

8. TOURISM, LEISURE & COMMUNITY FACILITIES

GENERAL COMMENT AND OMISSIONS

Objections 238/360, 374/594, 499/733, 500/734, 509/774-5, 551/957, 552/978-80, 583/1270-1, 586/1289, 604/1382, 607/1391

Issues

- (a) Whether the River Thames should be cited as a specific visitor attraction.
- (b) Whether the approach towards major tourist attractions is too restrictive.
- (c) Should the plan contain a policy/allocation of land for a new prison?
- (d) Whether there is a shortfall of existing recreational and community facilities in Witney.
- (e) Whether the Council should refurbish/redevelop the Windrush Leisure Centre.
- (f) Should the plan refer to the Witney Museum?

Conclusions

8.1 Issue (a) - I agree with the Council that the primary role of the District’s rivers is the contribution that they make to the landscape. However, given that paragraph 1.1 already refers to golf courses and lakes I think it is entirely appropriate for the paragraph to also refer to rivers. In a similar vein the River Thames should also be mentioned in paragraph 1.3, to reflect its relative importance in the District as a recreational and environmental asset. I recommend accordingly. (1270-1271)

8.2 Issue (b) - Policies TLC 1 and TLC2 are general policies which deal with new tourist related development and change of use/conversion of existing buildings respectively. I acknowledge the prominence of Blenheim Palace as the major tourist attraction in the District and its impact on local infrastructure created by the number of visitors. However, the new policy suggested by the Trustees of Blenheim Estates seeks to “encourage” proposals that would maintain the economic viability of existing major tourist attractions. (774-775) This proposed new policy would do little to affect the development and management of existing tourist attractions and fails to take account of other material considerations, seemingly placing economic considerations above all else. For example Blenheim Palace is constrained by various designations such as a conservation area, Historic Parks and Gardens, listed building and scheduled ancient monument. No modification is required in response to this issue.

8.3 Issue (c) - Unless there is a specific proposal for a prison it would not be appropriate to make any reference to the needs of the prison service in the local plan. The development of a prison is a strategic matter best dealt with at the sub regional level. Any new prison would serve a population wider than the District and as such it is up to the Structure Plan or future RSS to determine the location of any new prison facility in accordance with the locational requirements set down in Circular 3/98. (360)

8.4 Issues (d) and (e) - There were a number of objections relating to issues (d) and (e) which were primarily concerned with the lack of specific leisure and recreational proposals in the plan, especially in light of the recent population growth in the District. (594, 604, 607, 733, 734, 957, 958, 1289, 1382) While I understand the concerns of residents that the provision of new and improved facilities should keep up with population growth, it is not up to me to direct the Council’s spending plans through this local plan, or to suggest particular proposals when none exist and in the absence of any detailed open space needs assessment. As stated in paragraph 5.8, the provision of leisure and community facilities can be achieved through Policy BE1 which requires developers to provide appropriate community infrastructure. Given that the primary source of funding for new leisure facilities will be from developer contributions it would be inappropriate and counterproductive to restrict all development until certain leisure faculties are provided. Policies TLC1 and TLC2 are generally permissive of leisure development and, in the absence of specific proposals in this Chapter, there is little more that can be asked of the plan in this respect. The Council has added a new sentence to paragraph 4.22 which refers to the recreational requirements of teenagers.

8.5 Issue (f) - Policy TLC12 seeks to protect exiting community services and facilities, which would include the Witney Museum. It is not up to this land use plan to promote the Museum in the way suggested by the objector. (979) This is more appropriately done through the Council’s recreation/leisure strategy which has a remit wider than just land use planning.

RECOMMENDATION

8.6 **R8.1 Add a reference to “rivers” in paragraph 1.1 and the River Thames in paragraph 1.3.**

POLICY TLC1 – NEW TOURISM, LEISURE AND COMMUNITY FACILITIES

Objections 558/1066, 577/1205, 995/3564

Issues

- (a) Whether the plan acknowledges the importance of tourism to the rural economy in addressing the decline in agriculture.
- (b) Whether the policy should refer to proposals needing to be located where they are accessible by modes of transport other than the car.
- (c) Whether the amendment made to paragraph 2.6 recognises that not all sports and leisure activities take place in accessible locations.

Conclusions

8.7 Issues (a) and (b) - The Council has added a sentence to the introductory text in paragraph 1.2 which refers to the decline of agriculture. In addition, the Council acknowledge in paragraph 2.6 that tourism development can be a major generator of

traffic and seek to direct such development to locations accessible by modes of transport other than the private car. These changes made at the second deposit stage overcome the objection made by the CPRE and partly satisfy the objection by the County Council. (1066, 1205) I see no need to make a distinction between major and minor roads for the purposes of this policy. The County Council stated that Policy TLC1 should refer to tourist development being located in sustainable locations; however, I consider that the final paragraph of the policy is clear that development should not lead to unacceptable levels of traffic on the local highway network. By implication this would mean that major traffic generating development should be located in accessible locations. To go further than this would be to deny the fact that many tourist attractions such as historic houses, parks and gardens attract tourists due to their isolated setting. No further modification is necessary.

8.8 Issue (c) - Policy TLC1 does not prevent development associated with sport and leisure activities from taking place away from locations accessible by public transport and non-car modes, however, it does make clear that development that would lead to “unacceptable levels of traffic” will not be permitted. The plan does acknowledge that some recreational facilities are located by necessity next to rivers, lakes and other natural features in relatively isolated locations. For example Policies TLC10 and TLC11 refer to water based recreation along the River Thames and in the Windrush Valley. Paragraph 31 of PPG17 states that planning permission for facilities in locations requiring natural features and water should only be permitted where the impact of the activities on natural features can be minimised. Policy TLC1 and Paragraph 2.1 accord with this guidance and state that the emphasis is very much on encouraging small scale, low key facilities which minimises the impact on the environment.

RECOMMENDATION

8.9 **R8.2 Make no modification to Policy TLC1.**

POLICY TLC5 – EXISTING OUTDOOR RECREATIONAL SPACE

Objection 558/1068

Issue

(a) Whether the policy reflects national guidance in PPG17 and is prescriptive enough when considering proposals for development on playing fields and open space.

Conclusions

8.10 PPG17 paragraph 15 states that in advance of an assessment of need, local authorities should carefully consider planning applications involving development on playing fields. It lists a set of criteria which closely reflect those set down in Policy TLC5, including a criterion relating to the replacement of playing fields lost as a result of development. Policy TLC 5 is more general in nature and also applies to allotments and other amenity areas. In the absence of a District-wide assessment of open space needs, paragraph 10 of PPG17 states that developers should carry out an

independent assessment. Policy TLC5, criterion (c) requires developers to provide such evidence. I am satisfied that in terms of providing replacement facilities the policy does reflect national planning guidance and no modification is therefore required.

RECOMMENDATION

8.11 R8.3 Make no modification to Policy TLC5.

POLICY TLC6 – PROVISION OF FACILITIES IN RELATION TO NEW DEVELOPMENT

Objections 183/297, 554/998, 571/1136-8, 607/1388

Issues

- (a) Does Policy TLC 6 duplicate Policy BE1?
- (b) Does the policy and its supporting text make clear that the provision of infrastructure through planning obligations will be directly related to the proposed development and will not seek to make good existing deficiencies?
- (c) Do cumulative commuted payments have to be related to an explicit timescale of provision?
- (d) Whether the cross-reference to Policy BE1 provides enough guidance to the reader as to the factors that will be considered in making the judgement of what is considered ‘appropriate’.
- (e) Should commuted payments always be sought in relation to smaller developments?
- (f) Whether the plan infers that every new dwelling will have to contribute towards play space.

Conclusions

8.12 With regard to issue (a), the Council agreed with the Bridge Street Mills Consortium and deleted Policy TLC6 at the second deposit stage. (998) I support the deletion of the policy and the reliance on Policy BE1 as the Council’s sole planning obligation policy. I consider this change to be in the interests of producing a concise plan and promoting a consistent policy approach towards planning obligations. This change satisfies the related objection.

8.13 Turning to issues (b) and (c), given that the policy has been deleted my conclusions in respect of these issues relate only to the remaining supporting text.

Existing Deficiencies (1137)

8.14 Paragraph 4.16 states that existing deficiencies will be addressed through grant aid and lottery funding. It does not state or infer that existing deficiencies will be addressed through planning obligations. The paragraph states that planning obligations will be sought from development in areas with existing deficiencies so as not to “exacerbate the situation further” and makes clear that this will be through on-site provision at the main growth areas identified in the plan, or through financial contributions from other sites that come forward. In the absence of such an assessment I consider it would be unacceptable to attempt to remedy existing deficiencies in the way suggested by paragraph 33 of PPG17 and that until such an assessment is carried out any planning obligations should relate only to the additional demand generated by the subject proposal.

Directly Related in Scale and Kind (297)

8.15 Paragraph 4.18 sets down the Council’s approach towards off-site contributions/provision. The paragraph is very clear that planning obligations sought in such circumstances will be directly related in scale and kind to the development. This accords with the tests set down in Circular 1/97. The final sentence of the paragraph also sets down that off site facilities that are secured directly, or through financial contributions, should be located as close as possible to the development site. It will be up to the Council and developer to negotiate the detail of such agreements. These negotiations will also be bound by the tests in Circular 1/97. The Council has also stated that detailed matters regarding commuted payments are set out in detail in Section 106 Agreements. Paragraph B9 of Circular 1/97 states that contributions can be sought towards the cost of facilities “in the near future” and that a covenant can be included in the agreement to the effect that any contributions not used by a specified date can be repaid. I am satisfied that the explanatory text sets down a broad framework in which to consider the provision of open space and leisure/recreation facilities by way of planning obligations, which is at an appropriate level of detail and in accordance with national guidance. It would be wrong of the plan to set down policy which pre-empted detailed negotiations between developers and the Council. The supporting text explains the options that are available to secure appropriate planning obligations.

8.16 The cross reference to Policy BE1 referred to in issue (d) has been deleted. However, in response to the issue it is clear to me from the supporting text of Policy BE1 in paragraphs 2.4 and 2.5, that reference to “appropriate” in the policy means according to the tests set down in Circular 1/97. (1136) I consider Policy BE1 in more detail in my considerations in Chapter 3 of this report.

8.17 Policy guidance in Circular 1/97, paragraph B7 states that planning obligations should be negotiated between the developer and the local authority and that they should not be imposed. As such it would not be appropriate to require commuted payments in the way suggested by the Oxford Playing Fields Association in issue (e). (1389)

8.18 Turning to issue (f), the NPFA Six Acre Standard (1992) referred to by the HBF was updated in 2001. The text in paragraph 4.21 refers correctly to the standard set down in paragraph 1.34 of the extant NPFA Six Acres Standard (0.8 hectares per

1000 people) The Council have sought to break this figure down to a “per new dwelling” standard, however, it is far from clear how the figure of 20 m² of playspace per new dwelling has been arrived at. I agree with the HBF that this is misleading and infers that planning obligations for new children’s playspace will be sought in conjunction with “every” new dwelling. (1138) This goes against the tests set down in Circular 1/97 with regard to the direct relationship of the obligations sought, “in scale and kind”, to the proposed development. Not all housing built in the District will necessarily generate demand for children’s playspace. In the interests of clarity the part of the sentence in paragraph 4.21 which refers to “approximately 20m²” of playspace per dwelling should be deleted.

RECOMMENDATION

- 8.19 **R8.4 Modify paragraph 4.21 by deleting the following text, “this can be translated to an need to ensure that for every new house built, approximately 20m² of new playspace is created.”**

POLICY TLC7 – PUBLIC ART

Objections 183/298, 512/789, 571/1139, 589/1326

Issues

- (a) Whether the policy should be applied to providers of specialist residential accommodation.
- (b) Should the plan make it clear that seeking contribution for public art is entirely voluntary?
- (c) Whether it is appropriate for smaller developments to be required to contribute towards public art.
- (d) Whether the policy is unduly prescriptive.

Conclusions

8.20 With regard to issue (a), there is no reason why proposals for housing for the elderly should not contribute towards public art. There is no requirement for public art to be located only in the public realm, although it should be able to be viewed from a public place. No modification is necessary in response to this issue. (298)

8.21 Turning to the remaining issues, the Council has added text to the supporting text in paragraph 4.23 which states that the provision of new art in conjunction with development, will be “in agreement with developers”. The change made to paragraph 4.26 at the second deposit stage makes clear that the Council will work in partnership with developers and artists in achieving a satisfactory outcome. In addition, according to Policy TLC7 contributions will be “sought” not required. (1326) This accords with guidance in Circular 1/97, paragraph B7 and I consider that these changes overcome the objection by the HBF. (1139) The policy makes clear that it will only apply to “significant” retail, commercial and leisure development of 1000 sqm or more. In

terms of residential development contributions for public art will be sought for developments of 10 units or more. This does not seem unreasonable as a starting point for negotiations. (789) The guidance in Circular1/97, paragraph B3 states that acceptable development should not be refused because an applicant is unwilling or unable to offer benefits. Given the safeguards that are in place through this guidance I am satisfied that Policy TLC7 is not onerous and cannot be used to unreasonably extract planning contributions towards public art from smaller developments.

RECOMMENDATION

8.22 R8.5 Make no modification to Policy TLC7.

POLICY TLC8 – PUBLIC RIGHTS OF WAY

Objections 556/1030, 577/1207, 594/1346, 595/1371

Issues

- (a) Should Wychwood Forest be deleted from paragraph 4.33 as an example of a location where the public rights of way can be linked to public transport due to its environmental sensitivity?
- (b) Whether the policy should acknowledge that the highway authority is responsible for managing and upholding the rights of way network.
- (c) Whether the plan lacks a strategy for access to the countryside for disabled persons.
- (d) Whether the plan should contain a policy related to signage and the promotion of public rights of way.

Conclusions

8.23 With regard to the issue (a), as the Council state, if a firm proposal were to come forward to extend a public right of way into the Wychwood careful consideration would be given to the impact upon existing land uses and the environment. (1030) I am satisfied that the supporting text in paragraph 4.33 is an accurate and realistic reflection of the Council’s long term goals in respect of the expansion of the public right of way network in the District, in particular linking it to public transport.

8.24 In response to the issue (b), the final sentence of paragraph 4.30 makes clear that the County Council is responsible for management of the existing network. The Council has also added a reference to the role of the County Council in paragraph 4.39. (1207)

8.25 The objection by the Disabled Drivers Association (issue (c)) has been partly overcome by the addition of text at the second deposit stage to paragraph 4.30. I agree with the Council that it is not the role of the plan to devise and incorporate a strategy

for disabled access to the countryside, although the Council does state that it supports the development of such a strategy in principle. (1346)

8.26 Turning to issue (d), as the Council has stated, paragraph 4.30 already makes reference to the importance of good signage. Additional references are not required. (1371)

RECOMMENDATION

8.27 **R8.6 Make no modification to Policy TLC8.**

POLICY TLC9 – THE THAMES PATH

Objections 503/757, 595/1371

Issues

- (a) Whether the policy should be reworded to include reference to opportunities for securing new access.
- (b) Should the plan require consultation with land managers during the process of creating of new links?

Conclusions

8.28 With regard to both issues, the responsibility for managing the Thames Path National Trail lies with the National Trails Office in Oxford. The creation of improved access to the Path will, where possible, be promoted by the Council, as already stated in paragraph 4.34. New rights of way would be considered under Policy TLC8 in full consultation with the landowners concerned. (1371) I agree with the Council that the alternative policy wording suggested by the Countryside Agency is too detailed for the purposes of this plan. (757) The Thames Path runs through open countryside in the District and as such the scope for securing developer contributions will be limited given the constraints placed upon development in the open countryside by national planning guidance and other policies in this plan.

RECOMMENDATION

8.29 **R8.7 Make no modification to Policy TLC9.**

POLICY TLC10 – THE RIVER THAMES

Objections 583/1273-78, 989/3489

Issues

- (a) Whether the policy is unduly restrictive/negative in tone.

- (b) Whether new riverside development should only be associated with existing settlements?
- (c) Whether the Recreational Strategy is misinterpreted in the policy.

Conclusions

8.30 With regard to all of the issues, the Council’s position is that the rural nature of the Thames as it flows through the District means that leisure development is not appropriate. (1273-1278, 3489) On balance the Council considers that the protection of the landscape should be given greater weight than the needs of recreational users of the River. The landscape along the route of the River is referred to in the West Oxfordshire Landscape Character Assessment as “The Western and Eastern Thames Fringes”. These areas are characterised as flat floodplains and consequently development of even a moderate scale could have a significant impact upon the landscape. As such I support the Council’s stance and the restrictive nature of the policy in preventing development along the main river channel. I consider that this is adequately justified in paragraphs 4.51 and 4.52. This restrictive approach fully accords with extant Structure Plan Policy R5 and emerging Structure Plan Policy R3, which both prohibit the development of new permanent moorings on the main river channel.

8.31 I accept the point made by the Environment Agency that sensitive development can be located along the river without having a detrimental impact upon the landscape. However, I consider that the policy is not seeking to prevent “sensitive development” off the main river channel and the Council has stated in paragraph 4.50 that informal recreational activities and associated small scale facilities will be encouraged.

8.32 The Council has sought to temper its robust stance by adding the word “generally” to the supporting text in paragraph 4.46. I support the addition of this word which will allow applications in the open countryside to be given due consideration, within the restrictive policy context.

RECOMMENDATION

8.33 **R8.8 Make no modification to Policy TLC10.**

POLICY TLC11 – LOWER WINDRUSH VALLEY

Objection 589/1327

Issue

- (a) Whether it is appropriate for the policy area to include the land north of the A40.

Conclusions

8.34 As the Council has stated in their response to the East Witney Land Consortium objection, the Lower Windrush Valley Project does not include land to the north of the A40. This land is depicted on figure 3.4 as being in the “Windrush in Witney” policy area which is dealt with under Policy WIT3. No modification is therefore required in response to the objection.

RECOMMENDATION

8.35 R8.9 Make no modification to Policy TLC11.

POLICY TLC12 – PROTECTION OF EXISTING COMMUNITY SERVICES AND FACILITIES

Objections 521/825, 571/1138, 643, 1012/4060, 1013/4066, 1014/4067

Issues

- (a) Whether reference to commuted payments is appropriate and in accordance with national guidance.
- (b) Whether it is appropriate for the local planning authority to determine which health-care related community services and facilities are ‘useful’ as part of assessments under-taken to meet the criteria set out in this policy.
- (c) Whether the policy should be strengthened.
- (d) Whether the proposed change is subjective and confusing.

Conclusions

8.36 Issue (a) - Policy guidance in Circular 1/97, paragraph B7 states that planning obligations should be negotiated between the developer and the local authority and that they should not be imposed. (825, 1138) As such it would not be appropriate to require commuted payments in the way suggested. I refer also to my previous response on the issue of cumulative commuted payments in paragraph 8.15. For the same reasons there is no need to delete the reference to commuted payments in paragraph 5.8, in response to the objection from the HBF.

8.37 Issue (b) - PPS7, paragraph 7 states that Council’s should set out in their development plan the criteria that they will apply in considering planning applications for the loss of important village services. In addition, guidance in PPS6, paragraph 2.58 states that local planning authorities should adopt policies which ensure the importance of shops and services is taken into account in assessing proposals for their loss or change of use. Policy TLC12 is therefore appropriate in light of this guidance. The decision to be made by the Council will be informed by the standard of evidence supplied by the applicant in support of any application. The NHS Trust or Local Heath Authority may well undertake their own assessment of viability and service coverage in the review of the subject facility, which can and should be used by the Council in determining any relevant proposal. I do not consider that health facilities should be exempt from this requirement and consequently recommend no modification be made to the policy in response to the objection. (643)

8.38 Issues (c) and (d) relate to PIC 8.1 which proposes an additional sentence at the end of the policy which seeks to control the loss of viable uses which make a positive contribution to the character of the community. (4060, 4066, 4067) In policy terms the primary issue is viability. Once this has been determined sustainability

factors are taken into account, in particular access to alternative services. This approach accords with guidance in PPS7, paragraph 6 which sets down a series of sustainability factors related to access to community services and facilities that local planning authorities must take into account. The PIC states that “character” should also be taken into account in the event that a viable use will be lost and there is adequate provision elsewhere. There is no doubt that community services contribute towards the character of a settlement, however, there is a limit to how much planning can achieve in protecting the character of a settlement in this respect. I am not convinced that in circumstances whereby a viable community facility is proposed to be lost, but where there is adequate alternative provision, the Council would have justifiable grounds to refuse an application for change of use. Extant guidance in PPS7 makes no reference to character as a factor that should be taken into account in determining such applications. Paragraphs 12 and 13 refer to character, but only in the context of design. I recommend that the PIC be deleted from the plan. As such the objection to the detailed wording of the PIC by Paul Creighton is overtaken by events. In any event, the additional text proposed by him added nothing to the strength of the policy and only repeated the policy provision using a double negative. (4060)

RECOMMENDATION

- 8.39 **R8.10 Do not modify the plan in accordance with PIC 8.1 and make no other modification to Policy TLC12.**
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