APPLICATION NO.  P18/V3052/FUL
SITE  Land at A34 Chilton Interchange Chilton
PARISH  CHILTON
PROPOSAL  Erection of a new roadside service area comprising petrol filling station, retail shop (Class A1), electric car charging points, drive-through unit (Class A3/A5), parking and associated works. (As amended by plans received 25 March 2019).

WARD MEMBERS  Hayleigh Gascoigne
Sarah Medley

APPLICANT  Mrs Hilary and Helen King-Thompson
and Shorthouse

OFFICER  Stuart Walker

RECOMMENDATION
It is recommended that this application is refused for the following reasons:
1: In the opinion of the Local Planning Authority, the proposal is contrary to saved policy TR10 of the adopted Vale of White Horse Local Plan 2011 and emerging policy DP19 of Vale of White Horse Local Plan 2031, Part 2 for the provision of roadside service facilities on the strategic road network. The site is not allocated for development and the proposal would represent development in the open countryside. Existing facilities are available in other locations on the A34 corridor and any need for additional facilities is not sufficient to set aside the conflict with the development plan.

2: The proposed development constitutes major development in the North Wessex Downs Area of Outstanding Natural Beauty (AONB). In line with the requirements of Paragraph 172 of the National Planning Policy Framework (NPPF), the applicant has failed to demonstrate exceptional circumstances in the public interest that would justify this development. Furthermore, through its landscape impact, the proposal would cause material harm to the character and intrinsic quality of the AONB whereby the harm is considered to outweigh the scheme’s benefits. Accordingly, the proposal is contrary to saved policy NE6 of Vale of White Horse Local Plan 2011, Core Policy 44 of Vale of White Horse Local Plan 2031 - Part 1, advice in the NPPF and the North Wessex Downs AONB Management Plan (2014-2019).
1.0 INTRODUCTION AND PROPOSAL

1.1 This application seeks full planning permission for a new roadside service area comprising a 12pump filling station, retail shop (Class A1 – 224sqm), drive-through unit (Class A3/A5 – 212sqm), parking, two electric charging points and associated works.

1.2 The application comes to committee at the request of former councillor Reg Waite.

1.3 The application site is within the North Wessex Downs Area of Outstanding Natural Beauty, on the western side of the A34 Chilton interchange. It is located between the northbound slip road and the A34 carriageway and is accessed off a dedicated exit on the A4185 Newbury Road roundabout. The site is triangular, approximately 0.9 hectare in size, and is currently unused agricultural land.

1.4 The site’s location within the development is set out below:

1.5 The proposal has been amended to address comments from the Highway Authority and to ensure the proposed development is outside of the adopted highway. The latest layout and elevation plans are attached at Appendix 1.

1.6 All plans and supporting technical documents accompanying the application are available to view online at www.whitehorsedc.gov.uk.
## SUMMARY OF CONSULTATIONS & REPRESENTATIONS

<table>
<thead>
<tr>
<th>Location</th>
<th>Objection</th>
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| **Chilton Parish Council**| • Proposal represents major development in the AONB, with no exceptional circumstances demonstrated.  
• It is contrary to roadside services policies – local plan clearly states no further petrol stations are needed on the A34.  
• Proposal does not meet a village shop need but is primarily for passing traffic and the subsequent impact on road safety.  
• Concern over traffic management and highway safety. |
| **Harwell Parish Council**| • Unjustified development in AONB.  
• Noise and light pollution. |
| **Residents**             | 45 letters have been received. 31 objecting to the proposal, 11 in support and three providing comment. |

Objections are summarised as follows:

• Major development in the AONB with no exceptional circumstances demonstrated.
• Contrary to AONB management plan & NPPF.
• Not allocated in Local Plan.
• No need – other facilities exist nearby.
• Retail use will not meet retail needs of village.
• Increased traffic in local area.
• Highway safety / traffic conflicts and queues on slip roads. Roundabout not designed for the use.
• HGV access prevention is inadequate.
• Traffic survey is inadequate – does not take account of traffic following slips completion.
• Urbanising impact / will not enhance AONB.
• Harm to landscape.
• Drainage.
• Taking business away from existing petrol stations.
• Lack of safety for pedestrians / cyclists.
• Not accessible on foot.
• Environmental pollution – noise, air, light and litter.
• Market evidence is inaccurate.
• Electric charging points are available elsewhere.
• Site should be used for landscape / wildlife.
• Query stability of earth banks.

Comments from supporters are summarised as follows:

• This is what the village needs.
- Proposal will provide a decent shop in walking distance.
- Land is vacant / will enhance area.
- No decent shop is nearby.
- This will increase competition to existing fuel stations.
- Additional traffic will disrupt traffic flows on roundabouts to allow locals to get out of the village.
- It will provide local employment.
- It will be convenient for Harwell Campus workers to use.

Comments are summarised as follows:
- S106 funding for cycle path link to old A34 through to West Ilsley is required.
- Proper pedestrian access is needed.
- Litter management will be required.

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<thead>
<tr>
<th>Harwell Campus</th>
<th>Objection.</th>
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<tbody>
<tr>
<td></td>
<td>- Highway safety.</td>
</tr>
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<td></td>
<td>- No need for facility.</td>
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<table>
<thead>
<tr>
<th>Oxfordshire County Council</th>
<th>Highways</th>
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<tr>
<td>No objection, subject to conditions.</td>
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<tr>
<th>Archaeology</th>
<th>No objection.</th>
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<tr>
<th>Lead Local Flood Authority</th>
<th>No comment.</th>
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<tr>
<th>Highways England</th>
<th>No objection, subject to conditions.</th>
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<tr>
<th>Environmental Protection Team</th>
<th>No objection.</th>
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<tbody>
<tr>
<td></td>
<td>- Draw attention to a requirement for a permit to operate a petrol filling station under the Pollution Prevention and Control Act 1999 and the Environmental Permitting Regulations 2016.</td>
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<tr>
<th>Air Quality</th>
<th>No objection.</th>
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<td></td>
<td>- I welcome the inclusion of two electric vehicle charging points within the parking area and would recommend that additional infrastructure is considered as part of the development to facilitate the future expansion of the number of electric vehicle charging points on the site as the needs arises.</td>
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<td>Department</td>
<td>Decision</td>
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<tr>
<td>Contaminated Land</td>
<td>No objection.</td>
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<tr>
<td>Food Safety Team</td>
<td>Draw attention to food safety and hygiene and workplace health and safety welfare regulations.</td>
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<tr>
<td>Drainage Engineer</td>
<td>No objection, subject to conditions covering surface and foul water drainage from the site.</td>
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<tr>
<td>Environment Agency</td>
<td>No objection.</td>
</tr>
<tr>
<td>Countryside Officer</td>
<td>No objection.</td>
</tr>
<tr>
<td>North Wessex Downs AONB</td>
<td>No objection.</td>
</tr>
<tr>
<td>Natural England</td>
<td>No comments to make.</td>
</tr>
<tr>
<td>Landscape Officer</td>
<td>Objection.</td>
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<tr>
<td></td>
<td>- The proposals do not conserve or enhance the AONB, there will be negative impact on both the Landscape Character and Visual Impact and it constitutes major development in the AONB.</td>
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<tr>
<td>Tree Officer</td>
<td>Objection.</td>
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<tr>
<td></td>
<td>- Layout precludes the establishment of any trees by not providing any space.</td>
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<tr>
<td></td>
<td>- Further design revision is necessary for the space needed to achieve the successful establishment of the type of landscape envisaged by the applicant.</td>
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<tr>
<td>Waste Management</td>
<td>No comments.</td>
</tr>
<tr>
<td>TVP crime prevention advisor</td>
<td>No objection.</td>
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<td></td>
<td>- Comment design will be problematic for crime prevention.</td>
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### 3.0 RELEVANT PLANNING HISTORY

#### Applications

- **P18/V1755/FUL** - Withdrawn (03/09/2018)
  Erection of a new roadside service area comprising petrol filling station, retail shop (Class A1), drive-through unit (Class A3/A5), parking and associated works.

- **P87/V6721/O** - Refused (30/09/1987)
  Service area incorporating petrol filling station, motel, restaurant, emergency repair facility and associated parking. Land North west side of AERE, Chilton Bridge, adjacent to A34
3.2 **Pre-applications**

- **P18/V0848/PEM** - (08/05/2018)
  Proposed roadside service area

- **P17/V2329/PEJ** - (29/09/2017)
  Petrol filling station, shop and drive-through unit along with associated landscape, drainage and highway works.

- **P16/V2225/PEJ** - (21/09/2016)
  New Service Area and/or Hotel with associated landscaping

3.3 **Screening Opinion requests**

None.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Given the AONB location of the site there is a need to screen the application to assess the need for an Environmental Statement. The key issues to be considered are highway safety, landscape impact and drainage. The application has been supported by a Landscape and Visual Impact Appraisal that offers a comprehensive assessment of the site’s value to the AONB and the impact of the proposal upon the character of the area. It is considered that the LVIA offers sufficient consideration of the impacts of this development and represents an appropriate level of detail for the scheme. Similarly, the supporting documentation covering highways and drainage are sufficient for these aspects of the scheme. Thus, it is considered an Environmental Statement is not required for this proposal. The development is not EIA development.

5.0 **MAIN ISSUES**

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

1. **The principle of the development**
   - Does the development constitute major development in the AONB?
   - Do Exceptional Circumstances exist?
   - Do the proposals conserve or enhance?
   - Can the visual harm be mitigated?
   - Conclusion on the principle of the development

2. **Matters of detail / technical issues**
   - Retail use
   - Traffic impact and highway safety
   - Flood risk and drainage
   - Environmental matters (air quality, contamination and litter)
   - Biodiversity
   - Infrastructure to be secured under a legal agreement
   - Community Infrastructure Levy
5.2 **The principle of the development**
Planning law requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan consists of the saved policies of the Local Plan 2011, Local Plan 2031 Part 1. Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

5.3 Other material planning considerations include national planning guidance within the NPPF and NPPG, the emerging Vale of White Horse Local Plan 2031 Part 2 and its supporting evidence base, the North Wessex Downs AONB Management Plan and S85 of the Countryside Rights of Way Act 2000.

5.4 Local Plan 2031 Part 1 confirms Chilton is a smaller village within the South East Vale sub-area. It confirms that the smaller villages have a low level of services and facilities and any development “should be modest and proportionate in scale and primarily be to meet local needs.” Limited infill development within existing built up areas maybe appropriate, but outside built up areas of the smaller villages, sites need to be allocated either through future parts of the Local Plan or by a neighbourhood plan.

5.5 Saved policy S15 supports new service / petrol stations with ancillary shops within built areas of main settlements and villages. The local plan also allocates sites for roadside services to serve the A34, as set out in saved policy TR10 and emerging policy DP19, to guard against the unnecessary proliferation of facilities for the A34 other than at the Milton Heights interchange. The application site is not a site that is allocated for development and is located outside the built area of the village. As such, the proposal does not comply with the council’s strategy for the delivery of filling stations and roadside services and the principle of the development is unacceptable.

5.6 Furthermore, the site is located within the North Wessex Downs AONB and as such, there are restrictive policies that indicate that the principle of the development is unacceptable. Saved policy NE6 states “commercial development will not be permitted unless it is proven to be in the national interest and no alternative site can be found” and as outlined in paragraph 172 of the NPPF, “planning permission should be refused for major development, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest”.

5.7 **Does the development constitute major development in the AONB?**
In assessing whether paragraph 172 is fully engaged it needs to be established whether the development constitutes major development in the AONB. In this context, the NPPF definition of “major” development is not the same as the definition used for classifying application types in the Development Management Procedure Order. The use of the word “major” in the NPPF is a more relative term and it is through case law that what constitutes major development in the AONB has been determined. Case law indicates that factors such as the size of the development relative to the existing settlement and the severity of the development’s impact on the landscape are all factors in
the assessment of what represents “major” development in the AONB. In this case, officers consider the development of service station and drive through facilities beyond the built-up limit of the village settlement constitutes major development in the AONB and the full paragraph applies.

5.8 **Do Exceptional Circumstances exist?**
Paragraph 172 states that consideration of exceptional circumstances should include an assessment of:

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

5.9 The proposal would not be a project of national importance and the impact on the economy (through job creation and business rates) would not be of such significance that it could be considered to constitute an exceptional circumstance. Such roadside facilities can easily be located elsewhere in the district outside the designated area, as allocated in policies TR10 and DP19. As such the conflict with Paragraph 172 also indicates that the principle of the development is unacceptable. The development would represent a major development in the AONB, for which there are no exceptional circumstances.

5.10 **Do the proposals conserve or enhance?**
Under Section 85 of the CRoW Act 2000, the council is required to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. This duty is supported through local plan policies CP44 and NE6 where development will only be permitted if the natural beauty is conserved or enhanced. Policy NE6 also confirms visually prominent development that detracts from public vantage points or spoil the appreciation of the landscape quality of the AONB will not be permitted.

5.11 The applicants have commissioned a full Landscape and Visual Impact Appraisal (LVIA) to consider the impact of developing this site on the character and appearance of the AONB. This has been assessed by the council’s Landscape Officer.

5.12 The landscape officer considers the assessment down plays how the site sits within wider landscape and the impact proposed buildings and associated lighting would have and over plays the influence the road network has on the local area. For example, in section 3.2 of the Baseline Assessment, the vegetation surrounding the site is described as “The Northbound A34 slip road forms the western site boundary, with a mature tree belt immediately to the west of the road affording a strong degree of containment to the site from the west and north. An established mature tree line forms the eastern site boundary, which lines the A34 road corridor.” However, Viewpoint 1 and 5 illustrate that in winter, clear views are available through this vegetation, in
contrast to the viewpoint annotations referring to the site being partially obscured.

5.13 In addition, the landscape officer comments “the adjacent road network is only one element in the local and wider landscape and currently the site and surrounding area especially to the north of the A4185 contains no built form and limited detractors. The proposed development of the service station would introduce the shop, petrol station and drive through restaurant along with associated infrastructure and lighting into an AONB landscape which does not currently contain these features except road infrastructure. This would not conserve or enhance the scenic beauty of the AONB”.

5.14 In respect of visual impact, the site is visible as part of wider views across the landscape, and while in some locations it is a small part of that view, the addition of built form and lighting would have a negative impact on views and introduce out of character development into the predominant undeveloped area of the South Harwell Downs Foot slopes Character Area north of the A4185, especially in winter. The proposal therefore would have a harmful visual impact on the character of the AONB.

5.15 Can the visual harm be mitigated?
The built form on site extends in numerous places close to its boundary, and for the whole of its length, it abuts an existing boundary hedge. The site therefore relies on the offsite highway vegetation adjacent to the A34 to provide screening and softening of the site which is beyond the control of the site. Within the site, an internal hedge is being retained right up to the edge of parking and the site plan (JWA drg no. J8411/29 Rev H) shows this will be removed almost back to the boundary. The tree officer also comments that there is a need to provide sufficient space for the establishment of trees within, or close to, the existing hedge. Whilst appearing to retain the existing hedge, the layout precludes the establishment of any trees simply by not providing any space. This appears to contradict section 7 of the design and access statement that the site landscaping proposals look to address any exposure of the site to the highway network.

5.16 In addition, officers consider there are clear conflicts between the needs of future operators for direct uninterrupted and prominent visibility to attract custom and the requirement to screen the development.

5.17 Furthermore, information on details such as signage are not submitted as part of this application, but officers consider signage and associated lighting would have a detrimental urbanising impact on the wider AONB. This is both in terms of signage required for the shop, drive through and petrol station and wider signage impacts of the scheme such as potential signage on the A34 and local road network. Such signage would add cumulative impact and be detrimental to the landscape character of the wider area. It is therefore considered visual harm cannot be adequately mitigated.

5.18 Conclusion on the principle of the development
The proposal is not acceptable and is contrary to the adopted development plan and to advice in the NPPF. Officers consider that no exceptional
circumstances can be demonstrated to warrant this application being approved. Furthermore, the development will have a materially harmful impact on the local landscape with no realistic prospect of that harm being fully moderated. In refusing this application due to the fact the proposal would harm, rather than conserve or enhance, the council would act upon the duty as it is required to do so by Section 85.

Matters of detail / technical issues

5.19 Retail use
The applicant considers in supporting the application that the proposal provides retail use to meet the day to day needs of Harwell Campus and Chilton residents and some letters of support have been received on this basis. Notwithstanding, this proposal is not a village / local shop development. The retail element is not designed to meet the day to day needs of the local population and is part of an overall proposal for a roadside service facility. Saved policy S13 or emerging policy DP14 therefore do not apply. In any event, the site is located outside the built area of the village and is difficult to access on foot. Officers consider any benefit to meet day to day needs is therefore limited and does not outweigh the harm identified set out elsewhere in this report.

5.20 Flood Risk and drainage
The application site is within Flood Zone 1 and is therefore is a location that has the lowest possibility of flooding.

5.21 Surface Water
The outline drainage strategy confirms a strategy involving draining surface water to an infiltration basin close to the site’s northern boundary. Infiltration tests undertaken have confirmed suitable infiltration rates for drainage by these means. The scheme also includes porous paving for drainage surface water from private hard standing areas associated with the drive thru. This is acceptable subject to further details being provided. These can be secured by condition, should the application be progressed positively.

5.22 Foul Water
The Drainage Statement confirms that foul drainage from the development will be discharged to Thames Water apparatus via a pumping station and rising main. This is acceptable subject to further details being provided. These can be secured by condition, should the application be progressed positively.

5.23 Traffic, parking and highway safety
The County Council Highways Officer and Highways England raise no objection to the application subject to the imposition of conditions. In coming to this conclusion, the highways officer has considered the suitability of the access, the level of parking provision provided within the site, the accessibility of the site for sustainable modes of travel, and trip generation.

5.24 Officers are satisfied that, if the application was progressed positively, that the highway matters could be adequately addressed through conditions.
5.25 **Biodiversity**
The application site was completely cleared of vegetation during the construction of the new slip road and there are no ecological constraints present. The countryside officer has no objection and considers that as the site has no intrinsic value at present any introduced landscaping will represent a biodiversity enhancement. The proposal would therefore comply with policy CP46.

5.26 **Environmental matters**

*Air quality*
The site is not located in or near an AQMA. Given the nature of the site it is not anticipated that it will introduce significant additional traffic into the area. The Air Quality Officer welcomes the inclusion of two electric vehicle charging points within the parking area and recommends that additional infrastructure is considered as part of the development to facilitate the future expansion of the number of electric vehicle charging points on the site as the needs arises. This could be secured by condition, should the application be progressed positively.

5.27 **Contamination**
The contaminated land officer has considered the submitted documents and consider that the site is suitable for use.

5.28 **Litter**
Local concern has been raised over the potential for litter pollution arising from both the retail unit and the drive thru. Officers consider this can be managed by condition, should the application be progressed positively.

5.29 **Infrastructure to be secured under a legal agreement**
There is no infrastructure required to be secured in this case.

5.30 **Community Infrastructure Levy**
The proposal is not CIL liable.

6.0 **CONCLUSION**

6.1 In conclusion, this is not a site that is allocated for development and the proposal would represent major development within the AONB. There are no exceptional circumstances to justify the development and there are opportunities to accommodate such new development outside the AONB. The development is therefore unacceptable.

The following planning policies have been taken in to account:

**Vale of White Horse Local Plan**

*Vale of White Horse Local Plan 2031 part 1:*
CP01 - Presumption in Favour of Sustainable Development
CP03 - Settlement Hierarchy
CP07 - Providing Supporting Infrastructure and Services
CP15 - Spatial Strategy for South East Vale Sub-Area
CP17 - Delivery of Strategic Highway Improvement within the South East Vale Sub-Area
CP18 - Safeguarding of Land for Transport Schemes in the South East Vale Sub-Area
CP33 - Promoting Sustainable Transport and Accessibility
CP34 - A34 Strategy
CP35 - Promoting Public Transport, Cycling and Walking
CP37 - Design and Local Distinctiveness
CP38 - Design Strategies for Strategic and Major Development Sites
CP40 - Sustainable Design and Construction
CP42 - Flood Risk
CP43 - Natural Resources
CP44 - Landscape
CP45 - Green Infrastructure
CP46 - Conservation and Improvement of Biodiversity

Saved policies Local Plan 2011:
DC3 - Design against crime
DC4 - Public Art
DC5 - Access
DC6 - Landscaping
DC7 - Waste Collection and Recycling
DC9 - The Impact of Development on Neighbouring Uses
DC10 - The Effect of Neighbouring Uses on New Development
DC12 - Water Quality and Resources
DC20 - External Lighting
TR10 - Lorries and Roadside Services
HE9 - Archaeology
HE10 - Archaeology
HE11 - Archaeology
NE6 - The North Wessex Downs AONB
S13 - Development of Village Shops
S15 - Garages and Garage Shops

Vale of White Horse Local Plan 2031 part 2
A publication draft of the Vale of White Horse Local Plan 2031 Part 2 has been subject to public consultation and Examination and the Inspector’s final report (received 25 June 2019) has found the plan sound. Its policies therefore carry significant weight in decision making and the following policies are material to the consideration of this application:

CP18a Safeguarding Land for Strategic Highway Improvements within the South-East Vale Sub-Area
DP8 - Community Services and Facilities
DP14 - Village and Local Shops
DP16 - Access
DP17 - Transport Assessments and Travel Plans
DP19 - Lorries and Roadside Services
DP20 - Public Art
Neighbourhood plan
Chilton Parish Council is working on a neighbourhood plan and the neighbourhood area was formally designated on 1 October 2018. To date a plan has yet to produced. Accordingly, no weight can be given to this.

Adopted Guidance
Vale of White Horse Design Guide SPD – March 2015
Developer Contributions SPD – June 2017

Other Relevant Legislation and Guidance
National Planning Policy Framework 2019
National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas Act) 1990
Community & Infrastructure Levy Legislation
Section 17 of the Crime and Disorder Act 1998
Obligations under Section 149 of the Equalities Act 2010
Natural Environment and Rural Communities (NERC) Act 2006
The Conservation of Habitats and Species Regulations 2010
Localism Act (including New Homes Bonus)
Section 85 of the Countryside and Rights of Way Act 2000