

John Ashton Consultancy

'Always thinking outside of the box'



Orchard House, 4a Wootton Village, Boars Hill, Oxford. OX1 5JL

DESIGN AND ACCESS STATEMENT. EDITION 2.
REGARDING TO PROVISION OF BRIDGE OVER RIVER TO LINK
AGRICULTURAL LAND AND ANIMAL SANCTUARY AND CREATE NEW
DRIVEWAY

LAND AT THE RETREAT & TIME OUT FARM MILL LANE ALVESCOT
OX18 2QJ

FOR Mr R. RHODES

NOVEMBER 2023

DESIGN AND ACCESS STATEMENT REGARDING PROVISION OF BRIDGE OVER RIVER TO LINK AGRICULTURAL LAND AND ANIMAL SANCTUARY AND CREATE NEW DRIVEWAY AT LAND AT THE RETREAT MILL LANE ALVESCOT OX18 2QJ

Description of Development

The development proposed is the provision of a bridge over the river to link agricultural land and animal sanctuary and create new driveway.

The existing animal sanctuary use at the site will in no way change to what currently exists at the site via a lawful planning permission under planning reference 11/0167. There will be no change in vehicle movements from and to the site. The size and function of the vehicles which visit the site will not change. The development proposal is simply a new bridge and driveway

Describe the need for the development the subject of the planning application

The applicant who is the owner of Time Out farm and The Retreat has been granted under legal conveyance in 1973 an unrestricted right of way over the road (Mill Lane) 'at all times and for all purposes with or without motor vehicles'. This access extends over a defined area within the curtilage of Mill House and over a bridge. This is currently the sole access to Time Out Farm.

The applicant's lawyer has submitted a statement to accompany the planning application which, at the request of the local planning authority, explains the legal battles which the applicant has had to endure with the current owners of Mill House and the right of way. These legal battles include obstructions and difficulties the applicant has had to deal with daily when using the access. The statement also provides a chronology of the dispute itself. The applicant no longer wished to confront these difficulties when accessing and egressing his site legitimately and is looking at a constrictive way to stop the confrontation and improve his well-being.

Planning History of Relevance

It is also important to note that planning permission was granted at appeal by the planning inspectorate for a bridge in 2008 via appeal reference APP/D325/A/07/2058655 (local planning authority reference number 07/1012). The planning permission was never implemented and has therefore lapsed. The then Appeal Proposal crossed the river at a very similar point to where the bridge is now proposed. The driveway, however, was taken through the grounds of Mill House, a different location to the which exists. Mill House, is the nearest listed building to the proposed development the subject of the planning application.

The inspector at the time of the earlier appeal identified as the main issue-

‘whether the proposal would preserve or enhance the character or appearance of the Alvescot conservation area’

The inspector at the time considered the impact of the scheme upon the listed building and its setting (Mill House) and upon the character and appearance of the Alvescot Conservation Area.

He also stated within his consideration of the proposal –

“The appeal site is located on the edge of the Alvescot Conservation Area and is part of a small, isolated group of buildings set within riverside meadows, paddocks and gardens. In my opinion, this mixture of traditional buildings and open spaces contributes substantially to the overall character and appearance of the Conservation Area.

The proposed driveway would be within the Conservation Area whereas the bridge structure would be mainly outside. The driveway would be served by an existing vehicular access and gate in the stone, roadside wall and would wind across open land to a gap in the trees on the riverbank. I consider that the driveway would have little effect on its surroundings. Although it is likely to appear relatively stark when first laid, the gravel surface would soon mature and would blend into the background. The space which it crosses would remain open and views towards the river would not be obstructed.

The bridge would cross the widest part of the river. However, as a single deck without railings, it would substantially be hidden amongst the existing trees on the riverbank. The local planning authority raises no objection to the materials employed in the construction of the deck and I agree that they would be appropriate in this setting. I have neither seen nor read any evidence which persuades me that the bridge would harm views into and out of the Conservation Area.

In these circumstances, I conclude on the main issue that the proposal would preserve the character and appearance of the Conservation Area and would, therefore, comply with Policies BE2, BE5 and NE1 of the adopted West Oxfordshire Local Plan 2011.”

Whilst it is now (current day) a new adopted local plan the heritage policies are the same or similar. The trees and landscape generally around the site have matured considerably since the earlier appeal and as a result the application proposal will still be virtually hidden in the wider landscape.

At the time of the earlier appeal, the inspector was never concerned about the setting of the listed building. The driveway was in fact in 2007 within the grounds of Mill House, which is the nearest listed building to the development. The driveway with the current planning application proposal is much further away from the listed building and consequently cannot have a harmful impact having regard to the inspectors view highlighted in 2007.

The bridge crosses the river in a very similar location to the 2007 proposal, it is now positioned slightly further west which is further away from the listed Mill House and usefully where there is a natural gap in the landscaping along with river so, not major trees are removed as a result of the proposal.

This is a significant material consideration in the determination of the planning application proposal

Early Evolution of the Scheme

Measured survey

One of the first pieces of work was to arrange for a measured and levelled survey of the site (Midland Surveys) where the bridge and driveway was planned, particularly the riverbed profile and channel. This ensures proper regard can be had early to the implications for flooding at the site.

Early Pre-Application Discussions with the Environment Agency (EA)

Pre application advice was sought with the EA who confirmed"-

‘We have no objection in principle with a new proposed bridge in this location. However, you will need to demonstrate that the new bridge does not increase flood risk or negatively impact the ecology of the Shill brook.’

The EA confirmed the soffit height of the bridge should be 300mm above the Central (climate change) allowance.

Early Consultant Appointment

JAC Consultancy

JAC Consultancy was appointed to manage the project on behalf of the applicant, to advise upon the consultant team to be appointed, and to determine the strategy for developing a planning application for the proposed development and, the ultimate submission of a planning application for the proposed development.

JAC Consultancy were appointed to assess the planning policy implications for the development proposal, to check the recent planning history at the site and the surrounding area and identify whether any such history may be of relevance to the proposal.

The planning policy assessment forms part of the planning application submission

Edenvale Young

Edenvale Young Associates (EYV) were commissioned to undertake a Flood Risk Assessment (FRA) to evaluate the flood risk associated with the development of a bridge across the Shill Brook near Alvescot, West Oxfordshire. The bridge will be designed to give the applicant access between two parcels of their land, rather than a connection using another landowner's property. The aim of the FRA is to assess the Baseline and Post-development flood risk at this location and explain the strategy for mitigating flood risk in order to ensure that the development will remain safe during its lifetime and not increase the flood risk. The scope of the FRA includes:

- Discussion on the development proposals.
- A review of historical flood risk to the site.
- A review of published data and mapping on flood risk.
- A review of the Strategic Flood Risk Assessment for the area.
- A discussion on the application of National Planning Policy Framework (NPPF).
- Results from baseline hydraulic modelling to evaluate current flood risk to the site.
- Analysis of third-party impacts.

As no known detailed hydraulic modelling exists for this section of watercourse, a hydraulic model was to be built for the study. The model was to be run for Baseline and Post-development scenarios for the 5% AEP (1 in 20 year), 1% AEP (1 in 100 year), and the 1% AEP (1 in 100 year) with an allowance for climate change.

In conclusion Edenvale Young say within their report-

The results of the hydraulic modelling have been used to determine soffit levels for the bridge and evaluate the risk for a 1% AEP event with a 30% allowance for climate change, as well as 5% and 1% AEP events.

Based on this work, the following conclusions have been made:

- The proposed bridge will span the Shill Brook and is therefore located within the 1 in 20 year flood extent, equivalent to the Flood Zone 3b.

- Bridges are Water Compatible development and are acceptable within Flood Zone
- 3b.
- On the assumption that there will be a ramp on the floodplain leading to the bridge, and that the river cross section at the bridge location is not reduced, then there will be no noticeable impact on flood risk at the site or elsewhere.
 - The flood risk from surface water, sewer, tide, groundwater, and reservoirs are not considered significant or relevant to this site of interest.
 - Upstream sources of debris should be borne in mind although the elevation and clear span construction-type of the proposed bridge means that risk of blockage or debris strike is low. By setting the bridge soffit at the recommended elevation (see below), the bridge deck will not interact with flood flows. Additionally, the modelling has shown that the ramp to the bridge will have no influence on water levels and does not impede flows or increase flood risk elsewhere. As discussed earlier, final bridge design has been undertaken after conclusion of the modelling exercise, which means that alignment and gradient of the bridge ramp vary slightly from the configuration that has been modelled. It is considered that the variation in design is sufficiently minor that this would cause negligible difference in results and the conclusions of the modelling exercise would still stand.

Edenvale Young's recommendation is-

Based on hydraulic modelling and review of other flood risk related information, the following recommendations are made:

- The bridge soffit should be set at an elevation at least 300mm above 81.43m AOD which is the peak water level for a 1% AEP plus 30% allowance for climate change. This equates to a design soffit level of 81.73m AOD.
- There is no change to the existing channel geometry. On the basis of the above recommendations, it is considered that the proposed structure meets the requirements of the NPPF.

It is considered the EA will agree with the Edenvale Young report along with their conclusions and recommendations and it will be shown that the bridge proposal complies in all respects with flooding requirements identified in planning policy including that in the NPPF.

Further Consultant Appointments

Worledge Associates

As the site is located partly in a Conservation Area and near to a Listed building (Mill House) it was necessary to arrange for a Heritage Appraisal to be prepared to consider the implications for development upon the character and appearance of the Alvescot Conservation Area and the character and setting of the Listed Building.

Worledge Associates were appointed to undertake this work. The results of their work and their finished report accompanies the planning application submission. A summary of their Heritage Appraisal and Impact Report is produced here: -

In their introduction they say: -

“Paragraphs 4-10 of Historic England’s Good Practice Advice Note 2 (Managing Significance in Decision-Taking in the Historic Environment) explains that applications (for planning permission and listed building consent) have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of an asset, the extent of the asset’s fabric to which the significance relates and the level of importance of that significance.

The National Planning Policy Framework {‘NPPF’} provides a very similar message in paragraphs 194 and 195 expecting both applicant and local planning authority to take responsibility for understanding the significance of a heritage asset and the impact of a development proposal, seeking to avoid unacceptable conflict between the asset’s conservation and any aspect of the proposal”.

When assessing the site in the context of the conservation area they say: -

“The land is open and bounded to the north by the Shill Brook, which forms the mill race down to Alvescot Mill. There are a few mature trees on the bank of the brook with sporadic younger trees, the other boundaries of the land are comprised of mainly dense mature tree planting with some glimpsed views over the lawns of Alvescot Mill through gaps to the east.

The land is flat and has a connection with the brook and farmland to its north. To the northwest corner of the land and upper edge of the conservation area is a concrete and steel footbridge which connects the land directly to the farmland beyond, one of many on the land of Time Out Farm built during the mid-twentieth century associated with the agricultural language of the farm and Brize Norton Airfield beyond.

Unlike the more sheltered and secluded Mill Lane the site is open forming an open boundary with Time Out Farm and contributing to the setting of this part of the conservation area as a green space connected to the wider agricultural landscape”.

When commenting upon the previous application/appeal, they say: -

“An application was previously made for the construction of a bridge in 2007 to connect Mill Cottage with the land at Time Out Farm prior to the separation of ownership. This application was approved at appeal.

As shown by the plans submitted with the appeal the bridge was longer, crossing a wider point of the brook, and closer to the listed Mill Cottage.

The inspector discussed the impact of the bridge on the conservation area, describing how this was minimised through the bridge’s scale and by utilising existing tree cover. The inspector also commented that the construction of a bridge in this location did not alter the character of the rural open spaces at the edge of the Conservation Area”.

Their assessment of impact confirms: -

“The proposals alleviate the requirement for large farming equipment to travel over the current bridge shared with, and adjacent to Mill Cottage, this in turn reduces and impact that these vehicles may have on \$Mill Cottage.

The bridge is cited to the west of Mill Cottage and beyond the mill island that originally split the mill race and brook. The location has been selected so as to ensure there the bridge is not within the setting of the Mill Cottage.

The bridge is constructed in a similar architectural language to the existing twentieth-century bridges that surround Time Out Farm, one of low concrete construction, simple and functional in design, and close to the brook water level. The exceptions to this language are the timber guardrails included within the proposed designs, a requirement of modern building regulations, which have been designed so as to reflect their functional nature and to minimise the visual weight of their structure.

The height of the proposed bridge is determined by modern considerations which raise the height of the base to be above that of the existing earlier bridges, and above the height of the existing river bank. The variation between the bridge height and that of the paddock is mitigated by the creation of a ramp from the existing access to The Retreat. The gradient of this ramp has been kept to a minimum which minimises its impact on the spatial qualities of the paddock, maintaining an open character of the paddock with a simple agricultural track running through it. The track has been routed to curve gently on approach to the bridge within The Retreat, both so as to minimise any perceived separation of the paddock space and to mitigate levels.

As established, the edge of the Alvescot Conservation Area at the boundary of The Retreat has a character of paddocks and functional small-scale agricultural use, the proposals have been drawn so as to integrate with this character, drawing from

existing bridges in the area and keeping design detail as simple and pared back as possible”.

Worlledge’s conclusion of their impact assessment is : -

“The change of use of Mill Cottage from one connected with the use of the surrounding landscape to one of a residential dwelling has introduced issues with the existing bridge connection between Alvescot and Time Out Farm. The existing requirement of large agricultural vehicles using the bridge as their primary access, passing close to Mill Cottage causes difficulty which the proposed bridge alleviates.

This northern edge of the Alvescot Conservation area is defined by the bank of the brook with open paddock space and isolated pockets of buildings within the boundary. The proposed bridge continues a language of functional connection between the edge of the conservation area and the wider agricultural landscape, reading as part of the group of twentieth-century bridges in the area, through its low-lying and functional architecture.

The proposed bridge is not visible from, or within the curtilage of, Mill Cottage and has no impact on its heritage significance or setting. Though visible from the setting of the Alvescot Conservation Area the bridge’s scale and design are not at odds with the existing character of this part, tree screening and the treatment of the path further mitigate any potential impact.

In summary, the proposals provide a much-needed access point for Time Out Farm which relieves pressure from the existing access adjacent to Mill Cottage and does so without affecting either the heritage significance of the listed building or the special character of the Alvescot Conservation Area”.

Sam Johnston of SWJ Consulting

Armed with (1) the measured and levelled survey, (2) the initial advice from the EA, (3) the Initial Flood Risk Assessment and Hydraulic Modelling, (4) the initial Heritage Assessment (5) the planning policy analysis including the planning history at the site and nearby sites, it was time to get into the actual design of the bridge crossing and the driveway. SWJ Consulting were appointed for this task.

The bridge is a functional entity, it is needed at the height identified due to the potential flood level around the site and to avoid any flooding.

The vertical and horizontal alignment of the ramp associated with the driveway has been carefully considered to retain the tree in the middle of the paddock associated with The Retreat. The proposed driveway is gravel.

The designer of the bridge worked carefully with Worlledge Associates to ensure very careful consideration was given to the location of the bridge and driveway to ensure no harmful impact would result in location and design terms to the character and appearance of the Alvescot Conservation area and the setting of the nearby listed building.

The designer also worked very closely with Edenvale Young, the Engineers responsible for the Flood Risk Assessment and the Hydraulic Modelling of the water course

Abutments were designed for either side of the river. A low-level concrete deck sits on those abutments. The bridge is 3.5 metres wide, then usable width is 3.0 metres wide. The bridge handrail detail is an elegant timber post and rail equally spaced a maximum of 1.6m centres. The handrails are bolted to the concrete deck along with a wooden sleep to provide a kerb edge.

Austin Foot Ecologist

Austin Foot ecologists were appointed in order to gather baseline information on the existing ecological conditions within the site. The detailed report is attached to the planning application submission. An Ecological Assessment (EA) was commissioned by the applicant, including a desk study and field survey comprising a UK Habitat Classification (UKHab) survey and an initial water vole survey. This provided information on the range of habitats currently present within the site along with any features of ecological interest, or potential interest, including the possible presence of protected or otherwise notable habitats and species. This information was used to highlight potential ecological constraints and opportunities associated with the proposed bridge and access road construction works.

The main aims of the report was to:

- Confirm the outcome of the review of biological records obtained during the desk study;
- Describe the habitats present within the site;
- Assess the potential for the site to support protected or notable species;
- Set out the legislative and/or policy protection afforded to any habitats present or and species potentially associated with the site;
- Present an assessment of any potential ecological impacts of the proposed works based on the survey findings and current proposals;
- Provide recommendations for any further surveys if considered necessary; and
- Provide recommendations for potential mitigation, compensation and/or enhancement measures to ensure that the proposed works will remain acceptable in planning terms and maximise benefits to biodiversity where possible.

The conclusion of the field survey and desktop is-

The field survey in conjunction with the desk study indicates that, with the application of appropriate mitigation measures, there are no significant issues which would prevent the proposed bridge construction.

Considerations which need to be taken into account include the potential presence of water voles, otters, common reptiles, amphibians, common nesting birds, foraging/commuting bats, potential presence of non-native crayfish and the presence of a non-native invasive plant species. The Shill Brook is a habitat of principal importance. The works are also situated within a Conservation Target Area and a Local Key Area for water vole conservation. However, as the extent of works is limited to a small footprint, and the bridge is not expected to significantly alter the character of the stream or adjacent habitats, there should be no substantive change to the ecological function of these habitats or the local area.

Continued Evolution of the Scheme

Pre Application advice with the Local Planning Authority

Armed with the results of the pre application advice from the Environment Agency (EA), the Planning Policy Assessment, the Flood Risk Assessment and Hydraulic Model Results (FRA), the Initial Heritage Appraisal and the initial bridge design, it was considered the next stage in the evolution of the scheme was to undertake a pre application discussion with WODC.

A site meeting was arranged with Elloise Street (planning officer) and Bryan Martin the conservation and design officer at WODC. A letter dated 10 August 2023 was produced by the planning officer which confirmed the results of the site meeting.

The Officers identified the planning policies which they believed may well be relevant to the planning application proposal. They felt the key policy was E2.

Officers at the stage of the site visit considered that there was broad policy support for the proposed works, however, this is subject to other elements and considerations of the proposal. Officers would require a justification as to why the proposed works are going to make a positive contribution to the diversification and would continue to add value to the estate business.

Officers also acknowledged that there is a current access to Time Out Farm but there have been current legal battles with the access and Officers would recommend the submission of either a letter summarising the case or the documents which can be submitted in confidence which would then be kept sensitive but are a material consideration of the application. The applicant has arranged for a statement to be prepared by his lawyer to summarise the 'legal battles' the Council sought information on, and this statement forms part of the planning application submission.

The Planning Officer also thought that as the proposed works are within the Alvescot Conservation Area it is important to gain views from the Conservation and Design Officer. He was in attendance at the site meeting and the below are his comments on the proposed scheme:

I think that the existing access doesn't really work for either landowner. I also think that the new bridge, whilst visually heavy around the deck, is nonetheless fairly low-lying, and shouldn't be too obtrusive in the wider scene.

So, there are no huge objections from our point of view.

The Planning Officer also confirmed as part of the pre-application, that as the bridge is to go over the Shill Brook and there are records of protected species in this area, Officers have deemed it appropriate to gain their comments during this application as per below:

The applicant has already confirmed a PEA will be undertaken and submitted with any future planning application. Whilst this assessment will provide an overview of the habitats present and the species that are likely to exploit these habitats, given the sensitivity of the site, phase 2 surveys may be required. The PEA along with any phase 2 surveys should be submitted to the LPA as an ecological impact assessment report (EclA), all survey work should be completed by a suitably qualified and experienced ecologist following best practice guidelines. It is likely mitigation will be required, this can be submitted with the planning application or dealt with via a condition however, this would need to be a prior to commencement condition and would need to be discharged prior to Natural England granting any licences which many need to be obtained in order for works to proceed lawfully.

Austin Foot Ecology have prepared their report fully aware of the comments received above. A summary of the Austin Foot recommendations is detailed above. The detailed report is attached to the planning application submission.

Officers confirmed within their pre application advice that they would not require a Landscape and Visual impact Assessment (LVIA).

Officers stated that whilst the existing access is already in place and the bridge is going over a private road, OCC Highways will still need to be consulted and it is important that the application demonstrates that the current access is difficult to be used and why it cannot be used and why the alternative access is necessary.

The statement submitted by the lawyer on behalf of the applicant clearly explains the legal problems and difficulties with the use of the existing access.

The information submitted with the planning application and explained above is clear that the use of the site will in no way change. The existing animal sanctuary use at the site will in no way change to what currently exists at the site via a lawful planning permission under planning reference 11/0167. There will be no change in vehicle movements from and to the site. The size and function of the vehicles which visit the site and service the site will not change. The development proposal is simply a new bridge and driveway. The driveway will extend the existing hard surface area at The Retreat and the extended gravel drive will be laid at The Retreat. The existing access for The Retreat will be used by those vehicles which current service the Sanctuary. The existing access to The Retreat already serves agricultural and paddock land along with a commercial and agricultural storage building used by the applicant.

Conclusion

The above statement clearly articulates ;_

- (1) Why the planning application is submitted and illustrates the process which led to the application proposal.
- (2) What the planning application includes
- (3) The relevant planning history at and near to the site which is material. A previous planning appeal was granted for a bridge and driveway in a very similar location to where the bridge is now proposed. The inspector at the time did not consider the bridge would harm the setting of the nearby listed building, neither would it harm the character and setting of the conservation area in which it is partly located
- (4) The significant material considerations which speak in favour of the application submission. The applicants lawyer has confirmed the applicant has the right of unrestricted access the lawyer has also produced compelling evidence by way of a statement to explain the battles the applicant has had with the owner of the access road to prevent the applicant from properly using the access legitimately and why the new bridge and driveway is so desperately required.
- (5) Following a detailed impact assessment and heritage appraisal the bridge and driveway will not affect either the heritage significance of the listed building or the special character of the Alvescot Conservation Area.
- (6) The design principles and the concepts which have been applied.
- (7) The application proposal accords with planning policies in the adopted local Plan for the area.

The application proposal will ensure the continued safe and long term use of the animal sanctuary and ensure the applicants long term wellbeing is preserved by removing unnecessary conflict each time the applicants tries to access or egress the sanctuary .

The statement explains in a clear structured way the application proposal and why planning permission should be granted.