



## Supplement for

LOWLANDS AREA PLANNING SUB-COMMITTEE - TUESDAY, 30TH MAY, 2023

Agenda No	Item
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6.	<b><u>Applications for Development</u></b> (Pages 5 - 14)
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22/03240/OUT	Land South Of Burford Road, Minster Lovell.
20/02654/OUT	Land South East Of Oxford Hill, Witney, Oxfordshire.

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**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**LOWLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 30<sup>th</sup> May 2023**

**Report of Additional Representations**



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**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

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## Report of Additional Representations

Application Number	22/03240/OUT
Site Address	Land South Of Burford Road Minster Lovell Oxfordshire
Date	26 <sup>th</sup> May 2023
Officer	David Ditchett
Officer Recommendations	Approve subject to Legal Agreement
Parish	Minster Lovell Parish Council
Grid Reference	430649 E 210544 N
Committee Date	30th May 2023

### Additional Third Party Comments Received

Two further third party objections has been received. These are available to view in the online case file <https://publicaccess.westoxon.gov.uk/online-applications/> and are summarised below:

- Make village too big;
- Loss of village character;
- Village is unable to cope with sewage and water infrastructure;
- The NHS would be unable to support health care for the increase in population without funding to expand services in Witney;
- Landscape harm;
- Loss of ecology; and
- Proposal has no positives and only brings negatives.

### Additional Consultee Comment Received

A comment from the County Council Archaeologist has been received. This is available to view in the online case file <https://publicaccess.westoxon.gov.uk/online-applications/> and is included in full below:

‘The applicant has now submitted a report for the archaeological evaluation we requested in December 2022.

This evaluation report was not agreed with us as set out in the written specification. The report would have benefited with a number of amendments to the plans to make it clearer what was found and to make it possible to accurately locate the features identified. I am aware however that this application is due to go to committee and that the applicant chose to wait to undertake this evaluation until they were sure everything else was agreed.

The report however does demonstrate that there was no significant archaeological deposits on the site.

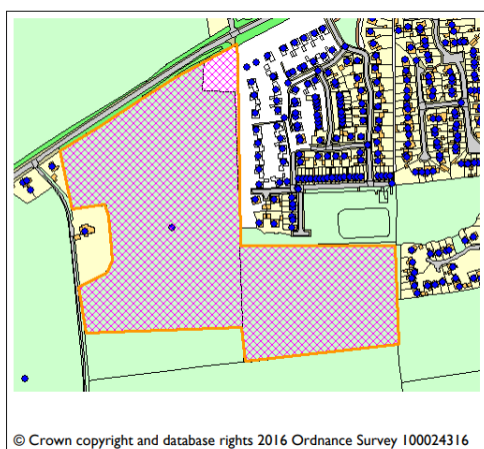
As such there are no archaeological constraints to this development’.

In light of the comment from the County Council Archaeologist, officers can advise that all archaeological matters have been addressed and no conditions are required.

## Committee Report

### Location Map

The Location Map showing the site area shown on page 65 of the Agenda Reports Pack (shown below) is incorrect. The site area was reduced following negotiations with officers. The correct site area is shown on Drawing 16b - Site Location Plan (received 13 Feb 2023) which is available to view in the online case file <https://publicaccess.westoxon.gov.uk/online-applications/>. An extract of the correct site area is shown below. If permission is granted, the correct location plan will be secured by condition.



Incorrect site area.



Correct site area.

### Siting, Design, Form and Landscape Impact

Paragraph 5.23 (page 101 of the Agenda Reports Pack) contains a typographical error. It reads 'As noted under Policy OS2, Minster Lovell is suitable for suitable for limited development which respects the village character and local distinctiveness.' It should read 'As noted under Policy OS2, Minster Lovell is suitable for limited development which respects the village character and local distinctiveness.'

### Accessibility

Paragraphs 5.44 to 5.48 of the report (pages 104-106 of the Agenda Reports Pack) sets out accessibility to services and facilities such as the convenience store (SPAR - Minster Lovell) and school (St Kenelm's C of E School). These distances were assessed using current paved and lit routes. However, officers are aware that a new lit hogging path from the south-eastern corner of the Bovis development across the Ripley Avenue play area is due to be completed. While the timeframe for, or indeed, if, this hogging path will be complete is not known, if completed, this will reduce the walking distances from the proposed development to the services and facilities on offer in Minster Lovell.

### Planning Balance

The impact to Minster Lovell as a non-designated heritage asset is assessed in paragraphs 5.30 – 5.36 of the report (pages 102 and 103 of the Agenda Reports Pack). However, this impact is not expressly included within the Planning Balance section. For clarity, modest harm is attributed to the impact to Minster Lovell as a non-designated heritage asset and as such, modest negative weight is

afforded against the development in that regard. This does not alter the recommendation of approval (subject to a legal agreement).

**Covenant**

Officers have been made aware that the development site is subject to a covenant(s). Covenant(s) on the land are not a planning matter and as such is not material to the planning decision. This is a matter for the respective landowners to settle between themselves

## Report of Additional Representations

Application Number	20/02654/OUT
Site Address	Land South East Of Oxford Hill Witney Oxfordshire
Date	26 <sup>th</sup> May 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	437058 E 209494 N
Committee Date	30th May 2023

### **OCC Transport – Recommendation:**

No objection subject to S106 contributions; an obligation to enter into a S278 agreement and planning conditions - See attached.

Officer comments – In light of the recent comments from OCC and the agreement from the applicant to deliver the necessary connections, which can be secured via a S106 agreement, refusal reason 3 is now addressed. The resolution of this refusal reason is welcomed but should be afforded only limited weight in Officers view given that these connections are required to be delivered by this development to meet policy requirements.

The remaining reasons for refusal however, remain unresolved.

Refusal reason 2 should be amended to make reference to Policy EH5 (lack of necessary recreational facilities).

In conclusion, it is still Officer opinion that the adverse impacts arising from this development are of sufficient weight to indicate that the development should be restricted. Placing all of the relevant material considerations in the balance, I consider that the adverse impacts would significantly and demonstrably outweigh the benefits which would result from the provision of new housing and affordable housing to boost supply as required by the NPPF. When considered against the development plan as a whole, the proposal would not represent a sustainable form of development.



## **OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** West Oxfordshire

**Application no:** 20/02654/OUT-3

**Proposal:** Outline planning application (with all matters reserved except access) for the erection of up to 450 dwellings together with associated open space and green infrastructure (Amended)

**Location:** Land South-East of Oxford Hill, Witney, Oxfordshire

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### **Transport Schedule**

**These comments should be read in conjunction with previous HA's responses dated 15/12/2020, 27/04/2021, 10/10/2022 and 14/04/2023**

**Recommendation: No objection subject to:**

- **S106 Contributions** as summarised in the table within this report
- **An obligation to enter into a S278 agreement.**
- **Planning Conditions.**

The s106 agreement will include an obligation to enter into a s278 agreement to mitigate the impact of the development.

<b>Scheme Details</b>	<b>Total Scheme Cost</b>	<b>Contribution Requested</b>
A40 Shores Green W. Facing slips	<b>£25.025M</b>	<b>£6,837,989</b>
A40 Corridor Infrastructure Programme including dual carriageway, park and ride, bus lanes, and cycle scheme.	<b>£106,707,000</b>	<b>£1,105,500</b>
B4022 Oxford Hill/ Jubilee Way/ Cogges Hill Road	<b>£2,713,000</b>	<b>£659,919</b>
Re-designating the A4095 via Jubilee Way, Oxford Hill, A40, Ducklington Lane and Thorney Leys including signage.	<b>£663,900</b>	<b>£161,489</b>
<b>Walking and Cycling Schemes</b>		
New footway/ cycleway Bridge across the River Windrush – Windrush Valley Links		<b>s278</b>
Wayfinding in the vicinity of the EWSDA	<b>£118,500</b>	<b>£118,500</b>
Footway and cycleway facilities and improvements onto/ along Cogges Hill Road (Glanville Drawing No: 8181094/6100 Rev G)		<b>s278</b>

Widen existing footpath, from Cogges Hill Road through Oxlease as far as The Blake C of E Primary School, to 2.5m/3m wide to provide a new footway/ cycleway		<b>s278</b>
Enhancements to Existing Facilities – Scheme 2 - RoW 410/10. Shared use route running south-east from Church Lane through Cogges Hill Estate to Blakes Avenue.		<b>s278</b>
Essential intervention 5 - Off-road footpath east of Blakes Avenue PRow link leading into East Witney SDA. Widen where possible, re-surface and landscape & add lighting.' (Shown in Glanville Drawing Ref: 8181094_6113 Rev A)		<b>s278</b>
Essential intervention 7 - 'New short pathway across Witney Town Council open land to provide link into East Witney SDA. [Possible future connection to PRow 410/41 running parallel to A40 along south SDA site].' South- East of Eton Close.		<b>s278</b>
Essential intervention 9 - 'New pathway linking Manor Rd, Cogges Hill across open land to the proposed new river crossing. Glanville drawing number 8181094_6116 provided at Appendix O of the TA and Glanville Drawing ref: 8181094/6130 Rev B		<b>s278</b>
Proposed Toucan Crossing on Wittan Way Glanville Drawing Ref: 8181094/6131 Rev A		<b>s278</b>
Cycle parking to be provided at all new and retro fitted to existing bus stops both within and within the vicinity of EWSDA and at key destinations within Witney	<b>£11,876</b>	<b>£11,876</b>
Public Rights of Way - To upgrade and enable improvements to PRow sections outside of the site and in the vicinity	<b>£85,000</b>	<b>£85,000</b>
<b>Public Transport Obligations</b>		
Public transport services	<b>£8,787,550</b>	<b>£607,500</b>
Public transport infrastructure (Bus stops including flag poles, information cases and seating) Glanville Drawing numbers 8181094_6111_D and 8181094_6119.		<b>s278</b>
<b>Other Obligations</b>		
Travel Plan Monitoring fee. (To cover the cost of monitoring of Travel Plans for office development for a period of 5 years after the occupation of the site.)	<b>(April 2023 Index linked)</b>	<b>£3,110</b>
Traffic Regulation Order (TRO)		<b>£3,120</b>
Safeguarding of land required for the Access to Witney (Shores Green Improvement) Scheme.		<b>s106</b>

### **Comments:**

Outline planning application (with all matters reserved except access) for the erection of up to 450 homes, associated open space and green infrastructure.

The latest OCC response dated 19/04/2023 recommended WODC to object for the following reasons:

- Poor connectivity - The latest submission has made steps towards improving the accessibility of the site. However, there remain sections (of links) that must be in place to make a comprehensive provision including a commitment to have the infrastructure delivered and by whom – Contrary to policies and provisions of the NPPF, Local Plan, LTCP and supporting documents.
- Proposals inconsistent with provisions of Policy WIT1 (d) in the following ways - not yet agreed to making appropriate financial contributions towards LTP4 schemes,

In response to the HA concerns above, Glanville's latest report dated 3<sup>rd</sup> May 2023 Ref: *083\_8181094\_MB\_Response\_to\_HA\_Comments* acknowledges OCC's request and have reconsidered this matter albeit with a variation from on the route and alignment of Intervention 14.

Intervention 14 as is being described in the Witney LCWIP is an '*Upgrade of PRoW 410/41 to a shared use footpath/cycleway from the East Witney SDA to B4022 Oxford Hill*'.

In OCC's *Essential Priority Interventions for Walking and Cycling Required by East Witney Development (June 2020)* document, Intervention 14 was described as '*New connection following sections of existing PRoW along the southern edge of East Witney SDA. Link to B4022 & A40 Shared use path*'.

The aim of this route is to provide continued and improved strategic connectivity that would provide a direct link for residents of the SDA to join the A40 cycle-path towards Eynsham and Oxford in the east, as well as linking the site into Witney town centre. In essence, the suggested improvements would link Witney to Eynsham/Oxford via the A40 cycle path.

The applicant's proposed variation to Intervention 14 does still connect the development to the B4022 Oxford Hill alongside the Shores Green proposed slips. This varied route westwards towards town would however turn into the development, following the existing field boundaries and through the built-up area to link onto the PRoW 410/41/10 as it connects onto Blakes Avenue. The route would cut across Stoney Harcourt Road and Cogges Hill Road via crossing provisions already proposed by the application.

There is pinch point along PRoW 410/41/10 between the development and Blakes Avenue that falls short of the required width standards for such a strategic footway/cycleway. This section of the route is under third party ownership and the potential to improve it has been concerning to OCC for some time. It is positive to understand that

the applicant has reached agreement with the third party land owner which shall facilitate the necessary improvements here.

The routing of Intervention 14 on the other hand as sought by OCC does not turn into the development but runs between the site and the A40 utilising sections of new infrastructure between the site and Stanton Harcourt Road and across the Windrush.

The applicant has undertaken a more detailed review to understand which of the two routes offers the most benefits to users such as directness, distance and gradient, the findings of which marginally favour one from the other. Glanville's report concludes in para 2.14 stating:

*It is reasonable to assume that the two options would perform similarly in terms of comfort; however, the route via Intervention 14 (Variation) to Eton Close would be expected to perform better with respect to Safety and Connectivity being more overlooked and with more interconnections with the surrounding cycling infrastructure.*

What remains important is to maintain the strategic connectivity between the town centre and the B4022 Oxford Hill Road.

With respect to OCC's second reason for refusal (in our last response), the matter of s106 contributions and schedule of works necessary to make the development acceptable is being addressed through ongoing negotiations between the HA and the applicant.

**Officer's Name:** Rashid Bbosa  
**Officer's Title:** Senior Transport Planner  
**Date:** 18/05/2023

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