adjacent to Hanborough Station);
 - Refreshed (i.e. checked and updated) appraisal of the 15 non-strategic housing site allocations to take account of any additional evidence including the landscape and heritage advice commissioned by the Council for 7 of the sites;
 - New SA of a number of other non-strategic reasonable alternatives. These are referred to as 'grey sites' and are sites that were identified as having some potential suitability for housing in the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2016 but were not formally allocated in the Local Plan;
 - New SA of a potential stepped/staged approach to delivering the overall housing requirement (as discussed during the hearing sessions in July 2017).
- 4.18 The main findings of the updated SA report are briefly summarised below.

Refreshed SA of main strategic directions of growth

- 4.19 The SA has been updated to take account of updated evidence where available and also to check the original findings took into account all relative considerations. This has resulted in some very minor changes to the likely significant effects identified however these have not changed the overall SA findings significantly and the reasons for selecting and rejecting strategic site options remain relevant and valid and as reported in the previous SA Addendum report (October 2016).

New SA of alternatives to the Oxfordshire Cotswolds Garden Village

- 4.20 The previous SA of the Oxfordshire Cotswolds Garden Village has been refreshed and checked with minor changes to the likely significant effects identified in relation to the historic environment as a result of the potential impact of development on the listed

buildings in the northern part of the site. The assessment also identifies the small areas of Flood Zone 2 and 3 that exist within the site but concludes that there will be a neutral effect as built development can avoid these areas.

- 4.21 A new SA has been undertaken of two additional new village options, land north of Barnard Gate and the Barnard Gate Garden Village being promoted near South Leigh. A comparison table of all three options is included.
- 4.22 The assessment identifies a number of positive and negative impacts for each option. There is greater uncertainty in relation to SA Objective 1 in relation to housing provision given that these two options are further from Oxford than the Oxfordshire Cotswolds Garden Village in terms of meeting the City's unmet housing needs. The land north of Barnard Gate option also has some potential negative impacts in relation to soil resources and the historic environment. All options have potential negative effects on landscape. Both the Oxfordshire Cotswolds Garden Village and the Barnard Gate Garden Village options would help to deliver new jobs with new science parks included in the emerging draft proposals albeit at a much larger scale in relation to the Oxfordshire Cotswolds Garden Village.
- 4.23 The updated SA report outlines the reasons why the Oxfordshire Cotswolds Garden Village option is being taken forward including its closer relationship to Oxford in spatial terms and planned proposals for strategic transport improvements on the A40 nearby including park and ride and bus priority as well as 'in-principle' support from Government via the garden villages programme and within the Eynsham Neighbourhood Plan.

New SA of alternatives to the West Eynsham SDA

- 4.24 The previous SA of the West Eynsham SDA has been refreshed and checked with minor amendments made to reflect the presence of some best and most versatile agricultural land and also the Grade II listed Chil Bridge.
- 4.25 A new SA has been undertaken of land adjacent to Hanborough Station (for up to 900 homes as indicated by the site promoter) as well as a split-site option between the West Eynsham SDA and land adjacent to Hanborough Station.
- 4.26 The refreshed SA identifies a number of positive and negative likely effects for all three options. Concerns are identified in relation to land at Hanborough Station in relation to traffic impact on the A4095 and potential biodiversity impact due to the presence of a nearby local wildlife site and two SSSIs. Some concerns are also noted in relation to the ability of the site to integrate with the existing community in Long Hanborough.
- 4.27 The reasons for continuing to progress the West Eynsham SDA are outlined including the delivery of the western spine road for Eynsham and good ability to integrate the proposed development with the existing community in Eynsham.

Refreshed SA of the non-strategic housing allocations

- 4.28 The previous SA of the 15 non-strategic housing sites identified in the Local Plan proposed modifications (November 2016) has been refreshed and checked to take account of new evidence where available. This includes the additional landscape and heritage advice commissioned by the Council in relation to the four AONB sites and three sites at Woodstock.
- 4.29 Taking account of the additional landscape and heritage evidence the likely significant effects in relation to SA Objective 14 have been amended in a number of instances.

For the three Woodstock sites the previous assessment already identified minor negative effects in relation to landscape and that assessment has remained the same having regard to the potential mitigation measures identified in the landscape and heritage study. For the historic environment, the Woodstock sites were originally assessed as having a neutral effect but this has now been changed to reflect the potential for some negative effects albeit with an element of uncertainty and subject to appropriate mitigation.

- 4.30 The four allocated sites within the Cotswolds AONB were all previously assessed through SA as having major negative effects in terms of landscape however having regard to the findings of the Council's landscape and heritage evidence, the effect is now identified as minor negative (with some uncertainty) assuming the recommendations of the evidence in terms of mitigation are followed. The likely significant effects in relation to the historic environment have also been adjusted in light of the new landscape and heritage evidence with minor negative effects identified for all of the sites except the land north of Woodstock Road, Stonesfield where a neutral effect has been identified.

New SA of other non-strategic site options (grey sites)

- 4.31 A new assessment has been undertaken of 13 additional non-strategic site options (referred to as 'grey sites'). These are sites that were identified as having some potential suitability in the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) but were not allocated in the proposed main modifications published in November 2016. As part of the examination process the Council agreed to subject these additional sites to Sustainability Appraisal.
- 4.32 The assessment findings identify a range of positive, negative and neutral effects against the SA framework objectives with the majority of sites being negative in terms of the efficient use of land as a result of them comprising greenfield land. A number of sites are assessed as having potentially negative effects in relation to soil resources due to the loss of best and most versatile agricultural land. Sites within the Cotswold AONB are identified as having major negative effects in terms of landscape impact due to lack of identified mitigation at this stage. The updated SA report provides an outline summary of the reasons for selection and non-selection as well as the reason why a number of other 'grey sites' were not considered to be 'reasonable alternatives' and were thus not subject to SA.

New SA of stepped/staged housing requirement

- 4.33 As part of the submission of suggested modifications put forward to the Inspector in September 2017 the Council included a potential stepped/staged housing requirement whereby during the first years of the Local Plan period a lower overall housing requirement is applied and then increased during the latter years of the plan. For completeness the updated SA report has assessed the implications of this approach compared to a more uniform approach to housing delivery.
- 4.34 Generally the assessment has found little difference between the two approaches although with the longer lead-in time for strategic sites including the new garden village development, there is likely to be less uncertainty for delivery with the stepped approach and major positive effects were confirmed for the stepped approach in respect of SA Objectives 1 Housing, 2 Communities and 15-16 Employment, when compared with the uniform approach where some uncertainty for delivery remains.

Cotswolds Area of Outstanding Natural Beauty Topic Paper

- 4.35 Taking account of the additional landscape and heritage advice and further SA work, Officers have prepared a separate Topic Paper regarding the suitability of the proposed AONB housing allocations as well as the need for housing within the AONB. The AONB topic paper is attached at Appendix 4.
- 4.36 The topic paper considers the findings of the CBA report in the context of national policy requirements, in particular the extent to which ‘exceptional circumstances’ exist to justify major development within the Cotswolds AONB.
- 4.37 The paper concludes that the case for allocating each of the sites proposed in the Burford-Charlbury Sub-Area is fully justified.
- 4.38 There is a clear need for housing including affordable housing within the sub-area. Independent analysis included as part of the Topic Paper demonstrates the negative consequences for failing to deliver a sufficient number of new homes over the remaining plan period to 2031 – in particular a decline in the size of the resident labour force.
- 4.39 In addition to supporting the resident labour force, the delivery of new homes as proposed through the four allocations within the AONB, is likely to lead to a number of economic benefits including additional support for local shops and services in the area.
- 4.40 Further analysis of house prices within the Burford – Charlbury sub-area demonstrates that the price of housing in this part of the District is much higher than average and there are currently a significant number of households in affordable housing need. As the ‘right to buy’ has been exercised, the stock of available affordable homes within the sub-area has fallen and this has been compounded by a lack of new housing delivery in the sub-area since 2011 including new affordable homes.
- 4.41 In terms of the availability of reasonable alternatives, the Topic Report notes that although the Council identified through the SHELAA a number of other potentially suitable ‘grey’ sites within the Burford-Charlbury Sub-Area, these are all also located within the Cotswolds AONB and have now been subject to SA with the reasons for non-selection identified as appropriate. No other sites have been identified as potentially suitable outside the AONB and within the Burford-Charlbury Sub-Area.
- 4.42 Across the rest of the District whilst a number of potentially suitable ‘grey’ sites have been identified outside the Cotswolds AONB, the majority of these are either very small, are in current active use for non-residential purposes or are already ‘committed’ through the planning process.
- 4.43 Of the small remaining number of sites there are a number of specific issues of concern with each and furthermore, if they were to be allocated they would fail to meet the need for new housing within the AONB and would fail to foster economic growth and the rural economy. The updated SA report assesses a number of reasonable alternatives and provides an outline of the reasons for selection and non-selection.
- 4.44 Furthermore, the independent landscape and heritage advice from CBA has confirmed that the four allocated sites within the AONB are able to come forward without causing significant harm in landscape and heritage terms, subject to appropriate mitigation including a reduction in the quantum of development in relation to the land east of Burford.

Woodstock Topic Paper

- 4.45 Taking account of the additional landscape and heritage advice and further SA work, Officers have prepared a separate Topic Paper regarding the suitability of the three proposed Woodstock housing allocations as well as the justification for further housing at Woodstock as a designated rural service centre. The Woodstock Topic Paper is attached at Appendix 5.
- 4.46 The topic paper considers the findings of the CBA report in the context of national policy requirements, in particular the potential impact on designated heritage assets and the requirement to weigh any harm against the public benefits of the proposals.
- 4.47 The topic paper identifies that Woodstock is one of the District's most sustainable settlements in terms of services and facilities ranking 5th in the District behind only Witney, Carterton, Chipping Norton and Eynsham. It also highlights the excellent accessibility and transport links enjoyed by the town including the A44 corridor which has been identified by Oxfordshire County Council as a key priority for strategic improvements.
- 4.48 The topic paper also demonstrates the economic potential of the Woodstock area in relation to Oxford and the city region economy, in short the proximity to Oxford being a particular advantage that lends support to the principle of further growth.
- 4.49 Finally the paper highlights the lack of housing completions in recent years with only 168 new homes built since 2011 including 52 affordable homes. This relative lack of delivery has been compounded by much higher than average house prices in this part of the District.
- 4.50 The paper concludes that there is a clear case for further housing development at Woodstock but acknowledges that a number of further changes to the Local Plan are needed to address the findings of the landscape/heritage advice and the further Sustainability Appraisal (SA) work. These suggested changes are attached at Appendix I and summarised in Section 5 below.

5. FURTHER SUGGESTED CHANGES

- 5.1 In order to address the findings of the landscape and heritage advice and further SA work, Officers acknowledge that a number of further changes to the Local Plan are required. Attached at Appendix I is a schedule setting out a number of suggested further modifications to the Local Plan which could be made to address the findings of the additional evidence that has been prepared.
- 5.2 It is important to note that like the schedule of further modifications submitted to the Local Plan Inspector in September 2017 these are suggested changes only and have no status as such.
- 5.3 Ultimately it will be for the Inspector to determine what is and isn't appropriate and what changes may be capable of rendering the Local Plan 'sound' and to recommend any 'main modifications' in due course.
- 5.4 The suggested further changes can be summarised as follows:

Land East of Woodstock

- 5.5 Number of homes reduced from 300 to 270. Additional emphasis placed on protecting the wider rural setting of the Blenheim WHS. Various amendments to ensure appropriate mitigation in terms of landscape and heritage impact including the retention

and strengthening of existing hedgerows, use of appropriate building heights and materials and the provision of structural planting and semi-natural green space particularly in the southern part of the site to protect the rural setting of the WHS and to achieve a positive enhancement of the approach to Woodstock from the south east.

Land North of Hill Rise, Woodstock

- 5.6 Number of homes retained at around 120. Additional emphasis placed on protecting the rural character and nature of the setting of the Blenheim WHS. Various amendments to ensure appropriate mitigation in terms of landscape and heritage impact including retention and strengthening of existing hedgerows, use of appropriate building heights and materials, retention of key views and the provision of structural planting and extensive areas semi-natural green space, with built development kept away from the eastern and northern parts of the site.

Land North of Banbury Road, Woodstock

- 5.7 Number of homes reduced from 250 to around 180. Additional emphasis placed on protecting the Blenheim WHS, Woodstock Conservation Area and the listed buildings on Banbury Road. Various amendments to ensure appropriate mitigation in terms of landscape and heritage impact including the retention and strengthening of existing hedgerows, use of appropriate building heights and materials, retention of key views and the provision of structural planting and extensive areas semi-natural green space, with built development kept away from the western parts of the site. Particular regard to be had to the setting of the listed buildings on Banbury Road including the provision of a substantial landscape buffer.

Land North of Woodstock Road, Stonesfield

- 5.8 Number of homes retained at 50 units. Various amendments to ensure appropriate mitigation in terms of landscape impact including appropriate building heights and materials, the retention and strengthening of existing hedgerows and an extensive landscape buffer (incorporating semi-natural greenspace and woodland planting) on the eastern edge of the site.

Land East of Burford

- 5.9 Number of homes reduced from 85 to around 70. Additional emphasis placed on the need to minimise any harmful impact on the Burford Conservation Area and key views including to the Burford Church Spire and the backdrop of hills to the north of the site. Various amendments to ensure appropriate mitigation in terms of landscape and heritage impact including appropriate building heights and materials, use of appropriate landscape buffers, retention and management of existing hedgerows, the provision of large areas of semi-natural green space and the protection of key views including of the Burford Church spire and the general backdrop of hills to the north of the site.

Land North of Jeffersons Piece, Charlbury

- 5.10 Number of homes retained at 40 units. Various amendments to ensure appropriate mitigation in terms of landscape and heritage impact including consideration of appropriate building heights and materials, the need to have appropriate regard to the setting of the two non-designated historic buildings to the north of the site and the retention of existing mature hedgerows and vegetation along site boundaries together with the provision of appropriate landscape buffers along the northern edges of the site.

Land South of Milton Road, Shipton under Wychwood

5.11 Number of homes retained at 44 units. Additional emphasis placed on the need to take account of the Conservation Area and Shipton Court Registered Park and Garden. Various amendments to ensure appropriate mitigation in terms of landscape and heritage impact including appropriate building heights and materials, use of appropriate landscape buffers along the western and southern parts of the site, the provision of semi-natural green space and the retention and management of existing hedgerows.

6. NEXT STEPS

- 6.1 The additional further suggested changes set out in Appendix I to this report will be submitted to the Inspector for his consideration. At this point the suggested changes have no status as such and are simply being put forward to assist the Inspector in his deliberations. He may or may not agree that the changes are necessary or may identify other changes himself.
- 6.2 The four main pieces of additional evidence including the landscape and heritage advice, Sustainability Appraisal (SA) addendum report, Cotswolds AONB Topic Paper and Woodstock Topic Paper will be subject to a four week period of public consultation as requested by the Inspector.
- 6.3 Any responses received to these four documents will be considered by the Inspector who will then determine the most appropriate way forward for the Local Plan.
- 6.4 Depending on the view of the Inspector, the potential timescales for the remainder of the Local Plan process could be as follows:
 - Four week consultation on additional evidence and topic papers – November/December 2017
 - Inspector's Interim Findings – December 2017/January 2018
 - Statutory Consultation on Main Modifications Identified by the Inspector – January/February 2018
 - Inspectors Final Report – March/April 2018
 - Local Plan Adoption – Spring 2018

7. FINANCIAL IMPLICATIONS

- 7.1 As explained in the September 2017 Cabinet report, there are ongoing cost implications associated with the examination of the Local Plan including in particular professional fees and consultancy advice as well as costs associated with any further potential public consultation. There would also be costs associated with the preparation of an Area Action Plan (AAP) for the Oxfordshire Cotswolds Garden Village should the Inspector conclude that the proposed allocation is sound.
- 7.2 To ensure these costs are able to be met, Cabinet agreed in September to set aside a further £150,000 from the Council's Housing and Planning Delivery Grant reserve.

8. RISKS

- 8.1 The further suggested changes to the draft Local Plan set out at Appendix I are intended to address various issues that have arisen through the Local Plan examination process. Whilst it will ultimately be for the Inspector to determine if these changes are capable of addressing any concerns he may have in relation to the 'soundness' of the Local Plan, if the suggested changes are not put forward there is a significant risk that he will conclude that the Local Plan as drafted is not sound and cannot be adopted.

- 8.2 The current lack of an up to date adopted Local Plan has put the Council at a greater risk of speculative planning applications being approved on appeal against the Council's wishes, and this is evidenced by recent appeal decisions. The longer the period before an adopted Local Plan is in place the longer the period of uncertainty for development management decision making and for the communities served by the Council.

9. REASONS

The Local Plan is a key mechanism to enable the Council to manage the future growth of the District. It enables the Council to protect and enhance the environment of West Oxfordshire and maintain the district as a clean, beautiful place with low levels of crime and nuisance. It will also support the Council's ability to work in partnership to sustain economically prosperous towns and villages with full employment.

Chris Hargraves
Planning Policy Manager

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Date: 27th October 2017

Appendices

- Appendix 1 – Suggested Further Modifications
- Appendix 2 – Landscape and Heritage Advice
- Appendix 3 – Sustainability Appraisal Further Addendum Report
- Appendix 4 – Cotswolds AONB Topic Paper
- Appendix 5 – Woodstock Topic Paper

Background Papers:

1. West Oxfordshire Local Plan 2031, Submission Draft, West Oxfordshire District Council, March 2015
2. West Oxfordshire Local Plan Examination - Inspector's Preliminary Findings – Parts I and II, December 2015
3. West Oxfordshire Local Plan 2031, Submission Draft including Proposed Modifications, West Oxfordshire District Council, November 2016
4. West Oxfordshire Local Plan 2031 - Further Main Modifications (FMM), West Oxfordshire District Council, September 2017

Appendix 2

Minutes of Cabinet Meeting

15 November 2017

WEST OXFORDSHIRE DISTRICT COUNCIL

CABINET

Record of decisions taken at the meeting of the Cabinet held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon on Wednesday 15 November, 2017 at 2.00pm.

PRESENT

J F Mills (Leader); T J Morris (Deputy Leader); Mrs J C Baker, C G Dingwall and J Haine

Also in Attendance

R J M Bishop, P Emery, Mrs L C Carter, J C Cooper, D A Cotterill, Mrs E H Fenton, E J Fenton, Miss G R Hill, H J Howard, P D Kelland and T N Owen

63. NOTICE OF DECISIONS

RESOLVED: That the record of the decisions taken at the meeting held on Wednesday 18 October 2017, copies of which had been circulated, be approved and signed as a correct record.

64. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs C E Reynolds and from Mrs M J Crossland, D S T Enright and A H K Postan

65. DECLARATIONS OF INTEREST

Whilst not disclosable interests, Mr Mills and Mr Morris advised that they were members of the Round Table, which organisation was a potential funder of the Madley Park Play Area scheme considered at agenda item No. 11. Mrs Baker advised that she was a member of the steering group overseeing the development of the scheme.

Mr Haine advised that he was the Chairman of the Milton Under Wychwood Village Hall Committee which also had a grant application considered at agenda item No. 11.

There were no declarations of interest from Members or Officers in items to be considered at the meeting at this juncture. Subsequently, whilst not a disclosable interest, Mrs Fenton advised that she was a member of the Board of Citizens Advice, West Oxfordshire, the tenants of The Old Printhouse, Marlborough Lane, Witney, the subject of agenda item No. 17.

66. PARTICIPATION OF THE PUBLIC

No submissions were received from the public in accordance with the Council's Rules of Procedure.

67. RECEIPT OF ANNOUNCEMENTS

67.1 Housing Workshop

Mrs Baker reminded Members of the Housing Workshop to be held on Wednesday 29 November at the conclusion of the Finance and Management Overview and Scrutiny Committee.

67.2 Carterton Leisure Centre – Phase 2

Mrs Baker advised Members that proposals for the design of phase 2 of the Carterton Leisure Centre were to be on display at that venue from 2.00pm on Saturday 30 December.

67.3 Affordable Housing

Mr Dingwall advised that he was meeting with representatives of the Homes and Communities Agency and the Housing Associations operating within the District, together with Savills who acted for the Universities, on Friday 15 December to discuss the question of Affordable Housing. It was also hoped that there would be representation at Ministerial level.

68. FURTHER SUGGESTED CHANGES TO THE WEST OXFORDSHIRE LOCAL PLAN 2031

The Cabinet received and considered the report of the Head of Planning and Strategic Housing which sought consideration of the findings of additional evidence, undertaken to address issues that had arisen during the examination of the draft West Oxfordshire Local Plan 2031, and to consider further suggested changes to the draft Local Plan as a result of this work.

In introducing the report, Mr Haine reported receipt of a letter from Ms Rosemary Parrinder, the former Chair, Eynsham Neighbourhood Plan Steering Group, which he read in full. A copy of that letter appears as Appendix A to the original copy of these minutes.

Mr Haine went on to summarise the content of the report and outline the suggested further changes to the emerging plan and the rationale underpinning them.

(Miss G R Hill joined the meeting at this juncture)

With regard to the land to the east of Burford, Mr Haine contended that, following the grant of planning permission on appeal in respect of the site to the south of the town, Paragraph 116 of the NPPF now came into play and questioned whether there was a need for further development on the land identified at paragraph 5.9 of the report.

He indicated that he wished these comments to be incorporated into the Council's response but acknowledged the possibility that removal of this site could give rise to legal challenge. Accordingly, he proposed that the recommendation at (a) be approved as, that Officers be requested to seek legal advice on the potential impact of removing the allocation at Land East of Burford and the final decision on that matter be delegated to the Head of Planning and Strategic Housing in consultation with the Cabinet Member for Strategic Planning and Economy and the Leader of the Council and that, subject to the above, the Cabinet agrees that the suggested further changes to the draft West Oxfordshire Local Plan 2031 as outlined in Section 5 of the report be submitted to the Local Plan Inspector for his consideration in relation to the 'soundness' of the Local Plan.

The proposition was seconded by Mr Dingwall who stressed that the Council would remain subject to speculative development so long as it did not have a local plan in place. He emphasised the unquestionable need for more affordable housing for young people and key workers and noted that the emerging Local Plan envisaged an increase from the current level of delivery of 92 units per annum to 274.

Mr Cotterill welcomed Mr Haine's proposal, indicating that the site to the east of Burford had a chequered planning history which could make it difficult to sustain as a late addition to the Local Plan. He also welcomed the heritage report but suggested that it contained some errors. It made no mention of the Grade II* palladian great house set against the site and believed that the photograph in the report had been taken from the wrong part of the footpath as it did not show the setting of the town. Mr Cotterill also considered the invitation to tender to be questionable as he considered the phraseology relating to this site to be prejudicial.

Mr Emery was pleased to note that the impending consultation would be open to all; not just previous respondents. He considered the evidence provided to be important but did not agree with its conclusions. The west Eynsham sub area had been compared with Long Hanborough and a split site between Hanborough and Eynsham. Mr Emery considered that there were inconsistencies in this and believed a 50/50 split between Hanborough and Eynsham to be the most logical solution. He noted that, in the long term, the plan envisaged a 1,000 space park and ride facility at Eynsham whilst the County Council was now only looking to provide 500 spaces albeit with the scope for 1,000 spaces in the longer term.

Mr Emery expressed concern that the proposals had received insufficient scrutiny and that the route taken by the report had been wrong. He suggested that, following the consultation, the matter should be considered by the Economic and Social Overview and Scrutiny Committee or debated at full Council.

On 30 October the Eynsham Neighbourhood Plan had called for a 20 MPH street running north to south. Mr Emery failed to see the need for what amounted to a major spine road and, whilst this had been ignored, he contended that the Sustainability Appraisal suggested that such a route was not required if the scale of development were to be reduced.

Mr Kelland indicated that the proposals for the Eynsham Garden Village had been sent to Government for approval direct from the Cabinet without any further scrutiny. He believed that further debate was required before the proposals were submitted to the Planning Inspectorate.

Mr Cooper considered that the Council's scrutiny process was flawed and that the matter should have come before the Economic and Social Overview and Scrutiny before consideration by Cabinet. Mr Cooper also made reference to a question he had raised at the last Council meeting in relation to the calculation of Oxford City's unmet housing need.

With regard to development at Woodstock, Mr Cooper suggested that it was not only the impact of traffic on the main road through the town that was relevant, but also the impact on the A4095 through Bladon. He also expressed concern over the relocation of the Under Fives Association from the primary school and the car parking requirements identified by the Council's parking survey. Mr Cooper contended that there were several missing pieces in the Council's analysis.

Mr Howard agreed that the matter should have been considered by the Overview and Scrutiny Committee. There were implications for the A40 that needed to be addressed. Whilst reference had been made to the road to the west of Eynsham, including the proposed park and ride, no mention had been made of the fact that the alternative garden village site at South Leigh proposing to include the dualling of the A40 from the end of the Witney Bypass to the Eynsham roundabout.

Mr Dingwall indicated that it was for the overview and scrutiny committees to set their own work programmes and call for reports. In reply, Mr Emery indicated that he had been unaware of the content of the report until it had been published the preceding week. Mr Cooper reiterated his belief that the matter should have been referred to the Overview and Scrutiny Committee.

The Strategic Director advised Members that the work had been carried out at the request of the Local Plan Inspector and it was the Inspector who would decide whether or not it was adequate to address the concerns he had raised. In many respects, the Local Plan was out of the Council's hands at this juncture.

Mr Haine noted that the Local Plan process was well advanced and had been the subject of significant debate. He indicated that the proposed comments were no more than suggestions to the Planning Inspector and questioned whether consideration by the Overview and Scrutiny Committee would bring any benefit at this stage.

Mr Fenton made reference to speculative development in his own Ward and suggested that any delay would be prejudicial in this respect.

Mr Emery stressed that the next four week consultation period would be critical and requested that it be publicised more widely than on the Council's website alone.

The Planning Policy Manager advised that a letter/email would be sent to all those who had engaged in the process to date; those who had made representations on the original proposals and the 2016 modifications numbering around 2,000 individuals. There was a general awareness of the plan and a press release would be issued to advise local residents of the impending consultation.

Mr Mills noted that the consultation would not now start until the legal advice required as a result of Mr Haine's amendment had been received. The Planning Policy Manager confirmed that any delay would be kept to a minimum but that there was a need to assess the potential ramifications on the decision. Accordingly, he anticipated that the consultation would start during the following week.

Mr Morris emphasised that it was for the Planning Inspector to decide on the proposed modifications. Any representations should be made to the Inspector who would take these into account in reaching his decision. Mr Morris was pleased to note that it would be open to all rather than only previous correspondents to submit representations to the Inspector and stressed that the consultation process was important.

The Inspector would review the evidence and accept, reject or amend the proposed amendments as required to present a sound Local Plan. The Plan would then be subject to further consultation and debated by the Council prior to its final adoption. There had already been significant debate and it now fell to the Planning Inspector to determine whether or not the Plan was sound. Mr Morris asked all Councillors to encourage local residents to engage with the consultation process.

Mr Mills drew attention to paragraph 5.3 of the report 5.3 which indicated that, ultimately it was for the Inspector to determine what was and was not appropriate and what changes may be capable of rendering the Local Plan 'sound' and to recommend any 'main modifications' in due course.

The Strategic Director confirmed that the process as outlined was correct and indicated that all Members would be advised when the consultation period commenced.

In response to a question from Mrs Fenton, Mr Mills confirmed that all town and parish councils would also receive notification of the consultation.

DECISIONS:

- (a) That the Cabinet notes that the Landscape and Heritage Advice, the Sustainability Appraisal (SA) Further Addendum Report, Cotswolds AONB Topic Paper and Woodstock Topic Paper will be published for a four week period of public consultation as requested by the Local Plan Inspector in order to help him consider their findings; and

- (b) That Officers be requested to seek legal advice on the potential impact of removing the allocation at Land East of Burford and the final decision on that matter be delegated to the Head of Planning and Strategic Housing in consultation with the Cabinet Member for Strategic Planning and Economy and the Leader of the Council.
- (c) That, subject to (b) above, the Cabinet agrees that the suggested further changes to the draft West Oxfordshire Local Plan 2031 as outlined in Section 5 of the report (and as set out in full at Appendix 1) are submitted to the Local Plan Inspector for his consideration in relation to the 'soundness' of the Local Plan.

REASONS: The Cabinet considered the proposed amendments to accord with the Council's aim to maintain and enhance West Oxfordshire as one of the best places to live, work and visit in Great Britain.

OPTIONS: None appropriate.

69. COMMENTS ON THE SOUTH OXFORDSHIRE AND VALE OF WHITE HORSE LOCAL PLANS

The Cabinet received and considered the report of the Head of Planning and Strategic Housing which sought consideration of the Council's response to the Local Plan consultations by South Oxfordshire and Vale of White Horse District Councils.

Mr Haine introduced the report. He made particular reference to the figures agreed through the Oxfordshire Strategic Housing Market Assessment and proposed the recommendations set out in the report.

In seconding the proposition, Mr Mills made reference to the issues for West Oxfordshire and noted that the Oxfordshire Strategic Economic Plan concentrated development along the A34 which it termed the knowledge spine. He stressed that access to this area from West Oxfordshire was via the A415 and indicated that this, together with the areas of residential development along that route, was a significant issue for the District.

Mr Mills suggested that the Council's response should also address the need to work with neighbouring authorities to protect and improve that route. The Head of Planning and Strategic Housing confirmed that this could be reflected in the detailed response and undertook to raise the matter with Officers as appropriate.

Mr Cooper reiterated his concern over the efficacy of the Council's Overview and Scrutiny arrangements and expressed his disappointment that it had not been possible to accommodate his request that the matter be considered by the Economic and Social Overview and Scrutiny Committee as the report had not been finalised and that it was now proposed that the Call-in provisions be waived.

Mr Cooper also made reference to paragraph 3.34 of the report which emphasised the need for more affordable housing and suggested that the Council should write to the Chancellor of Oxford University as a significant institutional landowner to promote the alternative housing model devised in conjunction with the Blenheim Estate.

Mr Dingwall advised that, once the policy had been finalised, the Council and representatives of the Blenheim Estate would join forces to speak with other institutional landowners to promote the new housing model.

With regard to Mr Cooper's concerns in relation to overview and scrutiny arrangements, Mr Mills advised that timing was not always at the Council's discretion.

In this case, it had not been possible to finalise a report in time for the last overview and scrutiny committee meeting and, whilst Officers had sought an extension of time in which to submit a response, this had not been granted hence the need to waive the Call-in provisions.

Mr Howard questioned the impact upon West Oxfordshire in the event that South Oxfordshire's Local Plan was approved as drafted. He concurred with Mr Mills in relation to the A415 but noted that the weight restriction at Newbridge and the road layout at points on the A4095 gave rise to difficulties for HGV's crossing the Thames. He also questioned whether it was within the Council's remit to deem South Oxfordshire's Local Plan unsound.

In response to the question of highway issues, Mr Mills reminded Members that the report sought a response to the Local Plan consultations by South Oxfordshire and Vale of White Horse District Councils. The matters raised in this regard were more appropriately addressed through the Local Transport Plan.

Mr Haine advised that, should South Oxfordshire's Local Plan was approved as drafted; the shortfall in terms of Oxford City's unmet housing need would be distributed amongst the other neighbouring districts. However, he believed that it was most unlikely that the Planning Inspectorate would approve the plan in its current form.

Mr Haine also advised that it was perfectly appropriate for the Council to respond to the consultations in the manner proposed.

DECISIONS:

- (a) That the Cabinet welcomes the positive steps being taken by Vale of White Horse District Council to address the issue of Oxford City's unmet housing need through Part 2 of its Local Plan
- (b) That the Cabinet raises concerns over the approach of South Oxfordshire District Council in its emerging Local Plan to not follow the Growth Board agreed apportionment for meeting Oxford City's unmet housing need.
- (c) That the Head of Planning and Strategic Housing be authorised to prepare and submit representations on the two consultations, following consultation with the Cabinet Member for Strategic Planning, taking into account the points included in paragraph 5.1 of the report and the comments made in relation to the protection and improvement of the A415.
- (d) That, for the reasons set out in paragraph 3.38 of the report, and in accordance with the provisions in the Overview and Scrutiny Rules in Part 4 of the Constitution, the ability to call-in this item for further consideration be waived.

REASONS: The Cabinet considered the proposed response to accord with the Council's aim to maintain and enhance West Oxfordshire as one of the best places to live, work and visit in Great Britain.

OPTIONS: None appropriate.

70. REVIEW OF PARLIAMENTARY CONSTITUENCIES

The Cabinet received and considered the report of the Head of Democratic Services which provided an update in relation to the review of parliamentary constituencies and invited Members to consider whether they wished to make representations to the Boundary Commission for England.

In proposing the recommendations, Mr Mills advised that the Boundary Commission's proposals were based upon population figures taken in 2015 and that planning applications approved since that time could not be taken into account.

In seconding the proposition, Mr Morris considered it to be sensible for the Parliamentary Constituency to remain co-terminus with the District boundary and noted that a further review could take place in the future should demographic changes require.

DECISIONS:

- (a) That the report be noted.
- (b) That the Cabinet expresses its support for the proposals insofar as they relate to the Witney Constituency.

REASONS: Not applicable.

OPTIONS: None appropriate.

(Mr Emery and Mr Kelland left the meeting at this juncture)

71. DISCRETIONARY DISABLED FACILITIES GRANTS

The Cabinet received and considered the report of the Group Manager for revenues and housing support regarding inclusion of a discretionary award within the Disabled Facilities Grants scheme.

Mrs Baker indicated that she was pleased to be able to bring this report forward and propose the recommendation which would enable the Council to offer further assistance to those whose needs exceeded the financial ceiling set by the mandatory scheme. In seconding the proposition Mr Dingwall concurred.

Mr Howard enquired whether there was any scope to assist those who might have difficulties but did not qualify for mandatory grant aid. In response, Mr Dingwall advised that the mandatory scheme was required to operate within defined parameters. However, Cottsway Housing also operated a scheme with fewer constraints. He also noted that the Council operated a further scheme to undertake small works.

Mrs Baker invited Members aware of any specific cases to refer their concerns to the Council's Officers.

DECISION: That the Group Manager for Revenues and Housing Support be authorised to award discretionary disabled facilities grants of up to £30,000 on the basis set out in the report.

REASONS: The Cabinet considered the provision of discretionary disabled facilities grants to accord with the Council's priorities to meet the current and future needs of residents and to provide efficient value for money services whilst delivering quality front line services.

OPTIONS: None appropriate.

72. HOUSING PROPERTY PURCHASE

The Cabinet received and considered the report of the Group Manager for revenues and housing support regarding the purchase of a property for use as emergency housing accommodation.

Mr Dingwall stated that he was delighted to be able to propose the recommendation. The Council spent significant sums on the provision of emergency accommodation which was often outside the District. The acquisition of a property for use as emergency housing accommodation would provide the Council with a valuable addition to the ways in which it was able to address homelessness.

In seconding the proposition, Mrs Baker stressed that this would give the Council the ability to provide more suitable emergency accommodation.

Mrs Carter welcomed the proposal, indicating that the impact of having to relocate out of the District was particularly severe upon children. She expressed the hope that the scheme could be extended and drew attention to the current call for proper affordable housing and demands for councils to build social housing.

Mr Howard enquired whether it would be possible to secure a second property for this purpose as it appeared likely that the Council would be under-spent on the current budget. In response, Mr Dingwall suggested that the Council should approach the project one step at a time and advised that this was not the only initiative under consideration. Discussions were ongoing with Cottsway Housing with a view to providing a further nine properties for emergency use and meetings were being arranged with other registered social landlords. As there were a variety of differing needs, it was necessary to secure a range of properties to address them. The project would develop as time went on.

Mr Morris noted that the acquisition of an additional property would require a revision of the capital programme through Council. West Oxfordshire had a range of housing initiatives and Mr Morris made reference to the success of the Local Authority Partnership Purchase mortgage scheme which might also require additional funding. He also indicated that, in addition to providing assistance to those in need, the proposed purchase presented a sound financial decision on the part of the Council.

Mr Mills endorsed the project, indicating that it was good to be able to assist local residents at a difficult time in their lives.

DECISION: That approval be given to purchase a property for use as emergency housing accommodation using funds already approved within the capital programme.

REASONS: The Cabinet considered the decision to accord with the Council's priorities to meet the current and future needs of residents and to provide efficient and value for money services, whilst delivering quality front line services

OPTIONS: None appropriate.

73. COMMUNITIES FACILITIES GRANTS – 2ND ROUND 2017/2018

The Cabinet received and considered the report of the Head of Leisure and Communities regarding applications for grant aid from the Community Facilities Grant scheme.

Mrs Baker was delighted to support the applications, which were subject to a thorough evaluation process, and to propose the recommendation. She thanked Members for promoting the scheme and encouraging applications. Mrs Baker indicated that she was proud that the Council had been able to maintain its grants budget at the current level.

In seconding the proposition, Mr Dingwall congratulated Mrs Baker on the success of the scheme and noted that every £1.00 provided by the Council released £3.31 in match funding.

Mr Morris indicated that the retention of the Community Facilities Grant scheme was a testament to the Council's sound financial management and the development of shared working.

Mr Cooper was pleased to note that the grants awarded covered a wide geographical area and a range of activities.

Mr Mills expressed his support for the proposals and considered that it would be interesting to learn how much additional financial benefit was brought into the District by organisations that the Council supported such as the Chipping Norton Theatre.

DECISION: That grants be awarded in accordance with the recommendations set out in the Appendix to the report.

REASONS: The Cabinet considered the applications and recommendations to accord with the approved criteria for the Community Facilities Grant. The awards also supported the Council's aim to maintain and enhance West Oxfordshire as one of the best places to live, work and visit in Great Britain and the specific priorities to meet the current and future needs of residents and to provide efficient, value for money services, whilst delivering quality front line services.

OPTIONS: None appropriate.

74. 2017/2018 BUDGET AND PERFORMANCE MONITORING – QUARTER 2

The Cabinet received and considered the report of the Group Manager Go Shared Services in respect of performance and risk against financial and operational targets for the period 1st April to 30th September 2017.

In proposing the recommendation, Mr Morris noted that there was a current under spend of some £734,000 but that it was likely that there would be further commitments in the second half of the year. He drew attention to paragraph 3.1 of the report and explained that the format of the report would change in the future. He advised that it was unlikely that the Council would need to draw on its reserves and noted that the Business Rates Pool provided an income that drove an under spend year on year.

The proposition was seconded by Mr Dingwall and on being put to the vote was carried.

DECISION: That the Quarter 2 2017/18 financial and operational performance be noted.

REASONS: The Cabinet considered effective budget monitoring to accord with the Council's objective to provide efficient value for money services whilst delivering quality front line services.

OPTIONS: None appropriate.

75. POLICY FOR DISPOSAL OF AMENITY LAND

The Cabinet received and considered the report of Frank Wilson which sought consideration of a co-ordinated approach to requests for release of amenity land for household use.

The Officer recommendation was proposed by Mr Haine and seconded by Mr Dingwall.

Mr Howard questioned whether adoption of such a policy would preclude the Council from disposing of areas of land which it no longer wished to retain. In response, Haine explained that the policy was intended to relate to areas of amenity land secured through section 106 agreements and Mr Mills advised that, whilst there would be a general policy against disposal, individual exceptions could be made by the Council.

DECISION: That the Cabinet approves a policy that amenity land as described in Section 106 agreements be retained and not sold or transferred to households except where an obvious drafting error has been made in those agreements or in the implementation of them by a developer.

REASONS: The Cabinet considered the proposals to accord with the Council's aim to maintain and enhance West Oxfordshire as one of the best places to live, work and visit in Great Britain and its priority to protect the environment whilst supporting the local economy.

OPTIONS: None appropriate.

76. APPOINTMENT OF A MEMBER TO SERVE ON THE OXFORDSHIRE JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

The Cabinet received and considered the report of the Head of Democratic Services regarding the appointment of a Councillor to serve on the Oxfordshire Joint Health Overview and Scrutiny Committee for the period until May 2018.

Mrs Baker wished to put on record her thanks to Mrs Doughty for her work as the Council's representative to the Oxfordshire Joint Health Overview and Scrutiny Committee during a particularly difficult period over the past 18 months.

It was proposed by Mrs Baker and seconded by Mr Morris that Mr T N Owen be appointed as the Council's representative to the Oxfordshire Joint Health Overview and Scrutiny Committee for the period until May 2018.

DECISIONS:

- (a) That Mr T N Owen be appointed as the Council's representative to the Oxfordshire Joint Health Overview and Scrutiny Committee for the period until May 2018.
- (b) That Mrs E H Fenton remain as the Council's Standing Deputy.
- (c) That, for the reasons specified in paragraph 3.5 of the report, and in accordance with the provisions in the Overview and Scrutiny Rules in Part 4 of the Constitution, the decision be implemented immediately.

REASONS: The Cabinet considered that the appointment of representatives to outside bodies offered the Council the opportunity for involvement in community and other organisations, and in the case of the Oxfordshire Joint Health Overview and Scrutiny Committee it also presents an opportunity to present and take forward issues of interest and concern to residents of the District.

OPTIONS: None appropriate.

77. NOTICE OF INTENTION TO APPLY FOR THE CLOSURE OF A CHURCHYARD – ST MICHAELS AND ALL ANGELS, LEAFIELD

The Cabinet received and considered the report of the Head of Democratic Services regarding the Council's response to the Notice of Intention to apply for the closure of the Churchyard at St Michael and All Angels Church, Leafield.

The Officer recommendation was proposed by Mr Morris.

In seconding the proposition, Mr Mills noted that, following the closure, the local council would assume responsibility for the future maintenance of the churchyard but had the opportunity to transfer that responsibility to the District.

Accordingly, he suggested that the Council's response should be subject to confirmation that the churchyard was in good order. Mr Morris concurred.

DECISION: That, subject to confirmation that it is in good order, the Council raises no objections to the closure of the churchyard.

REASONS: Not applicable

OPTIONS: None appropriate.

78. TREASURY MANAGEMENT ADVISORY SERVICES

The Cabinet received and considered the report of the Group Manager Go Shared Services regarding the results of the tendering exercise for the Council's treasury management advisory services to be effective from 1st December 2017.

The Officer recommendation was proposed by Mr Morris and seconded by Mr Dingwall.

Mr Howard considered that the report should have been submitted to the Finance and Management Overview and Scrutiny Committee prior to consideration by the Cabinet. Mr Mills advised that a report on the procurement process had been considered by that Committee at its last meeting when it had been explained that the Council had intended to take part in a joint procurement for the service with various other councils.

However, it had been concluded that the joint procurement route would not have provided sufficient flexibility over the award of the contract and decided that a separate procurement exercise with Cotswold District Council would be carried out. As the current contract was to conclude at the end of November, it was imperative that a new contract was put in place.

DECISION: That the Council awards the treasury management advisory services contract to Company A for a 3 year period from 1 December 2017, on the terms indicated in the report and with options to extend the contract for a further two years.

REASONS: The Cabinet considered the proposals to accord with the Council's priority to provide efficient value for money services whilst delivering quality front line services.

OPTIONS: None appropriate.

79. EXCLUSION OF THE PUBLIC

RESOLVED: that the Cabinet being of the opinion that it was likely, in view of the nature of the business to be transacted, that if members of the public were present during the following items of business there would be a disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, the public be excluded from the meeting.

80. LEASE RENEWAL – THE OLD PRINTHOUSE, MARLBOROUGH LANE.

(Whilst not a disclosable interest, Mrs Fenton advised that she was a member of the Board of Citizens Advice, West Oxfordshire, the tenants of the property under consideration)

The Cabinet received and considered the report of the Group Head of Land, Legal and Property Services containing exempt information regarding the renewal of a lease of the Old Printhouse, Witney, to Citizens Advice West Oxfordshire.

DECISION: That the grant of a renewal lease be approved on the terms set out in the report.

REASONS: The Cabinet considered its decision to accord with the Council's priorities to support the economy and provide efficient, value for money services, whilst delivering quality front line services.

OPTIONS: None appropriate.

81. LAND AT TALISMAN BUSINESS CENTRE, BICESTER – COMPULSORY PURCHASE ORDER COMPENSATION

The Cabinet received and considered the report of the Group Head of Land, Legal and Property Services containing exempt information regarding the negotiated Compulsory Purchase settlement for the land at the Talisman Business Centre, Bicester.

DECISION: That the Cabinet approves the compulsory purchase settlement figure set out in the report.

REASONS: The Cabinet considered its decision to accord with the Council's priorities to support the economy and provide efficient, value for money services, whilst delivering quality front line services.

OPTIONS: None appropriate.

82. LICENCE TO OCCUPY – UNITS AT TALISMAN BUSINESS CENTRE, BICESTER

The Cabinet received and considered the report of the Group Head of Land, Legal and Property Services containing exempt information regarding the grant of a Licence to Occupy units at the Talisman Business Centre, Bicester

DECISION: That the Cabinet approves the Licence to Occupy on the terms set out in the report.

REASONS: The Cabinet considered its decision to accord with the Council's priorities to support the economy and provide efficient, value for money services, whilst delivering quality front line services.

OPTIONS: None appropriate.

The meeting closed at 3:45 pm

Leader of the Council

Appendix 3

Minutes of Uplands Planning Committee

6 December 2017

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the
UPLANDS AREA PLANNING SUB-COMMITTEE
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon
at 2.00pm on Wednesday 6 December 2017

PRESENT

Councillors: J Haine (Chairman), D A Cotterill (Vice-Chairman), A C Beaney, R J M Bishop,
J C Cooper C Cottrell-Dormer, Mrs M J Crossland# A H K Postan, G Saul, and C J A Virgin.

Denotes non-voting member

Officers in attendance: Phil Shaw, Catherine Tetlow, Hannah Wiseman and Paul Cracknell

66 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr N G Colston, and Mr T B Simcox, and from Mrs J C Baker who was absent of official business. Mr J C Cooper attended for Dr E M E Poskitt,

67 DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers in matters to be considered at the meeting at this juncture.

Subsequently, whilst not a disclosable interest, with regard to application No. 17/00642/OUT (Land East of Barns Lane, Burford), Mr Beaney advised that he and his wife were both employed at schools in the town.

68 APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Head of Planning and Strategic Housing giving details of applications for development, copies of which had been circulated. A schedule outlining additional observations received following the production of the agenda was circulated at the meeting, a copy of which is included within the Minute Book.

RESOLVED: that the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Head of Planning and Strategic Housing, subject to any amendments as detailed below:

3 17/00642/OUT Land East of Barns Lane, Burford

Prior to consideration of the applications for development, the Development Manager read a general statement of clarification for the benefit of those present, a copy of which appears as Appendix I to these minutes.

In response to a question from Mr Beaney, the Development Manager advised that, in this context, 'major development' was defined as schemes for more than 10 units.

Mr Cooper expressed surprise that no written legal advice was available regarding the Cabinet's decision on the potential impact of removing the allocation at Land East of Burford as an allocated site within the emerging Local Plan and questioned whether this application should be considered prior to the conclusion of the call-in process initiated in relation to that decision.

In response, the Development Manager reiterated that the Local Plan process and Development Control were two parallel but separate processes.

The Principal Planner drew Members' attention to the report of additional representations and reported receipt of a further 31 letters and emails in objection to the development. She advised that these additional representations did not give rise to any new matters not previously addressed in the report or report of additional representations. She made reference to a letter sent to Members of the Sub-Committee by Responsible Planning in Burford.

Mr Postan expressed his disquiet over the submission of late representations, indicating that it was difficult for Members to assimilate large volumes of correspondence late in the day. He considered that those wishing to make observations on planning applications should do so in good time. In response, Mr Haine advised that this was a matter outside the Council's control and suggested that it was inevitable that late representations would be submitted.

The Development Manager went on to introduce the application.

Ms Sue Haywood addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

Mr John White then addressed the meeting on behalf of the Burford Town Council in opposition to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Mr Tim Burden, the applicant's agent, then addressed the meeting in support of the application. A summary of their submissions is attached as Appendix C to the original copy of these minutes.

Mr Cotterill questioned why Mr Burden had suggested that Members of the Sub-Committee had expressed their support for the allocation of this site within the emerging Local Plan.

Mr Burden responded by stating that he believed that Members of the Sub-Committee had been in attendance at the Council Meeting when the draft plan had been approved for submission to the Planning Inspectorate.

Prior to presenting his report, the Development Manager sought to address some issues raised during public participation. With regard to the suggested inconsistency of approach, he advised that, whilst Officers readily acknowledged that the proposed development would be perceptible, this was not to say that, of itself, this rendered the development harmful.

In relation to housing need, he advised that, at present there were 173 households in housing need who had registered an interest in living in Burford. The application previously approved on appeal on the site at Shilton Road would provide 45 units of affordable housing whilst the current application, if approved, would provide a further 35 units. Together these applications would not fully meet the recorded level of need.

The Development Manager went on to present his report in detail and, on balance, made a recommendation of conditional approval.

Mr Haine made it clear that his proposition with regard to this site at the Cabinet meeting on 15 November had been made solely in relation to the Local Plan report. It had no bearing on his consideration of the current application which he had approached with an open mind. He had visited the site, considered numerous representations from local residents and read the Officers report without pre-judging his position.

Having now heard the presentation, he noted that there was a variance between Officers and those who had spoken in opposition to the application in relation to issues such as housing need and the impact of the proposed development.

Mr Haine reminded Members that the Officer's recommendation had been made 'on balance' and it was a matter of judgement for Members to decide whether or not they agreed with the Officer's assessment.

Mr Haine made reference to the importance of Burford to the District's economy in terms of tourism. He expressed concern over the impact of the proposals on the AONB and heritage aspects of the town. He also questioned the impact of the principal access to the site on the landscape and stressed that such matters were subjective.

Mr Haine suggested that, whilst it had yet to be formally adopted, the Council could be more robust in its view of its five year housing land supply position having provided evidence of this to the Local Plan Inspector. In conclusion, Mr Haine suggested that the town's need for affordable housing could be met to a greater degree by development to the south.

In relation to the question of housing need, the Principal Planner explained that Responsible Planning in Burford had stated that, as at 27 November there were 57 households with a local connection registered on the Housing Waiting List, seven of which were not adequately housed at present. Current figures indicated that 173 households had expressed interest in being housed in Burford, 57 of which had a local connection.

She confirmed that the Shilton Road site would provide 45 affordable units; an insufficient number to meet the needs of those 57 households with a local connection.

Officers believed that there was a substantial need for affordable housing in Burford and it was this factor that had informed their balanced judgement in terms of paragraph 116 of the NPPF

Whilst not a disclosable interest, Mr Beaney advised that he and his wife were both employed at schools in the town. He indicated that the key question was whether the application met the requirements of paragraph 116 and stated that, in his view, it did not. Whilst he acknowledged the need for affordable housing he considered that this could be better met elsewhere.

Mr Beaney suggested that the development would have a detrimental effect upon the landscape, views of the church and upon the nearby Grade I Listed Building. He suggested that the Officer's report failed to take account of views from the Stow Road and considered that the access separated the site from the remainder of the town. The proposed access would also have a detrimental impact upon the landscape and Mr Beaney expressed concern that it could set a precedent for further development.

Mr Beaney proposed that the application be refused as it failed to meet the requirements of paragraph 116 of the National Planning Policy Framework. However, in doing so, he reminded Members of the outcome of the recent appeal in respect of development in the AONB at Milton-Under-Wychwood.

The proposition was seconded by Mr Cottrell-Dormer who considered that the development would result in significant and demonstrable harm to Burford. The proposed access was a blot on the landscape that could set a precedent for further development. He considered that it was unacceptable to bus primary school children to schools outside the town and believed that the site at Shilton Road would provide sufficient affordable housing.

Mr Postan drew a comparison with recent applications in Brize Norton and Shilton. Whilst the Council was opposed to development in the AONB, it had yet to put a Local Plan in place. If it were to lose an appeal on the site the council would lose control and the benefits of New Homes Bonus. West Oxfordshire was in a difficult position constrained as it was by Central Government policy.

Mr Postan made reference to the recently application for some 700 homes in Brize Norton, development that would increase the size of a settlement of some 350 individuals threefold. He indicated that such development was not the end of the world as it enabled the Council to fund and control the provision of infrastructure and other social and community benefits. He stressed that, unless there were durable reasons for refusal, the Council would find it difficult to defend an appeal.

Mr Cooper indicated that Members ought not to consider financial matters in determining a planning application and reminded the Sub-Committee that the Council's Standing Orders made provision for Officers to withdraw an application for determination by the Development Control Committee when their recommendations were not accepted. He acknowledged that this application had been controversial and indicated that, on balance, he believed that a case had been made for refusal and that he would vote accordingly.

Mrs Crossland stated that she could understand that local residents wished to retain the beauty of their town but stressed the importance of considering the needs of future generations. She noted that the proposed development would provide 35 affordable properties for young people which was a significant benefit to the town. Mrs Crossland felt the site to be a natural, logical infill and suggested that development would bring a wider social mix to the population and more young people to the town, creating a more vibrant community. She advised that appropriate landscaping could ameliorate harm and noted that efforts had been made by the applicants to protect the key views of the church spire. The Development Manager confirmed that this was indeed the case.

In conclusion, Mrs Crossland indicated that Burford was a sustainable settlement and expressed her support for the Officer's recommendation.

Mr Beaney indicated that, whilst he believed that the terms of the Section 106 agreement would be safe at appeal, he recognised that the Council could lose control over conditions applicable to any consent.

Given house prices and rent levels in the town, Mr Postan suggested that 'affordable housing' was an oxymoron in Burford. He also considered that good design did not need screening.

Mr Saul saw the provision of affordable housing as a significant benefit and believed that the Officer's assessment was correct. Mr Bishop demurred as he did not consider that there were sufficient exceptional circumstances to overcome the significant and demonstrable harm occasioned by the development. He considered that the need for affordable housing would be met on the Shilton Road site and expressed his support for the alternative delivery method under discussion with the Blenheim Estate. Mr Bishop also considered that it was unacceptable to transport primary school children to schools outside the town.

Mr Cotterill expressed his concern over the failure to fully address heritage aspects, indicating that the site had been protected and left vacant in the past as it represented the demarcation between the historic and modern elements of the town. The site mirrored Priory Wood and represented the split between the modern and medieval layout of the settlement. The site was important from a historical and heritage point of view and in terms of the setting of the Grade I listed Paladin Great House.

In terms of affordable housing, Mr Cotterill advised that the last 11 units had just been allocated on the recently completed exception site and noted that many of those who had expressed an interest in being allocated a property in Burford had declined offers. Accordingly, he suggested that housing need figures should be treated with caution. An additional 13 units had been provided at Frethern Close with 50% reserved for local people. The Development at Shilton Road would provide 45 units for people with a local connection and additional properties were available in Tanners Lane.

With regard to the access from Witney Street, Mr Cotterill indicated that he had been advised that, whilst the proposed flood protection measures were good, there was no mention of maintenance arrangements and concern that the outflow from the pond above Roebuck Cottage could give rise to a risk of flooding.

In conclusion, Mr Cotterill made reference to the number of Listed Buildings within the town and the financial contribution of tourism to the local economy.

Mr Bishop acknowledged the Planning Officer's technical assessment but noted that there was a significant degree of opposition from local residents. He recognised that Officers had made an 'on balance' recommendation and advised that, in his view, the benefits failed to outweigh the harm.

The Development Manager indicated that, whilst it was easy to make a popular recommendation, the role of the Council's Officers was to advise Members on the merits of an application having regard to local and national planning policy, potential sanctions and current Government intentions. Whilst a legal agreement might be secure, the Development Manager advised that the Council could negotiate better terms than those put in place by a Planning Inspector who would simply assess any requirements against policy. He reminded Members that the provision of additional car parking at Tackley offered by the developer had been lost when that application had gone to appeal.

That said, the Development Manager acknowledged that the Officer recommendation had been made on balance and invited Members to focus principally on the requirements of paragraph 116 of the NPPF. He noted that there were no technical objections to the proposed development and reminded Members that the volume of local objection would not be a determining factor for a Planning Inspector who would determine an appeal on policy grounds alone.

Members had to weigh the harm occasioned by the development against the benefits that it would bring. If they considered that the harms were too great then it was legitimate to say that the requirement of exceptionality had not been met.

Mr Beaney indicated that whilst the Council was committed to the provision of affordable housing it was possible to over-provide in one area. He remained of the opinion that, in particular, the requirements of Paragraph 116 of the NPPF had not been met.

Mr Postan enquired whether the Council could maintain an objection to the access from Witney Road and the Development Manager advised that, without objection from the Highway Authority, the Council could only object to the access on grounds of impact on the landscape.

The recommendation of refusal was then put to the vote and was carried.

The Development Manager sought clarification of the refusal reason and the Sub-Committee confirmed that it considered that the harms occasioned by the development in both landscape and heritage terms were such that they did not outweigh the benefits provided.

Refused for the following reasons:-

1. The site lies within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is required to give great weight to conserving landscape and scenic beauty. The site is prominently located in the countryside beyond the existing settlement edge of Burford. The development would encroach unacceptably into agricultural land and would fail to relate satisfactorily to the town or the existing rural environment which provides a setting for it. It would not easily assimilate into its surroundings resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be highly prominent and visible in a number of public views. The proposal would represent major development which would not conserve landscape and scenic beauty, and no exceptional circumstances or public interest have been demonstrated to justify or moderate the harm caused. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2, BE4, NE1, NE3, NE4, and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, and EH1, and the relevant policies of the NPPF, in particular paragraphs 17, 58, 109, 115 and 116.
2. The site is a substantial agricultural field forming part of an extensive area of countryside around Burford that provides a setting for the town. The site is substantially within the Burford Conservation Area, with only the means of access sitting outside it. A large number of Listed Buildings and undesignated heritage assets are located in the vicinity. The Grade I Listed church of St John, and in particular its spire, is inter-visible with the site from a number of public viewpoints. The proposed development would significantly encroach into the countryside and would have an urbanising effect on the Conservation Area and the setting of heritage assets. This would lead to less than substantial harm to the setting and significance of

the assets which is not outweighed by public benefits. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies H2, BE2, BE5, and BE8, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS4, and EH7, and the relevant paragraphs of the NPPF, particularly paragraphs 131, 132, and 134.

3. The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, secures the provision and appropriate management of landscaping and open space, makes an appropriate contribution to public transport services and infrastructure, and provides for public art. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently the proposal conflicts with West Oxfordshire Local Plan 2011 Policies BE1, TLC7 and H11, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS5, and H3, and paragraphs 17, 50, 69, 70, 72 and 203 of the NPPF.

(Mr Virgin left the meeting at this juncture)

37 17/01082/OUT Land North of Witney Road, Long Hanborough

The Planning Officer introduced the application.

Dr Stuart Brooks addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

Mr Neils Chapman, the Chairman of the Chairman of Hanborough Parish Council, addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

Mr John Ashton, the applicant's agent, then addressed the meeting in support of the application. A summary of their submissions is attached as Appendix F to the original copy of these minutes.

The Planning Officer then presented her report containing a recommendation of conditional approval and recommended the inclusion of additional conditions relating to the submitted plans and requiring provision of the facility for high speed broadband.

Mr Haine again suggested that the Council could be more robust in its view of its five year housing land supply position having provided evidence of this to the Local Plan Inspector. He also questioned whether 170 units was too dense a development on this site.

In response, the Planning Officer advised that this was an outline application for up to 170 dwellings hence the density of development could be regulated

at reserved matters stage. She advised that the smaller units that comprised the affordable housing element met the requirements reflected in the housing waiting list.

With regard to the comments made by Mr Chapman, Mr Haine enquired whether it would be possible to condition consent to require the expansion of the local school prior to occupation of the dwellings. In response the Development Manager advised that, in discussion with the County Council, the education authority remained adamant that sufficient school places would be made available. They had access to an off-site playing field and discussions were also taking place with the Playing Fields Trust regarding a potential land swap. It was also possible to create a second story extension to the existing building.

Mr Beaney offered an apology to local residents for the suggestion made by the Leader of the County Council in his letter in response to the Local Member of Parliament suggesting that the County Council had only a consultative role in terms of highways and education and that the District Council was the final arbiter in these respects. He advised that West Oxfordshire would not be able to sustain refusal reasons on these grounds without the support of the County.

Mr Beaney also noted that, whilst having had the opportunity of doing so, the County representative had not made any observations on the terms of the proposed legal agreement.

Mr Beaney noted that the concerns raised and potential refusal reasons put forward were the same as those applied to the site to the south which had been considered and rejected by the Planning Inspectorate on appeal. If the Council was to seek to refuse this application, the outcome would be the same. Mr Beaney considered that there was no option other than to support this application in order to retain control over the development and ensure things were done well and in the right order.

In terms of the proposed legal agreement he indicated that he would prefer to see the landscaped area protected by transfer to a management company. Whilst he had concerns over the proposals on highways grounds, Mr Beaney stressed that, without the support of the County Council, West Oxfordshire could not object. He also suggested that occupation of the properties ought not to be permitted until the necessary additional school places had been provided.

In response, the Planning Officer advised that the retained land would be protected in the legal agreement by a long term management plan through a management company.

With regard to the occupation of the properties, the Development Manager advised that any condition needed to be reasonable. Whilst it would be inappropriate to place the developers in a ransom position to the County, as the County Council had advised that there were plans in place to provide

additional school places, the Council could apply a staging process to occupation of the units.

Mr Beaney indicated that he would prefer to see ownership of the retained land transferred to the owners of the properties rather than the creation of a management company.

In response to a question from Mr Bishop, the Planning Officer advised that the length of the management arrangement would need to be specified in the legal agreement. Mr Haine considered that the land should be retained in perpetuity. The Development Manager advised that, whilst the Council could express a preference, it could not oblige the applicants to transfer ownership of their land. However, it could require that it be laid out and maintained as open space.

Mr Postan questioned what employment opportunities would be available to residents. He made reference to the covenants relating to the retention of open space employed at the Bradwell Grove development and noted that a single owner could provide a subsidised mortgage scheme.

The Development Manager advised that, whilst there was some industry in the vicinity, the majority of residents were likely to commute to Oxford to work. He reiterated that, whilst it may be possible to negotiate a transfer the Council could not oblige the applicants to handover ownership of their land. The Development Manager also advised that the new affordable housing scheme being trialled with Blenheim offered a greater discount on market rent than could be achieved by a registered social landlord (50% rather than 80% of market rent). The Council might also be able to negotiate a higher level of affordable housing.

Mr Postan suggested that affordable mortgages offered a preferable option and noted that open space at Bradwell Village was protected by covenants. Without local employment he questioned whether the development could be considered as sustainable.

Mr Haine questioned whether there was any merit in seeking deferral of the application to explore the possibility of transferring the land. The applicant's representative advised that the estate would find a transfer problematic but would be prepared to consider the possibility of covenants in similar terms to those proposed at condition 20.

Mr Cooper stated his belief that West Oxfordshire was expected to accommodate too much of Oxford City's unmet housing need. Mr Cottrell-Dormer expressed his opposition to the application, indicating that he believed that Hanborough had already taken sufficient development. Mr Cotterill concurred, expressing his concern at this 'island development' with its single access point. The Development acknowledged the concerns over access and advised that alternative options had been discussed with the applicants. However, the Council could not require revisions without support from the highway authority.

The Development Manager advised that Officers were well aware of local concerns and again, whilst it was easy to make popular recommendations, it was essential that Members were aware of the potential consequences. Whilst the Council was successful in defending planning appeals; winning some 90% of those lodged, this figure fell to only 50% in the case of major applications. In these cases, the Council was only successful where there were technical objections or objections on heritage impact. Whilst Members were perfectly entitled to refuse the application, it was important that they were aware of the danger that they could lose control of their other allocations. The Council had already lost a significant number of large appeals and, should more than 10% of appeals on major applications fail, there was a danger that the Government would intervene, enabling developers to make application direct to the Planning Inspectorate with the consequent loss of control and fee income.

Mr Saul noted that the Council had refused a number of applications in this vicinity which had gone on to be approved at appeal. He could see no grounds upon which this application could be refused and expressed his support for its innovative approach to the provision of affordable housing.

Mr Cottrell-Dormer suggested that the Local Plan would be in place before any appeal could be heard. Notwithstanding this confidence, the Development Manager advised that developers were arguing that the Council should show a 20% tolerance in its five year housing land supply rather than the 5% put forward and that this should be calculated over a five year period rather than the full plan period. Whilst there was no indication that the Inspector would not support the Council's position, there could be no guarantee. Whilst it was anticipated that the plan would be in place shortly, with the potential for legal challenge, there was no certainty this would be the case.

Mr Bishop suggested that Members needed to be pragmatic in considering the application as the danger that a refusal would be overturned on appeal was too great.

Mr Beaney indicated that there were no policy grounds on which to base a refusal and proposed the revised Officer recommendation subject to inclusion within the legal agreement of provisions to secure the phasing of occupation of the dwellings to align with the provision of school places and the retention of open space by way of covenants.

The Development Manager advised that it would be necessary to clarify the schools building programme with the County Council and to make appropriate provision for phased occupation of the dwellings.

The proposition was seconded by Mr Saul.

Mr Postan enquired whether it would be possible to defer consideration of the application pending adoption of the Local Plan. In response, the

Development Manager advised that the argument of prematurity had been rejected by the Planning Inspectorate in the recent past.

Mrs Crossland noted that the Council was subject to national constraints and was to some degree no longer master of its own destiny. She expressed her support for the recommendation and concern at the possibility of loss of control and income and the potential costs.

Mr Cooper reiterated his concern over the extent to which Oxford City's unmet housing need was falling upon West Oxfordshire and enquired whether the Council could seek developer contributions towards track improvements to the Cotswold Line. In response, the Development Manager advised that the Council could assert but not demonstrate a five year housing land supply. The housing figures applied were those included in the draft Local Plan as approved by the Council and Railtrack had raised no objection to the application.

The revised Officer recommendation was then put to the vote and was carried.

Permitted, subject to the applicants entering into a legal agreement on the basis set out in the report, amended as detailed above, and to the following additional conditions:-

28. That the development be carried out in accordance with the approved plans listed below.
Reason: For the avoidance of doubt as to what is permitted.

29. 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 (>24Mbs). 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 the Council will be able to advise developers of known network operators in the area.

(Mr Cooper requested that his vote against the foregoing application and Mr Beaney his vote in support be so recorded)

68 17/0170/FUL Land East of Stonesfield, Woodstock Road, Stonesfield

Members noted that this application had been withdrawn from the agenda at the request of the applicants.

69 16/01364/OUT LAND EAST OF WOODSTOCK

The Principal Planner introduced the application. She made reference to correspondence sent on behalf of the Woodstock Town Council directly to Members and advised that this did not give rise to any additional matters not addressed in the report or report of additional representations.

Mrs Trish Redpath addressed the meeting on behalf of the Woodstock Town Council in opposition to the application. She indicated that the Town Council had been unaware that the application was to be considered at the meeting and reiterated the concerns expressed in the letter sent to Members a copy of which appears as Appendix F to the original copy of these minutes.

The Principal Planner advised that, whilst ICAMOS had indicated that it would not wish to see this land developed, it had acknowledged that the decision rested with the Local Planning Authority.

Mr Cooper made reference to the call-in of the Cabinet's recent decision regarding modifications to the emerging Local Plan and indicated that it was open to the Sub-Committee to seek deferral of this application. He advised that the site had been considered by the Planning Inspectorate in 2004 when a refusal of consent by the Council had been upheld.

He proposed that consideration of the application be deferred pending the outcome of the call-in request, citing the absence of a buffer zone to protect the World Heritage Site. Mr Cooper also expressed concern at the relocation of the Woodstock Under Fives Association from the school and the impact of the development on the A4095 through Bladon.

Mr Beaney indicated that he had always considered the affordable housing provision to be adequate and was concerned that the revised conditions would make matters worse. In response, the Principal Planner advised that the revision was simply intended to accommodate the potential re-phasing of the development. There was difficulty in delivering the new under-fives facility early on as there was a need to put the northern spine road in at an early stage. This was inconsistent with the phasing agreed by the Sub-Committee in February but the proposed revision did not alter the intent of the original condition.

The proposition of deferral failed to attract a seconder and the Officer recommendation was proposed by Mr Postan and seconded by Mr Cotterill and on being put to the vote was carried.

RESOLVED: That, having regard to the information set out in the report, the Sub-Committee re-states the resolution to approve the application subject to the applicants entering into a legal agreement and to the amended conditions as set out in the report.

(Mr Cooper requested that his vote against the foregoing resolution be so recorded)

70 16/02851/OUT LAND SOUTH OF MILTON ROAD, SHIPTON-UNDER-WYCHWOOD

The Principal Planner presented her report and reported receipt of two further representations. The Officer recommendation was proposed by Mr Beaney and seconded by Mr Haine and on being put to the vote was carried.

RESOLVED: That, having regard to the information set out in the report, the Sub-Committee re-states the resolution to approve the application subject to the applicants entering into a legal agreement.

The meeting closed at 5:45pm.

CHAIRMAN