

<b>APPLICATION NO.</b>	<a href="#">P18/S0002/O</a>
<b>APPLICATION TYPE</b>	Outline
<b>REGISTERED</b>	2.1.2018
<b>PARISH</b>	Pyrton
<b>WARD MEMBERS</b>	Anna Badcock
<b>APPLICANT</b>	Beechcroft
<b>SITE</b>	Shirburn Road, Watlington, OX49 5BZ
<b>PROPOSAL</b>	Outline application for up to 37 Assisted Living Units, provision of a Care Home and 4 staff accommodation units (all matters reserved for future consideration with the exception of access)
<b>AMENDMENTS</b>	As clarified by alternative indicative layout and additional information accompanying Agents letter dated 18 June 2018.
<b>OFFICER</b>	Emma Bowerman

1.0 **INTRODUCTION**

- 1.1 This application is referred to the Planning Committee as the officer's recommendation conflicts with the views of Pyrton Parish Council.
- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) is the former Ministry of Defence (MoD) site on the corner of the B4009 and Pyrton Lane. The site area is around 1.6 hectares. It is currently a storage and transfer facility but has recently been used for crushing materials for use in construction.
- 1.3 There are two accesses to the site, from the B4009 and Pyrton Lane. Hedges mark the boundaries to both roads. There is an existing dwelling called 'The Bungalow' between the application site and the B4009. This utilises the same access from the B4009 as the application site.
- 1.4 The land to the north of the site is part of a Grade II Registered Park and Garden associated with Shirburn Castle. There are several Grade II Listed structures within the grounds, including a church, icehouse, rotunda and a statue. Shirburn Castle is a Grade I Listed Building. The Castle and grounds are also part of Shirburn Conservation Area.
- 1.5 To the immediate west of the site is an open field. Further to the west is the Grade II\* Listed Pyrton Manor and its grounds. Pyrton Manor, and much of the village of Pyrton, fall within Pyrton Conservation Area. There are several other listed buildings within this village.
- 1.6 The land to the east of the site is within the Chilterns Area of Outstanding Natural Beauty (AONB). The edge of this designated area is the opposite side of the B4009. To the south of the site is Watlington recreation ground.
- 1.7 The application site is within the parish of Pyrton. Pyrton are at an advanced stage in the preparation of their Neighbourhood Plan, which has been independently examined. The referendum on the Neighbourhood Plan will take place on 14 March 2019. If residents vote to adopt the Neighbourhood Plan it will then be presented to the district council to be made as part of the Development Plan.

1.8 The Pyrton Neighbourhood Plan has a site-specific policy for the application site, which is referred to as site PYR1. This policy supports the principle of the redevelopment of the former MoD site for residential development, subject to several criteria.

1.9 The parish of Watlington borders the south of the site. Watlington have a made Neighbourhood Plan. Amongst other matters, the Watlington Neighbourhood Plan aims to safeguard land for a re-aligned B4009 to the north and west of the town.

## 2.0 PROPOSAL

2.1 This application seeks outline planning permission for up to 37 assisted living units, provision of a 60-bed care home and four staff accommodation units. The application seeks detailed consent for the access. The matters of appearance, layout, scale and landscaping are reserved for consideration later.

2.2 The application also safeguards land to the northeast of the site to facilitate a re-aligned B4009. This land is not within the application site (outlined in red) but is within the applicants control and is outlined in blue below:



2.3 An indicative layout plan accompanies the application, and this shows how the site could accommodate the proposed level of development. Given that the application is in outline, this is for indicative purposes only. Vehicular access to the site would be from the B4009 and this is the only aspect of the development that is detailed in the application documents.

2.4 The application plans and documents have been amended during the application process in response to consultation comments made in relation to design and landscape. Additional information was also submitted during the application process, including an air quality assessment, contaminated land report, and biodiversity impact calculations.

2.5 The indicative site layout is **attached** as Appendix B. For the sake of clarity, the application does not propose the roundabout or any of the surrounding development that is shown on the indicative layout. The application is purely for the development within the red line application site boundary.

- 2.6 The application is accompanied by several supporting documents, including a Design and Access Statement and Planning Statement. These are available to view on the council's website at <http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P18/S0002/O#exactline>

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Pyrton Parish Council** – Opposed to the application and believes it should be refused, raising the following concerns:

- lack of consideration of the Neighbourhood Plan context,
- the submission fails to consider cumulative impact,
- density far above what is considered suitable or appropriate,
- development not in keeping with the pattern of loose knit development in the area,
- proposal would result in a greater floor space than existing buildings on site and would be higher than existing,
- mass of the buildings would impinge upon the views to and from the AONB,
- scale of development and increase in light pollution would cause substantial harm to the rural and isolated settings of both Shirburn Registered Park and Garden and the nearby Grade I and II Listed Buildings,
- impact on Shirburn and Pyrton Conservation Areas,
- the development would be contrary to policy CSR1 in terms of the scale of the development relevant to the size of Pyrton,
- could be perceived as a 'Gateway Development' and extend the built-up area of Watlington,
- the number of parking spaces provided and additional traffic generation,
- increase in congestion and air pollution in Watlington,
- no provision for affordable homes,
- concerns regarding contamination,
- the application should be a detailed submission and not an outline,
- the edge road would add to car and traffic movements in the area.

- 3.2 **Shirburn Parish Council** – Object with the following concerns:

- overdevelopment,
- harmful to the rural character of the area,
- harmful to the surrounding heritage assets,
- impact on views into and from the AONB,
- precedent for future development,
- additional traffic and impact on highway safety,
- undermining the Neighbourhood Plan process,
- contrary to the Neighbourhood Plan.

- 3.3 **Watlington Parish Council** – No objection, with the following comments:

- efficient use of a brownfield site,
- will create employment opportunities,
- there is a need for the development,
- more staff accommodation should be provided, and this could be affordable,
- would like to see a pedestrian crossing to Station Road,
- footpath linkages should be considered, and integrated green spaces,
- this is an integrated whole in terms of architectural style,
- this would be a 'Gateway Development' signifying the entry into the built-up-area of Watlington,
- a contribution should be provided to cover healthcare and transport,

- there needs to be a more detailed assessment of the impact of the development on the Watlington Air Quality Management Area,
  - development should contribute towards Watlington Edge Road to mitigate air quality impacts.
- 3.4 **The Chilterns Conservation Board** – Raised concern in relation to the illustrative plan that was provided with the original submission. Commented that the development would impact on the AONB boundary and recommended that the design of the built form along the south eastern boundary be reviewed. Reiterated their comments in relation to the consultation on the alternative indicative layout and suggested that the land edged blue needs to be controlled by a landscaping condition.
- 3.5 **Historic England** – No comments received
- 3.6 **Environment Agency** – No objection subject to a condition
- 3.7 **Thames Water Development Control** – No objection
- 3.8 **Oxfordshire Clinical Commissioning Group** – Object as no health impact has been included as to the effect on the local health economy. The CCG would expect some contribution to support local primary care services.
- 3.9 **Oxfordshire County Council (OCC) Transport** – No objection subject to conditions and obligations.
- 3.10 **South Oxfordshire District Council (SODC) Landscape** – Comments provided by two different landscape officers.
- The officer who commented on the initial submission did not express any strong views on the development and commented that the extent to which it complies or conflicts with relevant policy is largely a matter of judgement, taking account of its positive and negative aspects.
- The officer who commented on the alternative illustrated layout objected to the proposal due to concerns about the ability of the site to accommodate the proposed density of housing without a significant harmful effect on landscape character and the setting of the AONB.
- 3.11 **SODC Conservation** – No objection
- 3.12 **SODC Forestry** – No objection
- 3.13 **SODC Countryside** – Initially objected as the applicant had not provided sufficient evidence to demonstrate how the proposals can deliver a net gain in biodiversity. No objection following the submission of additional information, subject to a condition.
- 3.14 **SODC Urban Design** - Raised concern in relation to the illustrative plan that was provided with the original submission. No objection following the submission of the alternative illustrative plan and additional supporting information.
- 3.15 **SODC Housing Development** – No objection subject to the completion of a legal agreement to secure a commuted sum towards off-site affordable housing.
- 3.16 **SODC Drainage** – No objection subject to conditions

- 3.17 **SODC Contaminated Land** – Unable to comment on the initial submission as an appropriate contaminated land assessment had not been submitted. No objection following the submission of additional information, subject to a condition.
- 3.18 **SODC Environmental Protection** – No objection subject to conditions
- 3.19 **SODC Air Quality** – Referred to the cumulative impact of development in the locality on the existing Air Quality Management Area in Watlington. Expressed support for the County Council’s position on the edge road.
- 3.20 **SODC Waste Management** – No objection
- 3.21 **Local Residents**

Two received with the following concerns / recommendations:

- development is over intensive,
- additional pressure on services and facilities (health and drainage),
- compounds existing issues (traffic, parking and air quality),
- the development is in isolation of the Local Plan,
- biodiversity off-setting should be on-site,
- impact on highway safety,
- it would not be realistic for residents to walk to Watlington,
- pedestrian access should be provided through recreation ground,
- the speed limit should be reduced,
- should provide the roundabout for the edge road.

One received commenting that the site may have been used for the storage of munitions during wartime.

#### 4.0 **RELEVANT PLANNING HISTORY**

- 4.1 There is only one relevant historic application within the site. This was an application for a lawful development certificate in 2002 (ref: [P02/S0324/LD](#)). This confirmed the lawful use of the site as falling under use class B8, which allows for the site to be used as a warehouse and for the purposes of distribution.
- 4.2 There are two current applications within the wider area that are of relevance to the application. To the north of the site there is an outline application pending for the erection of up to 100 homes (ref: P16/S2576/O).
- 4.3 To the west of Watlington is a current hybrid application (ref: P17/S3231/O), for detailed planning for 183 homes, and outline planning for 650 sq.m of office floorspace.

#### 5.0 **POLICY & GUIDANCE**

- 5.1 **National Planning Policy Framework (NPPF)**  
Updated in July 2018 and the associated NPPF Planning Practice Guidance (PPG)
- 5.2 **Adopted South Oxfordshire Core Strategy (SOCS) 2027**  
CS1 - Presumption in favour of sustainable development  
CSS1 - The Overall Strategy  
CSH1 - Amount and distribution of housing  
CSR1 - Housing in villages  
CSH2 - Housing density  
CSH3 - Affordable housing  
CSH4 - Meeting housing needs  
CSEN1 - Landscape protection

- CSEN3 - Historic environment
- CSQ3 - Design
- CSQ4 - Design briefs for greenfield neighbourhoods and major development sites
- CSB1 - Conservation and improvement of biodiversity
- CSG1 - Green infrastructure
- CSI1 - Infrastructure provision
- CSM1 - Transport
- CSM2 - Transport Assessments and Travel Plans
- CSC1 - Delivery and contingency

**5.3 Adopted South Oxfordshire Local Plan (SOLP) 2011 saved policies**

- C4 - Landscape setting of settlements
- C6 - Maintain & enhance biodiversity
- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- CON5 - Setting of listed building
- CON7 - Proposals in a conservation area
- D1 - Principles of good design
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- D6 - Community safety
- D10 - Waste Management
- D12 - Public art
- E6 - Loss of employment uses
- EP1 - Adverse affect on people and environment
- EP2 - Adverse affect by noise or vibration
- EP3 - Adverse affect by external lighting
- EP4 - Impact on water resources
- EP6 - Sustainable drainage
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- G4 - Protection of Countryside
- H4 - Housing sites in towns and villages
- R2 - Provision of play areas on new housing development
- R6 - Public open space in new residential development
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

**5.4 Emerging Pyrton Neighbourhood Plan (PNP)**

Pyrton Parish Council is working on a Neighbourhood Plan. Following the independent examination of the Pyrton Neighbourhood Plan, the District Council has agreed that the Plan should now proceed to referendum. The referendum will take place on 14 March 2019.

If residents vote to adopt the Neighbourhood Plan it will then be presented to the District Council to be made as part of the Development Plan.

The key policies in the Emerging Neighbourhood Plan are:

- BNE1: Historic Environment
- BNE2: Landscape character
- BNE5: Flood risk and drainage
- C2: Development contributions
- H1: New Homes
- H2: Type of new homes

D1: Detailed design criteria  
SA1: Former MoD site (PYR1)

Given the stage in the preparation of the Pyrton Neighbourhood Plan, it can be given significant weight.

#### 5.5 Watlington Neighbourhood Plan (WNP)

The Watlington Neighbourhood Plan allocates three housing sites in an arc north and west of the town. These will deliver a minimum of 238 new homes over the plan period. The Neighbourhood Plan also safeguards land for an edge road to reduce the volume of traffic in the town centre and lead to an improvement in air quality.

The map below is taken from the Watlington Neighbourhood Plan and shows the allocated housing sites (A, B and C) and an indicative route for an edge road:



The application site is to the right of the map and the indicative route of the edge road passes through the application site and is shown by a dashed green line.

The Watlington Neighbourhood Plan is a made Plan and therefore carries full weight.

#### 5.6 Emerging South Oxfordshire Local Plan 2032

The Council is preparing a new Local Plan, which will set out how development will be planned and delivered across South Oxfordshire to 2033.

Policy TRANS3 of the Emerging Plan specifies land that is safeguarded for strategic transport schemes. This includes land for a bypass for Watlington and the route is shown on the map below:





Due to the stage of preparation, the Emerging Local Plan can only be given limited weight.

**5.7 South Oxfordshire Design Guide (SODG) 2016**

This guide sets out the standard that we expect developments to meet through a series of checklists that relate to key design principles.

**5.8 Environmental Impact Assessment (EIA)**

The proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). This is because the proposal does not exceed 150 homes, the site area is under 5ha and is not within a 'sensitive area'. It is therefore not EIA development.

**5.9 Other legislation and guidance**

- **Dept for Environment, Food and Rural Affairs - Clean Air Strategy 2019**
- **Planning (Listed Buildings and Conservation Areas Act) 1990**
- **Countryside and Rights of Way Act 2000**
- **Landscape Capacity Assessment for Larger Villages (2015)**
- **The Chilterns AONB Management Plan**
- **Position Statement: Development Affecting the setting of the Chilterns AONB**

**6.0 PLANNING CONSIDERATIONS**

6.1 The relevant planning considerations in the determination of this application are:

- The principle of the development
- Matters of detail / technical issues:
  - affordable housing,
  - air quality,
  - traffic impact and highway safety,
  - landscape and character,
  - heritage,
  - trees and ecology,
  - neighbour amenity and amenity of future residents,
  - environmental matters (drainage, contamination and noise).
- Infrastructure requirements:
  - contributions pooled under the Community Infrastructure Levy,



- on-site infrastructure to be secured under a legal agreement.

### **The principle of the development**

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.3 In the case of South Oxfordshire, the Development Plan consists of the South Oxfordshire Core Strategy (SOCS) which was adopted in December 2012, and the saved policies of the South Oxfordshire Local Plan (SOLP) 2011.
- 6.4 The Pyrton Neighbourhood Plan (PNP) does not currently form part of the Development Plan as it has not been through a public referendum. However, given the advanced stage in the preparation of the Plan, its policies can be afforded significant weight. This is because the Plan has been independently examined and the District Council has agreed to the modifications requested by the examiner. The referendum date is set for 14 March 2019.
- 6.5 Policy H1 of the PNP states that planning permission will be granted for residential houses at the former MoD site (the application site) at a density that would not have an adverse effect on the character of the area and on the Parish's heritage assets.
- 6.6 Policy SA1 of the PNP reiterates that the redevelopment of the application site for residential development, along with associated landscaping and infrastructure works, will be supported in principle subject to a number of criteria relating to environmental and amenity considerations. I therefore consider that the principle of the redevelopment of this brownfield site, for a care home and assisted living units, is acceptable.
- 6.7 The criteria for development that are listed in policy SA1 are considered in the relevant sections of this report. For completeness the criteria (a to e) are set out below and I have added comments in relation to each criterion in red:
- a. Consultation takes place with the local community from the outset and throughout the planning process. Any planning application should explain the nature of the consultation so far undertaken, the percentage of parishioners involved, the views of parishioners, and how those views have been taken into account in formulating a development proposal.

**The application is accompanied by a Statement of Community Involvement. This states that meetings took place with Pyrton and Watlington Parish Councils and Neighbourhood Plan Groups prior to submission. A public exhibition was also held at Pyrton Village Hall. Around 60 people attended and 11 completed comments forms. Following this consultation, the number of assisted living units was reduced from 45 to 37.**

- b. Affordable housing will be sought in line with SODC's adopted requirements, subject to viability.

**A commuted sum of £1,071,076 would be secured from this development to contribute towards meeting housing needs in the district.**

- c. Vehicle access to the site is off the Shirburn Road (B4009), as now.

**The vehicular access for the development is off the B4009 in the position of the existing access.**

- d. Design and access statement as required by SODC's adopted Validation Checklist, should be prepared and submitted as part of any application. In addition to the statutory expectations for a design and access statement, the statement should:
- i. Draw on relevant precedents and demonstrate how and why they are related to the proposed development, and how these have influenced the proposal in formulating an appropriate scheme;
  - ii. Include sufficient drawings, photomontages, viewpoints and illustrations to allow a realistic appreciation of the proposal;
  - iii. Explain how and why the building types, scale, appearance and materials have been selected and are appropriate for the environment;
  - iv. Demonstrate how the proposed development responds to on-site and surrounding heritage, landscape and environmental opportunities / constraints / designations. In particular, proposals should demonstrate how management of the existing boundary vegetation would maintain the visual containment of the site and lighting management would reduce light pollution from the site.
  - v. Demonstrate a prospective net gain in biodiversity on the site through appropriate ecological surveys.

**The application is accompanied by a detailed Design and Access Statement. This includes a local character analysis, a constraints and opportunities plan, and parameter plans. A green infrastructure plan shows that the boundary vegetation would be retained. The development would not achieve a net gain in biodiversity but would provide appropriate mitigation.**

**The level of information submitted is sufficient to determine the application and additional details (including lighting) would be needed at reserved matters stage, when the appearance, landscaping, layout and scale of the development are considered.**

- e. Planning applications must take into account the recommendations of the SODC Landscape Capacity Study (2015) in relation to this site and be accompanied by a Landscape and Visual Impact Assessment.

**The proposal does not accord the recommendations in the Landscape Capacity Study. The application is accompanied by a Landscape and Visual Impact Assessment which contends that a higher quantum of development than is indicated in the Landscape Capacity Assessment is acceptable.**

#### Affordable housing

- 6.8 Policy CSH3 of the SOCS requires developments to provide 40% affordable housing, which should generally be provided on site. In this case, given the type of accommodation proposed, the council's affordable housing team have agreed that a commuted sum can be paid in lieu of on-site provision. This will be used meet housing needs in the district.

- 6.9 Following negotiations with the housing team, the applicant has agreed to pay an affordable housing contribution of £1,071,076. This will be secured through a legal agreement, with a trigger to be paid prior to the occupation of the 17<sup>th</sup> assisted living unit.
- 6.10 Subject to the completion of a legal agreement I am satisfied that the development would make an appropriate contribution towards the provision of affordable homes in the district.

Air quality

- 6.11 The road network around Watlington is sensitive and there are traffic pressures on the town centre that cause congestion and have a negative impact on air quality. The air pollution problem in Watlington is based on congestion levels in an area of narrow streets and relatively high sided buildings creating a 'street canyon' effect with pollutants unable to disperse effectively.
- 6.12 Watlington town centre is one of three Air Quality Management Areas (AQMAs) within South Oxfordshire. AQMAs are designated when the levels of pollutants in the air have reached those identified by the government as harmful to health and are in breach of what is called the 'national air quality objectives.' Watlington AQMA was designated in 2009 due to annual exceedances in national air quality objectives for nitrogen dioxide.
- 6.13 The developments that are proposed around Watlington would add further traffic pressure to the already congested town centre. The cumulative impact of the developments around Watlington would have a severe adverse impact on the declared AQMA.
- 6.14 It is therefore essential that appropriate mitigation is secured to ensure that air quality in the town centre does not deteriorate further as a result of growth around Watlington. The proposed development would provide mitigation in the form of land for the construction of an alternative route.
- 6.15 This alternative route - 'the edge road' - would reduce the additional pressure on the town centre and would mitigate the air quality impact of this development and future growth around Watlington. The edge road may also have a further positive impact by improving the current poor air quality in the town centre.
- 6.16 The proposed development would provide an opportunity to mitigate the impacts of the development and improve air quality. This would accord with para.181 of the National Planning Policy Framework (NPPF). Policy EP1 of the SOLP also requires mitigation measures to be implemented in cases where polluting emissions would have an adverse effect on people.
- 6.17 Given the traffic pressures on the town centre, and the resultant impacts on air quality, both County and District officers are supportive of the edge road and consider its provision to be necessary to facilitate growth around Watlington.
- 6.18 The application is accompanied by an Air Quality Assessment which recommends a number of on-site mitigation measures. These include the provision of cycle parking, electric vehicle charging points and low nitrogen oxide boilers. These measures can be secured by condition. A welcome pack for future residents, containing public transport information, is also recommended. This would be included as part the highway officers recommended Travel Plan condition.

Traffic impact and highway safety

- 6.19 The lawful use of the site is for storage / warehousing and some traffic movements will be associated with this existing use. The County Council highways officer has considered the vehicle movements that would result from the level of development proposed and has confirmed that the proposal would increase trip generation at the site.
- 6.20 Due to the sensitive nature of the local road network any increase in levels of traffic could result in a significant impact. Mitigation of this impact is therefore necessary and the contribution from this site towards the provision of the edge road would provide an appropriate level of mitigation.
- 6.21 The applicant has agreed to transfer land to the County Council for the edge road. This land transfer has been agreed for a fee of £1 and can be secured through the provisions of a S106 legal agreement. The land that would be transferred would provide sufficient space for the construction of a roundabout.
- 6.22 Access to the proposed development would be taken from the B4009. A priority junction is proposed and includes pedestrian provision linking to the existing footway. The proposed access would be located a sufficient distance from the adjacent junction of Pyrton Lane and any future roundabout, with an appropriate level of visibility available.
- 6.23 The details of the road layout within the site would be subject to a reserved matters application. The detailed layout of parking spaces would also be considered at reserved matters stage.
- 6.24 There is a reasonable level of accessibility by sustainable transport modes and the majority of Watlington is within a reasonable walking distance from the site. This would provide potential for staff to live locally and walk to work. Both staff and residents would have access to shops, services and public transport links.
- 6.25 Subject to appropriate conditions, I am satisfied that the impact of the development on the local highway network would be acceptable. Recommended conditions include a Construction Traffic Management Plan, which can route construction traffic from the north to avoid the congested town centre.
- 6.26 On the basis of this assessment I have no objection to the development in relation to traffic and highways matters and I consider that the proposal would comply with the relevant Development Plan policies. This includes policy CSM1 of the SOCS and policy T1 of the SOLP, which encourage and support the use of sustainable transport modes and require a safe and convenient access to the highway network.

Landscape and character

- 6.27 The appearance of the site currently detracts from the character of the area. The main building on site is a large steel framed structure with a corrugated roof and large up-and-over doors. There are a series of low quality single storey ancillary structures around the site, which is littered by skips and piles of building waste.
- 6.28 Whilst the site lies outside the Chilterns Area of Outstanding Natural Beauty (AONB), it is very close to the boundary (separated by the width of the B4009) and is inter-visible with it. The site is therefore considered to fall within the setting of the AONB, although

the site itself does not exhibit many of the special qualities of the AONB that contribute towards its scenic beauty.

- 6.29 Section 85 of the *Countryside and Rights of Way Act* requires regard to be paid to the purposes of conserving and enhancing the AONB. The terminologies are slightly different but policy CSEN1 of the SOCS and para.172 of the NPPF seek broadly similar objectives.
- 6.30 A number of other Development Plan policies aim to protect the character of the countryside, including policies G2 and G4 of the SOLP. Together, policies CSQ3 of the SOCS, and D1-D4 of the SOLP seek to ensure developments contribute to a sense of place, respond to local character and are of an appropriate design.
- 6.31 The PNP also contains policies that are concerned with the protection of the landscape and securing developments that contribute to the character of the area. This includes policy BNE1, which seeks to ensure that the distinctive landscape character of the parish is protected and enhanced. Policy D1 provides detailed design criteria and policy H2 of the PNP requires new housing to be in keeping with the character of the area.
- 6.32 In 2015, the application site was assessed in the *Landscape Capacity Assessment for Sites on the Edge of the Larger Villages of South Oxfordshire*. The study considers the area to possess “medium/high” landscape value, citing its proximity to both the Chilterns AONB and nearby heritage assets. As a result, the study assesses the landscape capacity of the site as “medium/low”.
- 6.33 The study concludes that “*the site could be considered further as a potential site option provided that any development is no higher than the existing and the mass and scale of the built form is reduced.*”
- 6.34 The existing warehouse is 7.5m high. The proposed buildings would be a maximum of 2 storeys high (10m to ridgeline), with the care home at two storeys and the assisted living units at 1.5 - 2 storeys. The development would also result in a significant increase in the footprint of built development across the site.
- 6.35 The proposed development would therefore not align with the recommendations in the *Landscape Capacity Assessment*. The proposed care home, 37 assisted living units, and four staff flats are not consistent with the quantum of development suggested or the advised reduction in the massing and scale of built form on site.
- 6.36 The proposed built development would exceed the height and extent of the existing buildings on the site by a substantial margin. As a result, the proposals would increase the influence of built development, creating a cluster of development that is set apart from the built-up area of Watlington.
- 6.37 This impact would be discernible, for example, in the view from Watlington Hill. Although the relative impact on the character of such panoramic views would be “very low”, the views are cited in the AONB Management Plan as one of the special qualities of the AONB. Impacts on such views are therefore a material consideration.
- 6.38 The acceptability of the scheme in landscape terms depends on the relationship between the benefit to site character (due to removal of the existing use and structures) and the harm to views and wider landscape character (due to the visibility of the proposed buildings). Although mitigation would be provided by the retained and proposed vegetation, a degree of residual harm is predicted to remain.

- 6.39 The acceptability of the scheme is clearly a matter of balance, but in undertaking that exercise, the NPPF makes clear that conserving and enhancing landscape and scenic beauty in AONBs is a matter of great weight. The negative landscape harm that would result from the development must be weighed up against the positive aspects of the development and this exercise is carried out in the planning balance section below.
- 6.40 A further factor to add is if the development on adjoining land proceeds, the immediate setting of the site would change significantly. The parcel of farmland that separates the site from the edge of Watlington would be replaced by built development, which would be perceived as an extension to Watlington. The site would thereby occupy a settlement-edge location, rather than being wholly surrounded by open land as at present.
- 6.41 In terms of the design and layout within the confines of the site, the council's urban design officer has provided guidance on the layout of the development. Following the submission of an alternative indicative plan, the design officer is satisfied that a suitable layout could be achieved at reserved matter stage.

#### Heritage

- 6.42 There are a number of designated heritage assets in the vicinity of the application site. To the immediate north of the site is the Grade II Listed Shirburn Castle Registered Park and Garden (RPG) and the Shirburn Conservation Area, which covers much of the same area as the RPG. Pyrton Conservation Area lies around 400m to the west and Watlington Conservation Area around 300m to the south.
- 6.43 There are also a number of listed buildings within the vicinity of the site. These include the Grade I Listed Shirburn Castle, Grade II\* Pyrton Manor and Grade II\* Church of St Mary (in Pyrton). The listed building closest to the site is 62 and 64 Shirburn Road, a Grade II listed building in Watlington, some 360m from the site.
- 6.44 In considering whether to grant planning permission, the statutory test in section 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires the decision maker to have special regard to the desirability of preserving the setting of listed buildings. In relation to conservation areas, *section 72 (1) of the Act* requires special attention to be paid to the desirability of preserving or enhancing the character of appearance of that area.
- 6.45 Although the application site forms part of the wider setting of Shirburn RPG, the site does not contribute to the RPG's special interest. The significance of Shirburn RPG is derived from the inherent architectural and historical interest of its buildings, notably Shirburn Castle itself, and the deliberately secluded landscape created around them.
- 6.46 There is no inter-visibility between the listed buildings in the RPG and the application site. There is also no historical or functional relationship between the two. As such, I am satisfied that the application site is not an aspect of the wider setting of the RPG and associated listed structures that contributes meaningfully to their significance.
- 6.47 The application site is inward turning and secluded from the wider landscape. It is well screened from Pyrton Lane and Shirburn Road by vegetation. The demolition of the existing building on the application site would cause no harm to the RPG's significance.
- 6.48 I am satisfied that an appropriately detailed development on the site, which incorporates high quality materials, would have a negligible impact on the setting of

these nearby heritage assets. The proposed development would not result in any harm to the significance of Shirburn RPG or that of Shirburn Conservation Area.

- 6.49 Pyrton and Watlington Conservation Areas are a greater distance from the application site. Given that the site is secluded from the wider landscape I am satisfied that the replacement of the industrial building on site, with a care home and assisted living units, would have a negligible impact on these heritage assets and cause no harm to their significance.
- 6.50 In terms of the impact on the individual listed buildings in the locality, the introduction of significant levels of lighting could impact on the setting of Pyrton Manor. This Grade II\* listed building was architecturally designed to take in the long views of the Chilterns and as such, all its main windows face east towards the application site. It will therefore be important to ensure that the level of lighting is appropriate, and this can be agreed through a condition.
- 6.51 Given the sensitivity of this site, a reserved matters application would need to demonstrate a high-quality design, which utilises the very best materials. A scheme for an appropriate lighting strategy could be submitted at reserved matters stage, or alternatively could be submitted as a separate request as a discharge of condition.
- 6.52 Subject to the approval of these details, I am satisfied that the special interest of surrounding heritage assets would be preserved as a result of the development. This would accord with the relevant Development Plan policies which seek to conserve and enhance heritage assets and their settings for their important contribution to local distinctiveness, character and sense of place. This includes policies CSEN3 of the SOCS, CON5 and CON7 of the SOLP, and also BNE1 of the PNP.

#### Trees and ecology

- 6.53 The trees within the site are not protected by a tree preservation order or a conservation area. The hedging / trees growing around the perimeter of the site vary in arboricultural quality, but they do provide valuable screening of the existing building and would do the same for any future re-development.
- 6.54 The illustrative layout would allow for the retention of most of the trees growing around the perimeters. Subject to suitable tree protection measures being secured by condition, I have no objection to the development from an arboricultural perspective.
- 6.55 The detailed site layout must provide sufficient space for a realistic planting scheme that would help to soften the built form for residents of the units and add to the screening of the development from wider views. Landscaping plans need to be designed in unison with housing layouts as well as all other drainage, service routes, highway layouts, vision splays and lighting layouts to avoid conflicts that would prevent the planting from being implemented or becoming established in the future.
- 6.56 A robust landscaping scheme would need to be provided at reserved matters stage. Subject to the agreement of appropriate details through a future application I am satisfied that the development would accord with the relevant parts of policies CSEN1 of the SOCS and Policy C9 of the SOLP, which seek to resist the loss of important landscape features and require measures to integrate development into the landscape.
- 6.57 With regards to ecology, the submitted surveys have not identified any significant populations of protected species or habitats of importance within the site. However, the



scheme would lead to a net loss of biodiversity on site, which policy CSB1 of the SOCS seeks to avoid.

- 6.58 The applicant has submitted Biodiversity Impact Calculations to quantify the level of biodiversity that would be lost as a result of the scheme. The council's countryside officer has considered these calculations and confirmed that the proposal would result in the loss of 0.53 biodiversity units.
- 6.59 Given the low value of the existing habitats on site the loss would be valued at £8,000 per unit. In addition to this, a 15% levy would need to be included in any contribution to cover the costs of administering the offset. This would result in a total contribution of £4,876 to compensate and mitigate for the net loss of biodiversity resulting from the development.
- 6.60 Subject to the developer entering into a biodiversity offsetting scheme delivered through an offsetting provider, I am satisfied that the proposal would comply with policy CSB1 of the SOCS. This can be achieved through a condition requiring the submission of a certificate confirming the agreement of an offsetting provider to deliver the required biodiversity units.

Neighbour amenity and amenity of future residents

- 6.61 As the application is in outline, the position and scale of the development is not fixed. The layout of the proposal may change at reserved matters stage and the impact on neighbouring properties will be carefully assessed under any future application.
- 6.62 Based on the indicative layout, the distance to neighbouring properties, and the intervening screening, I believe the development could be achieved without any adverse impacts on neighbours in terms of light, outlook and privacy. This would accord with policy D4 of the SOLP, which requires new development to secure an appropriate level of privacy for existing residents.
- 6.63 Policy D3 of the SOLP requires all new homes to benefit from either a private garden, outdoor amenity space or a shared amenity area. Based on the indicative plans, I am satisfied that a suitable layout could be achieved that would provide an appropriate level of outdoor space for future residents.

Environmental matters (drainage, contamination and noise)

- 6.64 The application site is within Flood Zone 1 (least probability of flooding). The council's drainage engineer has considered the submitted Flood Risk and Drainage Assessment and has raised no objection to the development subject to conditions.
- 6.65 Thames Water have commented that they have no objection with regards to sewerage infrastructure capacity. They have also confirmed that based on the submitted Flood Risk Assessment and drainage strategy that they do not have concerns with the proposed foul gravity discharge and proposal to drain surface water via infiltration methods.
- 6.66 Subject to suitable conditions to secure appropriate foul and surface water drainage details I have no objection to the development in relation to drainage. I am satisfied that solutions can be found to ensure that the development does not impact on surface water resources, in accordance with policies EP6 of the SOLP.

- 6.67 In relation to contamination, the submitted site investigation report identifies asbestos and Benzo(a)pyrene contamination and makes recommendations for further investigations to quantify remaining uncertainties in ground conditions beneath the buildings.
- 6.68 The councils contaminated land officer has recommended conditions requiring a phased risk assessment to ensure that any contamination is identified and adequately addressed. A remediation strategy and remediation report would also be required.
- 6.69 The Environment Agency have recommended a further condition to appropriately deal with contamination not previously identified. Subject to the imposition of these conditions I am satisfied that the proposal would comply with policy EP8 of the SOLP, which requires contamination to be effectively treated.
- 6.70 As recommended by the council's environmental protection officer, conditions are necessary in relation to the control of noise and dust. Given the scale of the development, I consider that a construction hours condition should also be applied.
- 6.71 The council's environmental protection officer has also requested details of a scheme to protect future residents of the development from the external noise from the road and adjacent sports ground. Subject to the imposition of these conditions I consider that the development would comply with policy EP2 of the SOLP, which seeks to ensure that developments do not have an adverse impact on existing or new occupiers in terms of noise.

### **Infrastructure requirements**

#### Off-site contributions pooled under the Community Infrastructure Levy

- 6.72 The council adopted a Community Infrastructure Levy (CIL) in 2016. This enables money to be collected from certain types of development to be pooled together with other developments to fund a wide range of infrastructure to support growth, including schools, transport, community, leisure and health facilities.
- 6.73 The adopted CIL charging schedule sets a nil CIL rate for care homes. The proposed care home would therefore not be required to make a CIL payment.
- 6.74 The charging schedule also sets a nil CIL rate for '*Residential – retirement housing including extra care incorporating independent living (C3)*'. The schedule specifies that this applies to '*all types of housing designed for older people which provides for continued independent living which is self-contained such as, but not limited to, Extra Care Housing, Enhanced Sheltered Housing in independent living in a Care Village*'.
- 6.75 The applicant will need to enter into a legal obligation to ensure that appropriate restrictions are applied to control how the assisted living element of the development functions. This will include the following:
- an age restriction for future residents,
  - that future residents would be required to undertake an independent care needs assessment,
  - that care packages are provided and administered by the care home to meet the needs of the occupants of the assisted living units – including personal care, laundry, meals and housekeeping.

- 6.76 The council will need to be satisfied that there is a link between the provision of care and use of the assisted living units. The requirement for residents to be assessed prior to entry and to sign up to receive a minimum care package will be key to this. On the basis that appropriate restrictions are secured through a legal obligation the assisted living element would also have a nil CIL rate.
- 6.77 The four staff flats that a proposed as part of this development would be CIL liable at a rate of 150 per sq.m (index linked).

On-site infrastructure to be secured under a legal agreement

- 6.78 On-site infrastructure can be secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). A S106 legal agreement would secure the affordable housing commuted sum and the land for the County Council, as outlined above.
- 6.79 In accordance with the council's S106 Planning Obligations Supplementary Planning Document, the following additional financial contributions would be required towards on-site infrastructure:
- Provision of recycling / refuse bins - £170 per property – Index RPIX Nov 2016 (indicatively £6,970)
  - Street naming and numbering - £134 per 10 dwellings - Index RPIX Nov 2016 (indicatively £536)
  - Provision of public art - £300 per dwelling – Index RPIX Nov 2018 (indicatively £12,300)
  - S106 monitoring fee - £610 to be paid on completion of agreement
- 6.80 On the basis that the council is satisfied that the care home and assisted living units would generate a nil CIL rate, a S106 would also need to secure a financial contribution to mitigate the impact of the development on health services in the local area. An indicative financial contribution of £48,240 (calculated on bedroom numbers) would be required to support primary care services.
- 6.81 I consider that these contributions / obligations accord with policy CS11 of the SOCS, which requires new development to be supported by appropriate on and off-site infrastructure and services. They accord with the relevant tests in the NPPF as they are necessary to make the development acceptable in planning terms, are directly related to the development and are fair and reasonably related in scale and kind to the development.

**7.0 PLANNING BALANCE AND CONCLUSION**

- 7.1 The Pyrton Neighbourhood Plan supports the principle of the redevelopment of the site for a residential development. As such, there is no overriding conflict with the Emerging Neighbourhood Plan in terms of the principle of the development.
- 7.2 However, the scale and extent of development exceeds the recommendations in the Landscape Capacity Study. The proposal has not fully taken into account the recommendations in the Study, which is one of the specific criterion outlined in the PNP policy SA1 for the redevelopment of the site.

- 7.3 The site itself does not form part of the countryside in terms of its appearance or use. It is however, largely in a countryside setting. Whilst the proposals would enhance the character of the site, the resulting increase in built development would have an adverse effect on the setting of the AONB, which is afforded the highest level of protection. This harm weighs against the development.
- 7.4 The benefits of this development include the provision of land for the edge road around Watlington. The delivery of this alternative route could have significant positive impacts in terms of reducing traffic congestion in Watlington town centre and improvements in air quality. A reduction in through traffic would also create a more pedestrian friendly environment in the town centre.
- 7.5 The development would provide for a specialist type of residential accommodation and would secure a sizable contribution towards the provision of off-site affordable housing, to help meet housing needs in the district. The care home would also provide jobs and support the economy. I consider that significant weight should be attached to the benefits that would result from the grant of planning permission.
- 7.6 The proposal would result in the efficient beneficial reuse of a brownfield site and this needs to be balanced against the planning aim to protect the countryside, particularly designated AONBs. Overall, I consider that the significant benefits of the development would outweigh the harm that would be caused to the landscape.
- 7.7 When considered against the Development Plan as a whole, I am satisfied that the proposal represents a sustainable form of development.

8.0 **RECOMMENDATION:**

8.1 **To delegate authority to grant planning permission to the Head of Planning subject to:**

**i) The prior completion of a Section 106 agreement to secure the affordable housing commuted sum, financial contributions and other obligations stated above, and**

**ii) The following conditions:**

- 1. Approval of reserved matters – appearance, landscaping, layout and scale.**
- 2. Timeframe for submission of reserved matters.**
- 3. Commencement.**
- 4. Development to accord with approved plans.**
- 5. Cycle parking.**
- 6. Electric vehicle charging points.**
- 7. Low NOx boilers.**
- 8. Access prior to first occupation.**
- 9. Construction traffic management plan.**
- 10. Travel plan (including travel info pack).**
- 11. Lighting scheme.**
- 12. Tree protection.**
- 13. Landscape management.**
- 14. Biodiversity offsetting.**
- 15. Surface water drainage.**
- 16. Foul water drainage.**
- 17. Phased contaminated land assessment.**
- 18. Remediation strategy and remediation report for contamination.**
- 19. Remediation of unsuspected contamination.**

- 20. Measures to control noise and dust.**
- 21. Construction hours.**
- 22. Scheme to protect future residents from noise.**

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