

# Public Document Pack



**Committee:** Planning Committee  
**Date:** Thursday 1 October 2015  
**Time:** 2.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

### Councillor Colin Clarke (Chairman)

Councillor Michael Gibbard  
Councillor David Hughes  
Councillor Matt Johnstone  
Councillor James Macnamara  
Councillor Richard Mould  
Councillor Nigel Randall  
Councillor Barry Richards  
Councillor Lawrie Stratford

### Councillor Fred Blackwell (Vice-Chairman)

Councillor Chris Heath  
Councillor Russell Hurlé  
Councillor Mike Kerford-Byrnes  
Councillor Alastair Milne Home  
Councillor Lynn Pratt  
Councillor G A Reynolds  
Councillor Trevor Stevens  
Councillor Rose Stratford

## Substitutes

Councillor Ken Atack  
Councillor Carmen Griffiths  
Councillor D M Pickford  
Councillor Sandra Rhodes  
Councillor Bryn Williams

Councillor Andrew Beere  
Councillor Timothy Hallchurch MBE  
Councillor James Porter  
Councillor Nicholas Turner  
Councillor Barry Wood

## AGENDA

1. **Apologies for Absence and Notification of Substitute Members**
2. **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. **Requests to Address the Meeting**

The Chairman to report on any requests to address the meeting.

#### **4. Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

#### **5. Minutes (Pages 1 - 25)**

To confirm as a correct record the Minutes of the meeting of the Committee held on

#### **6. Chairman's Announcements**

To receive communications from the Chairman.

### **Planning Applications**

7. **Moorlands Farm, Murcott, Kidlington, OX5 2RE (Pages 28 - 39) 14/01979/F**
8. **Land South Of Perdiswell Farm, Shipton Road, Shipton On Cherwell  
(Pages 40 - 292) 14/02004/OUT**
9. **Land South of and Adjoining Bicester Services, Oxford Road, Bicester  
(Pages 293 - 332) 15/00250/OUT**
10. **Ambrosden Court, Merton Road, Ambrosden (Pages 333 - 355) 15/00480/REM**
11. **Hill Farm, Hill Farm Lane, Duns Tew, Bicester (Pages 356 - 373) 15/00570/F**
12. **Oxford and Cherwell College, Broughton Road , Banbury 15/01024/F  
(Pages 374 - 399)**
13. **OS Parcel 1424 Adjoining And Rear Of Jersey Cottage, Heyford Road,  
Kirtlington (Pages 400 - 435) 15/01128/OUT**
14. **Bicester Village Rail Land Car Park, Land South of Station Approach, West of  
Bicester Village, Pingle Drive, Bicester (Pages 436 - 446) 15/01169/F**

### **Review and Monitoring Reports**

15. **Decisions Subject to Various Requirements (Pages 447 - 451)**

Report of Head of Development Management

#### **Summary**

This report aims to keep members informed upon applications which they have authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

## **Recommendations**

The meeting is recommended:

- 1.1 To accept the position statement.

## **16. Appeals Progress Report (Pages 452 - 458)**

Report of Head of Development Management

### **Summary**

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

### **Recommendations**

The meeting is recommended:

- 1.1 To accept the position statement.

**Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.**

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 227956 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

## **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

## **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

## **Queries Regarding this Agenda**

Please contact Aaron Hetherington, Democratic and Elections  
aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

**Sue Smith**  
**Chief Executive**

Published on Wednesday 23 September 2015

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 September 2015 at 2.00 pm

- Present: Councillor Colin Clarke (Chairman)  
Councillor Fred Blackwell (Vice-Chairman)
- Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Matt Johnstone  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor Lynn Pratt  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Trevor Stevens  
Councillor Rose Stratford
- Substitute Members: Councillor D M Pickford (In place of Councillor Richard Mould)  
Councillor Barry Wood (In place of Councillor Lawrie Stratford)
- Apologies for absence: Councillor Richard Mould  
Councillor Barry Richards  
Councillor Lawrie Stratford
- Officers: Jon Westerman, Development Services Manager  
Bob Duxbury, Development Control Team Leader  
Caroline Ford, Senior Planning Officer  
Stuart Howden, Senior Planning Officer  
Alex Keen, Team Leader, Development Management  
Rebekah Morgan, Senior Planning Officer  
Matthew Parry, Principal Planning Officer  
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer  
Natasha Clark, Team Leader, Democratic and Elections  
Lesley Farrell, Assistant Democratic and Elections Officer

#### 68 **Declarations of Interest**

Members declared interests in the following agenda items:

10. Sites D and E Graven Hill Upper Arcott Ambrosden.

Councillor David Hughes, Declaration, as a Director of Graven Hill Village Holdings Limited and would leave the meeting for the consideration of the application.

14. Land Adjacent to Bicester Community College, Queens Avenue, Bicester.  
Councillor G A Reynolds, Non Statutory Interest, as Lead Member for Recreation.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

15. Oxford and Cherwell College, Broughton Road, Banbury.  
Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

16. Land Adj To 53A Hamilton Close, Bicester.  
Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

17. 21 Chetwode, Banbury.  
Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

69 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

70 **Urgent Business**

There were no items of urgent business.

71 **Minutes**

Subject to the amendments detailed below, the Minutes of the meeting held on 6 August 2015 were agreed as a correct record and signed by the Chairman:

- Minute 49 – Chairman’s Announcements  
Addition of 4<sup>th</sup> announcement regarding the proposed joint site visit with West Oxfordshire District Council to Woodstock on 15 September 2015.
- Minute 65 – Garage Block Adjacent Westbeech Court, Banbury  
In the fifth paragraph, it should read “policy 15 of the Cherwell Local Plan 2011-2031” not policy 13

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### **Chairman's Announcements**

The Chairman made the following announcements:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. There would be a joint site visit with West Oxfordshire District Council on 15 September 2015 to view the major application site of Woodstock East. Members should meet at the main gates of Blenheim Palace at 2pm where transport would be provided to Blenheim Palace.

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### **Allotment Gardens west of Roebuck Inn and south east of the Blinking Owl PH, Banbury Road, North Newington**

The Committee considered application 14/01816/F for the erection of 1 no. detached dwelling and detached garage at allotment gardens west of the Roebuck Inn and south east of the Blinking Owl PH, Banbury Road, North Newington for Penfield Homes Limited (Mr Christopher McNally).

Mr Christopher McNally, the applicant, addressed the meeting in support of the application.

In reaching their decision, the Committee considered the officers’ report, presentation, written update and the address of the public speaker.

### **Resolved**

That application 14/01816/F be refused for the following reasons:

1. The Pound is a designated public Right of Way and crosses a second public Right of Way at the access point to the site and it had not been demonstrated that the applicant benefits from a lawful vehicular access to the site via The Pound. As such the development may result in parking being displaced to the public highway compromising highway safety contrary to government guidance contained within the National Planning Policy Framework.

74 **OS Parcel 6920 East of Oxford Road and Adjoining and South of Canal Lane, Bodicote**

The Committee considered application 14/01888/F, for the erection of two local centre buildings – one to contain four apartments (3 x 2 bed and 1 x 1 bed and 1 x 3 bed) over three retail units and a nursery at OS Parcel 6920 East of Oxford Road and adjoining and south of Canal Lane, Bodicote for Taylor Wimpey, Oxfordshire.

In reaching their decision, the Committee considered the officers' report, presentation and written update.

**Resolved**

That application 14/01888/F be approved subject to:

- a) The applicants entering into a linking agreement to link this application proposal to the legal agreement pursuant to 05/01337/OUT to ensure the proposal remains bound by the clauses of the outline S106.
- b) The receipt of amended plans to the satisfaction of the Head of Development Management in consultation with the Chairman of the Planning Committee and the removal of objections.
- c) The following conditions (with authority delegated to the Head Of Development for the addition/ amendment of conditions to suit any accepted amended plans)
  1. The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.
  2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:

To be added following receipt of satisfactory amended plans.
  3. Prior to the construction of the foundations of the buildings hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external walls and roof(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.
  4. Prior to the construction of the foundations of the buildings hereby approved, samples of all roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.



5. Prior to the construction of the foundations of the buildings hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
6. Prior to the construction of the foundations of the buildings hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.
7. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
8. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.
9. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed local centre buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.
10. Before any of the units in the Longford Park 'Local Centre' are first occupied the whole of the estate roads and footpaths of that phase, shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council's Specifications.
11. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the proposed vehicular accesses, driveways, turning areas, parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

12. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of Longford Park 'Local Centres' the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.
13. No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction and a route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
14. Prior to the first occupation of any unit hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority for that particular unit. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
15. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development (which shall demonstrate how this scheme relates to the wider site drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
16. The development hereby approved shall be carried out strictly in accordance with the mitigation measures set out in section 6 of the May 2014 ecological assessment report by Aspect Ecology.
17. Prior to the construction of the foundations of the dwellings, garages and carports hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on this Parcel shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

18. Prior to the construction of the foundations of the buildings hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
  - (d) details of the location and type of root barriers to be installed
19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
20. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall identify all tree protection measures required and any special treatment required for foundations within proximity of any retained tree. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
21. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this consent.

22. The units marked as 'Retail units 1-3 and unit A' on drawing numbers 1419 300 K and 1419 400 G shall be used only for purposes falling within Class A1 specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.
23. The A1 retail units hereby approved shall not be amalgamated or mezzanines inserted.
24. The units marked as 'Nursery and Surgery' on drawing numbers 1419 300 K and 1419 400 G shall be used only for purposes falling within Class D1 specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.

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### **Land south west of Cotefield Business Park, Oxford Road, Bodicote**

The Committee considered application 14/02156/OUT, an outline application for up to 95 homes (appearance, landscaping and layout reserved) at land south west of Cotefield Business Park, Oxford Road, Bodicote for Mr O Wells.

Councillor Heath proposed that application 14/02156/OUT be refused as the application represented overdevelopment in the open countryside and was outside the built up limits. Councillor Randall seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Clarke proposed that the application be approved. Councillor Gibbard seconded the proposal.

In reaching their decision the committee considered the officers' report, presentation and written update.

### **Resolved**

That application 14/02156/OUT be approved, subject to the following conditions:

## **General Implementation**

- 1) No development shall commence until full details of the layout (including the layout of the internal access roads, footpaths and cycle ways), appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- 2) In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission. Each application shall demonstrate how the design and access principles shown on Drawing Nos: 7993-0047-04 (Phase Two Indicative Layout), 7993-0071-01 (Phase One and Two Interface Plan), 7993-0070-01 (Walking and Cycling Routes), and 7993-0060-01 (Walking Routes Plan) have been used to inform the reserved matters.
- 3) The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- 4) The approved plans to which this permission relates are: Drawing Nos. OXF7993 Rev A Site Boundary, and OXF7993 Fig. 7993-0058-02.
- 5) Prior to the commencement of the development hereby approved, a Phasing Plan covering the application site (Phase 2) and the development of the 82 dwellings approved under planning application ref: 11/00617/OUT (Phase 1) as shown on Figure No: 7993-0058-02 shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include a timetable for implementing the developments with estimated completion dates for each phase. Thereafter the development shall be carried out in accordance with the approved Phasing Plan.

## **Scale**

- 6) With regard to scale, the reserved matters shall demonstrate the following:
  - a) No more than 30% of the dwellings to be 2.5 storey
  - b) No more than 5% of the dwellings to be 3 storey
  - c) No more than 35% of the dwellings to exceed 9 metres in height above existing ground level
  - d) No building to exceed 11.5 metres in height above existing ground level

Unless alternative details of scale are submitted to and approved in writing by the Local Planning Authority.

## **Access**

- 7) Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
- 8) Prior to the commencement of the development hereby approved, full specification details of the internal access roads, footpaths and cycle ways which shall include construction, layout, surfacing, drainage and lighting, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 9) Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the accesses, driveways and turning areas shall be constructed in accordance with the approved details.
- 10) Prior to the first occupation of the development hereby approved, full details of the proposed enhancements to the local footpath network, as shown on Drawing No: 7993-0060-01, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include at least two points of connection between the development and the local footpath network and a timetable for implementing the proposed enhancements. Thereafter the approved details shall be implemented in accordance with the approved timetable.

## **Archaeology**

- 11) Prior to the commencement of the development (other than in accordance with the submitted archaeological Written Scheme of Investigation produced by RPS), a staged programme of archaeological evaluation and mitigation shall be carried out by an appropriately qualified archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority prior to the first occupation of the development.

## **Drainage**

- 12) Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development, which shall be broadly in accordance with the drainage proposals set out in the submitted Flood Risk Assessment produced by

Forge Engineering Design Solutions, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved drainage scheme.

- 13) Prior to the commencement of the development hereby approved, impact studies of the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

## **Noise**

- 14) Prior to the commencement of the development hereby approved, a noise mitigation scheme in respect of the dwellings falling within the zone "Treatment 1" as shown on Figure 3 in the Noise Assessment submitted with the application, demonstrating that internal noise levels do not exceed the criteria specified in Table 4 of the British Standard BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.
- 15) Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

## **Trees and Biodiversity**

- 16) Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.
- 17) The development hereby approved shall be carried out in strict accordance with the recommendations detailed in section 4 of the Bat Activity Survey dated November 2014 (paragraphs 4.9 to 4.31) submitted with the application.
- 18) The development hereby approved shall be carried out in strict accordance with the recommendations detailed in sections 9, 10 and

11 of the Arboricultural Impact Assessment dated 28 November 2014 submitted with the application.

19)(a) No retained tree shall be cut down, uprooted, damaged or destroyed without the prior written approval of the Local Planning Authority.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be first submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

#### **Other matters**

20) No development shall commence until a Sustainable Construction Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate which sustainable construction methods shall be used in the development to achieve, as far as practicably possible, zero carbon development including but not limited to:

- (i) Minimising both energy demands and energy loss;
- (ii) Maximising passive solar lighting and natural ventilation;
- (iii) Maximising resource efficiency;
- (iv) Incorporating the use of recycled and energy efficient materials;
- (v) Incorporating the use of locally sourced building materials;
- (vi) Reducing waste and pollution and making adequate provision for the recycling of waste;
- (vii) Making use of sustainable drainage methods;
- (viii) Reducing the impact on the external environment and maximising opportunities for cooling and shading; and
- (ix) Making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

The development shall thereafter be carried out in full accordance with the approved Statement.

21) Prior to the first occupation of any dwelling on the site, a scheme for the provision of refuse and recycling bins to serve each dwelling including details of the type and specification of the bins to be provided and a programme for their provision, shall have been submitted to and approved in writing by the Local Planning Authority. The development



shall thereafter be carried out in accordance with the approved scheme.

76 **Sites D and E Graven Hill Upper Arcott Ambrosden**

The Committee considered application 15/00266/DISC for the discharge of conditions 26 (masterplan and design code), 30 (phasing plan), 31 (M40 junction improvements, 37 (district heating feasibility), 48 strategic landscape scheme), 61 (relief road safeguarding zone), 62 (foul water drainage) and 67 (surface water drainage) of outline planning permission 11/0149/OUT at Sites D and E Graven Hill Upper Arcott Ambrosden for Graven Hill Village Development Company.

In reaching their decision, the Committee considered the officers' report, presentation and written update.

**Resolved**

That authority be delegated to the Head of Development Management, in consultation with the Cherwell District Council Member design Champion, to approve the Masterplan and Design Code, subject to minor amendments to the street design principles sufficient to address OCC Transport concerns,

77 **Outbuilding, Elephant and Castle, Humber Street, Bloxham**

The Committee considered application 15/00325/F for the change of use of an outbuilding to residential accommodation, the removal of a bread oven and repairs to the building at Elephant and Castle, Humber Street, Bloxham for Mr James Clarke (Hook Norton Brewery)

Dale Ingram, Director of Planning for Pubs Limited addressed the meeting in support of the application.

Councillor Heath proposed that the application be approved with authority delegated to officers to draft appropriate conditions. Councillor Reynolds seconded the proposal.

In reaching their decision, the Committee considered the officers' report, presentation, written update and the address of the public speaker.

**Resolved**

That application 15/00325/F be approved subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design, Access and Heritage Statement, Planning

Statement, Schedule of Works, site location plan, block plan and drawings numbered: 0001, 0002, 1001, 1002, 1003, 1004 and 1005.

3. The parking area shall be kept free of obstructions at all times and used only for the specified purpose.
4. The development hereby approved shall be carried out in accordance with the recommendations set out in section 4 of the Bat Survey Report carried out by Cotswold Wildlife Surveys on 25th September 2014.
5. The living accommodation hereby approved shall be restricted to rented accommodation and/or holiday lets and shall not be sold as a separate unit of accommodation.

78 **Outbuilding, Elephant and Castle, Humber Street, Bloxham**

The Committee considered application 15/00326/LB for the change of use of an outbuilding to residential accommodation and the removal of a bread oven and repairs to the building at Elephant and Castle, Humber Street, Bloxham for Mr James Clarke (Hook Norton Brewery)

Dale Ingram, Director of Planning for Pubs Limited addressed the meeting in support of the application.

Councillor Heath proposed the application be approved. Councillor Reynolds Seconded the proposal.

In reaching their decision, the Committee considered the officers' report, presentation, written update and address of the public speaker.

**Resolved**

That application 15/00326/LB be approved subject to the following conditions:

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design, Access and Heritage Statement, Planning Statement, Schedule of Works, site location plan, block plan and drawings numbered: 0001, 0002, 1001, 1002, 1003, 1004 and 1005.
3. Prior to the commencement of works to demolish the bread oven body, a scheme for recording the historic significance (by an organisation with acknowledged experience in recording historic structures) of the bread oven shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.
4. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

5. Only lime mortar and lime plaster shall be used in the works to the building.
6. All works of making good shall be carried out in materials and detailed to match the adjoining existing historic fabric except where shown otherwise on the approved drawings.
7. Prior to the removal of the existing staircase full design details of new staircase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
8. If any of the existing roof slates require replacement as part of the works, the replacement slates shall be reclaimed natural Welsh slates.

79

### **OS Parcel 3235 and OS Parcel 5021 West of West End, Launton**

The Committee considered application 15/00392/OUT, an outline application for the erection of 8 detached houses and creation of informal open space at OS Parcel 3235 and OS Parcel 5021, west of West End, Launton for Mr Richard Howson.

Mr Jack Peeters, Chartered Town Planner addressed the Committee in support of the application

In reaching their decision, the Committee considered the officers' report, presentation, written update and address of the public speaker.

### **Resolved**

That application 15/00392/OUT be refused for the following reasons:

1. The development of the application site would result in the encroachment of built development into an attractive open parcel of land which provides an important open character and setting to the village of Launton. The introduction of built development on the site would be out of keeping with the established pattern along West End and cause substantial harm to the character of the settlement, contrary to Policies ESD 13 and 16 and village policy 1 of the adopted Cherwell Local Plan 2011-2031 and to the NPPF.
2. The information submitted within the Noise Impact Assessment indicates that that the development would be unable to achieve suitable LOAEL noise levels within the properties during the night time period. This would lead to the creation of an inappropriate internal living environment for future occupants which would be contrary to the requirements for high quality design as set out within Policy C30 of the adopted Cherwell Local Plan and BSC 8 of the submission Cherwell Local Plan and the requirements of the NPPF

80 **Land Adjacent to Bicester Community College, Queens Avenue, Bicester**

The Committee considered application 15/01006/F for the erection of a three storey studio school with associated landscaping and car/cycle parking at land adjacent to Bicester Community College, Bicester for Activate Learning

Mr Lee Nichols, the applicant addressed the Committee in support of the application.

In reaching their decision, the Committee considered the officers' report, presentation and address of the public speaker.

**Resolved**

That application 15/01006F be approved subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings: 15003/ E(PA)0002 Rev. P2, 15003/ L(PA)0004 Rev. P2, 15003/ L(PA)0005 Rev. P2, 15003/ S(PA)0002 Rev. P2, L-1509-PRP-003 Rev. 02, L-1509-PRP-002 Rev. 02, L-1509-GAP-001 Rev. 02 and L-1509-GAP-002 Rev. 02.
- 3 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.  
The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

- 5 Prior to the commencement of the development hereby approved, a Tree Protection Plan undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority setting out how all retained trees identified in the landscaping scheme will be safeguarded during construction. Thereafter, all works on site shall be carried out in accordance with the approved tree protection plan.
- 6 Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 7 All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.
- 8 Prior to the commencement of the development hereby approved, a detailed scheme for the discharge of surface water from the site shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption". The scheme shall include the following:

Discharge Rates

- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood Risk Assessment

- 9 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Section 6 of the Preliminary Ecological Assessment submitted with the application, which was prepared by Middlemarch Environmental dated May 2015. The location and types of at least two nesting/roosting provisions in accordance with the above shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the approved development and carried out as approved prior to the development being brought into use.
- 10 The building hereby approved shall be constructed to at least BREEAM 'Very Good' standard and shall not be occupied until such minimum standard has been achieved in accordance with all of the measures set out in the submitted 'Energy Feasibility Assessment' produced by Hulley & Kirkwood Consulting Engineers Ltd and dated July 2015.
- 11 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved CTMP at all times.
- 12 Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details. The Travel Plan shall include at least the following information:
- Details of a dedicated shuttle service and the arrangements for the transportation of students to and from the school;
  - Measures to encourage staff and student travel by foot and cycle;
  - Measures to encourage staff and students to travel by bus;
  - Details of any off-site car parking/drop-off arrangements;
  - Details of monitoring arrangements to include the submission of an annual report to the local planning authority that assesses the effectiveness of the Travel Plan and sets out measures to try to reduce car travel to and from the school during the following year and thereafter.
- 13 A travel information pack for staff and students shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. This travel information pack shall then be distributed and made available to all new students both in the first year of operation and thereafter in accordance with a scheme that shall be approved in writing by the local planning authority prior to first occupation of the development.
- 14 Prior to the first occupation of the development hereby approved (other than for construction purposes) a Management Plan relating to operations at the approved new school development as well as the existing school currently known as Bicester Community College shall be submitted to and approved in writing by the local planning authority. This Management Plan shall include details on at least the following matters:

- Specified operating hours of both the proposed Bicester Studio School and the existing secondary school (Bicester Community College) to ensure peak arrivals and departures from the two institutional premises are kept separate from each other as well as peak times of other neighbouring development;
- The means of controlling staff and pupil movements to ensure their arrival and departure times do not materially fall outside the above specified times;
- Details of servicing and waste management arrangements to ensure that this does not take place during in and around peak hours;
- Means of monitoring and enforcing student car parking and parent/guardian drop-offs at the site and on the Queens Avenue access road;
- Arrangements for school field trips and outings including times during which arrival and departure of vehicles into the Queens Avenue access road will be restricted as well as arrangements for the parking and waiting of such vehicles;
- Details of arrangements to prevent notable events taking place at the existing Bicester Community College at the same or similar times.

The approved Management Plan shall be implemented and operated from the point of first occupation of the development. Thereafter, any change to the approved Management Plan shall require the formal prior written approval of the local planning authority.

- 15 Prior to the commencement of the development hereby approved, samples of the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
- 16 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- 17 Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.
- 18 Prior to first occupation of the approved development details of the boundary treatments to be used in the development shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the boundary treatments have been laid out in full as approved and thereafter so retained.

81 **Oxford and Cherwell College, Broughton Road , Banbury**

The Committee considered application 15/01024/F for the demolition of existing buildings and change of use from D1 non-residential to C3 dwelling houses comprising of 78 x 1 bedroom and 2 bedroom extra care residential apartments with associated ancillary accommodation and 39 car parking spaces at Oxford and Cherwell College, Broughton Road, Banbury for Bromford Homes Ownership Limited and Activate Learning.

Mr Ed Witney and Mr Roy Soan, local residents, addressed the meeting in objection to the application.

Councillor Blackwell proposed that consideration of the application be deferred to allow for a formal site visit. Councillor Milne Home seconded the proposal.

In reaching their decision, the Committee considered the officers' report, presentation, written update and the addresses of the public speakers

**Resolved**

That application 15/01024/F be deferred to allow for a formal site visit.

82 **Land Adj To 53A Hamilton Close, Bicester**

The Committee considered application 15/01052/F for the erection of 2 no. semi-detached dwellings at land adjacent to 53a Hamilton Close, Bicester for Oxon Group Limited.

In reaching their decision, the Committee considered the officers' report and presentation.

**Resolved**

That application 15/01052/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:
  - Application Form submitted with the application;
  - Drawing No. DE(9)900 Rev A submitted with the application;
  - Design and Access Statement dated July 2015 received from the applicant's agent by E-mail on 27<sup>th</sup> July 2015;
  - Drawings No's: DP(0)001 Rev D; DP(9)900 Rev D; DP(0)050 Rev B; and DP(0)051 received from the applicant's agent by E-mail on 27<sup>th</sup> July 2015.



3. Prior to the commencement of the development hereby approved, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
4. Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the wall of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the commencement of the development hereby approved, full details of a scheme for the location of at least three nesting opportunities for swifts or another suitable bird species shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the nesting bricks shall be installed on the site within the building fabric in accordance with the approved details.
6. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
8. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking, access and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in

accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

9. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.
10. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and any highway, access road or private drive without the prior express planning consent of the Local Planning Authority.

83      **21 Chetwode, Banbury**

The Committee considered application 15/01136/F for a change of use of land to private garden at 21 Chetwode, Banbury for Mrs Dawn Brown.

In reaching their decision, the Committee considered the officers' report and presentation.

**Resolved**

That application 15/01136/F be refused for the following reason:

1. The proposed change of use of public open space to domestic curtilage and erection of a fence, by virtue of its appearance and positioning, would result in the loss of public open space that would detract from the open character and appearance of the context of the development, contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2013 and saved Policy C28 of the Cherwell Local Plan 1996. In addition, it will set an undesirable precedent for the consideration of similar proposals that would cumulatively further erode the area of open space but would be consequentially difficult to resist.

84      **Land Adjacent And North of St.Swithun's Church, Merton, Oxfordshire**

The Committee considered application 15/01148/OUT, an outline application for a residential development of 3 No dwellings (a re-submission of application 13/01873/OUT) at land adjacent and north of St. Swithun's church, Merton, Oxfordshire for Wellend Design and Build.

Mr Ian Mills, a local resident, addressed the meeting in objection to the application.

In reaching their decision, the Committee considered the officers' report, presentation and the address of the public speaker.

### **Resolved**

That application 15/01148/OUT be refused for the following reasons:

1. The proposal represents unsustainable development beyond the built up limits of Merton, which is inherently poor in terms of services and facilities, not well served by public transport and is reliant on the use of the private car. No case has been made for its consideration as a rural exceptions site or other essential undertaking. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, it represents inappropriate development, contrary to Policy Villages 1 of the Cherwell Local Plan Part 1, saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. The proposal represents development which encroaches into the open countryside and causes demonstrable harm to the setting and significance of the designated Heritage Assets, the Grade I listed St. Swithun's Church and the Grade II listed Manor House. The proposed development would also fail to maintain the rural character and appearance of the area and to conserve, enhance and respect the environment and historic settlement pattern by introducing an incongruous, prominent, urbanising and discordant built form of development into this rural setting, injurious to its character and appearance and would also risk further harm to the character of this area which could arise from the precedent that may set. The application is, therefore, contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and C33 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.
3. The proposal would result in the residential development of land in an unsuitable 'backland' position served by an access way between and behind residential dwellings, which is out of keeping with and causes harm to the existing residential form and character of the area. Furthermore, the development would be detrimental to the amenities of the adjacent residential properties by reason of the introduction of increased vehicular activity in an otherwise quiet and tranquil environment. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28, C30 and C31 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Former Rosemary, Main Street, Fringford**

The Committee considered application 15/01190/F for a variation of Condition 1 of planning permission 13/00718/F – in relation to Plot 1 only at Former Rosemary, Main Street, Fringford for Mr and Mrs Ward.

Councillor Wood proposed that application 15/01190/F be refused as the development would be detrimental to the street scene and would continue to be harmful to the residential amenities of the occupiers of Kohanka. Councillor Kerford-Byrnes seconded the proposal

In reaching their decision, the Committee considered the officers' report, presentation and written update.

**Resolved**

That application 15/01190/F be refused for the following reasons:

The proposal would result in a development which would be of a contrived design, detrimental to the character and appearance of the street scene. It would also continue to be harmful to the residential amenities of the occupiers of Kohanka. The proposed development therefore fails to accord with Government guidance contained within the National Planning Policy Framework, Policies C28 and C30 of the Cherwell Local Plan (1996) and Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1.

86 **Land Adjoining And South West Of 27 Derwent Road, Bicester**

The Chairman advised the Committee that application 15/01295/F had been withdrawn by the applicant and would therefore not be considered at the meeting.

87 **Decisions Subject to Various Requirements**

The Head of Development Management submitted a report which informed Members upon applications which they had authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

**Resolved**

(1) That the position statement be accepted.

88 **Appeals Progress Report**

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

**Resolved**

(1) That the position statement be accepted.

The meeting ended at 6.50 pm

Chairman:

Date:

### PLANNING COMMITTEE

1 October 2015

#### PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

#### **Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications**

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

#### **Human Rights Implications**

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

#### **Background Papers**

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
7	Moorlands Farm, Murcott, Kidlington	14/01979/F	Otmoor	Approval	Emily Shaw
8	Land south of Perdiswell Farm, Shipton Road, Shipton-on-Cherwell	14/02004/OUT	Kirtlington	Refusal	Bob Duxbury
9	Land South of and Adjoining Bicester Services, Oxford Road, Bicester	15/00250/OUT	Bicester Town	Refusal	Linda Griffiths
10	Ambrosden Court, Merton Road, Ambrosden	15/00480/REM	Ambrosden and Chesterton	Approval	Matthew Parry
11	Hill Farm, Hill Farm Lane, Duns Tew, Bicester	15/00570/F	The Astons and Heyfords	Refusal	Matthew Parry
12	Oxford and Cherwell College, Broughton Road Banbury	15/01024/F	Banbury Easington	Approval	Bob Duxbury
13	OS Parcel 1424 Adjoining And Rear Of Jersey Cottage Heyford Road Kirtlington	15/01128/OUT	Kirtlington	Refusal	Shona King
14	Bicester Village Rail Land Car Park, Land South of Station Approach, West of Bicester Village, Pingle Drive, Bicester	15/01169/F	Bicester Town	Approval	Linda Griffiths

# Agenda Item 7

## 14/01979/F

59.7m  
**Moorlands Farm**  
**Murcott**  
**Kidlington**  
**OX5 2RE**

59.8m

59.8m

59.8m

59.7m

Pine Croft

Pond

Pond

Pond



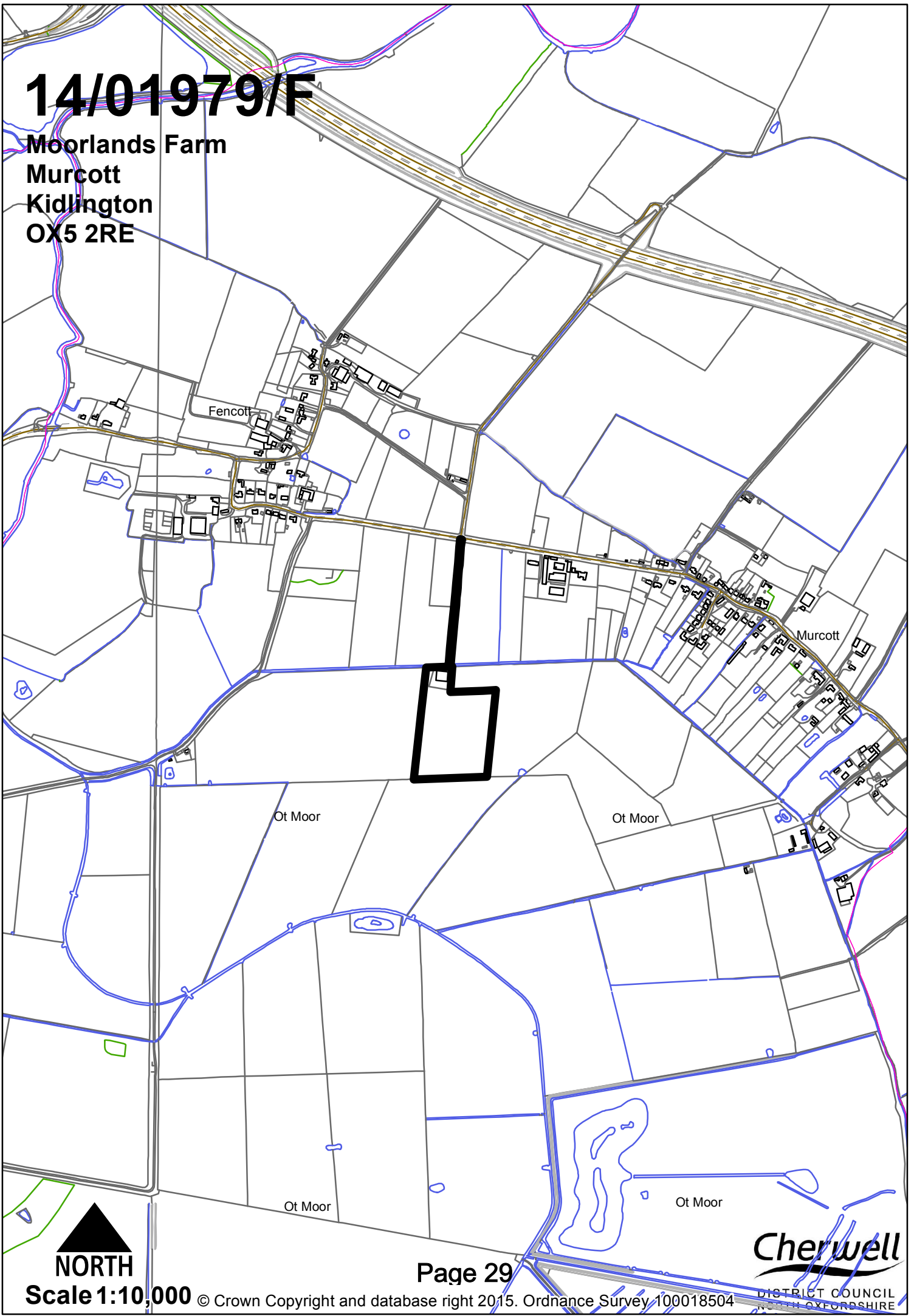
**NORTH**

**Scale 1:2,500**



# 14/01979/F

Moorlands Farm  
Murcott  
Kidlington  
OX5 2RE



Scale 1:10,000

**Ward: Otmoor**

**District Councillor: Councillor Hallchurch**

**Case Officer: Emily Shaw**

**Recommendation: Approval**

**Applicant: Mr B Franklin**

**Application Description: Change of use of existing agricultural barn to equine and lean-to extension to include 10 stables, store room and tack room and change of use of land to equine.**

**Committee Referral: Major**

**Committee Date: 1<sup>st</sup> October 2015**

## **1. Site Description and Proposed Development**

- 1.1 The application site is located off the main road between Murcott and Fencott villages and to the south west of the main farm complex known as Moorlands Farm. The site comprises a large open fronted agricultural building which measures 24 metres by 24 metres and 8 metres in height to the ridge of the roof which is used for the storage of hay and farm machinery. The building is accessed via a 280m access track which runs between two adjoining agricultural fields.
- 1.2 The site is located within the Oxford Green Belt and forms part of the Otmoor Target Conservation Area. The land lies within Flood Zone 1, 2 and 3 and a footpath abuts the site's northern boundary.
- 1.3 Planning permission is sought to extend the existing building on its southern elevation by constructing a lean-to building that would be no higher than the existing eaves (5 metres) and dropping to an overall height of 4 metres. It is proposed to change the use of the existing building to equine providing an internal exercise area, with the extension used to house 10 stables, a store room and tack room. It is intended to use the stables on a livery basis, allowing horse owners to keep and exercise their horses at the site.
- 1.4 The application has been amended from the original submission in December 2014 to include the change of use of the land adjacent to the building from agricultural use to equestrian use for the grazing of horses. The area proposed to be changed from agriculture to equestrian grazing is shown enclosed by the red line on the site plan.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter and a site notice. The final date for comment was the 11<sup>th</sup> September 2015. No correspondence has been received as a result of this consultation process.

## **3. Consultations**

- 3.1 **Fencott and Murcott Parish Council:** Providing the proposals comply with the NPPF and Green Belt policies the Parish Council has no objections to this development. It is noted that public and shared rights of way and ditches and waterways running alongside the proposed development are currently well cared for and the Parish Council has no reason to expect this to change.

The proposed development is adjacent to, and lies just within the Outer Ring Ditch, a significant watercourse which forms part of the complex network of drainage ditches

on and around Otmoor, connecting with the Rivers Ray, Cherwell and Thames. The Parish Council trust that due process will be given to minimising the flood risk in the area.

### **Cherwell District Council Consultees**

- 3.2 **Ecology Officer:** The application site is in a fairly ecologically sensitive area. There are Local Wildlife Sites, District Wildlife sites and nature reserves in close proximity. The site is also within a Conservation Target Area. Arthurs Acre LWS (adjacent to the driveway to the barn) is not mentioned in the documents but it is an important habitat and I would hope its management would not be affected by any changes to the barns use.

The physical changes to the building with the addition of lean to stables are unlikely to have any detrimental impact on protected species and habitats. The plans do not show further encroachment for parking spaces so I am assuming this can be accommodated within the current area of hard standing.

My only concern would be how the waste from ten horses would be handled and that this should not impact any of the surrounding areas of botanical interest and in particular the water courses. If this is appropriately addressed I have no objections on ecological grounds.

- 3.3 **Landscape Officer:** No objection to the change of use from agricultural barn to equine use, with extension to the southern elevation, on condition that the existing boundary hedgerows and trees, immediately to the north, west and east, are retained for the purpose of landscape mitigation. This vegetation is to be protected to the extent of the root protection areas in accordance with BS 5837:2012 – this information to be shown on a scaled layout drawing. This is essential to ensure the development is screened for the benefit of walker-receptors approaching the site on the public right of way – 209/12/10. A standard hedgerow and tree retention condition is required.

### **Oxfordshire County Council Consultees**

- 3.7 **Highways Liaison Officer:** No objections subject to suggested conditions relating to access improvements, turning area within the site and parking within the site.
- 3.8 **Drainage Officer:** no comments received.

### **Other Consultees**

- 3.9 **Environment Agency:** refer to standing advice which advises the Local Planning Authority to consult the Lead Local Flood Authority.
- 3.10 **Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust:** The access route to the proposed development lies directly adjacent to Arthur's Acre Local Wildlife Site which is designated for its lowland meadow priority habitat and hedgerows which support brown hairstreak butterflies. Recommend an advisory note is included to ensure the ecological interest of the Local Wildlife Site is protected during construction and operation. This is particularly relevant with regard to avoiding impacts on the hedgerow boundary of the Local Wildlife Site from vehicles accessing the site.

## **4. Relevant National and Local Policy and Guidance**

#### 4.1 Development Plan Policy

##### Cherwell Local Plan 2011 - 2031 Part 1

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

<b>Policy ESD6:</b>	Sustainable Flood Risk Management
<b>Policy ESD10:</b>	Protection and Enhancement of Biodiversity and the Natural Environment
<b>Policy ESD13:</b>	Local Landscape Protection and Enhancement
<b>Policy ESD 14:</b>	Oxford Green Belt
<b>Policy ESD15:</b>	The Character of the Built and Historic Environment

##### Cherwell Local Plan 1996 (Saved Policies)

<b>AG5:</b>	Development involving horses
<b>ENV1:</b>	Pollution
<b>C28:</b>	Layout, design and external appearance of new development

#### 4.2 Other Material Policy and Guidance

**National Planning Policy Framework (NPPF):** in particular paragraphs 89 and 90 in relation to the Green Belt

##### **Planning Practice Guidance**

### 5. Appraisal

#### 5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Existing use of the building
- Green Belt issues
- Landscape impact
- Vehicle movements and footpaths
- Flooding
- Ecology

#### **Relevant Planning History**

5.2 The site was subject to a previously refused application in 2010 (10/00747/F) and a subsequent dismissed appeal (APP/C3105/A/11/2144337). This application proposed a significantly larger extension both to the south and west elevations and was to be used as an equestrian centre.

5.3 Given that the appeal was considered in 2011, the proposed use and development was assessed against the guidance held in PPG2 – Planning in the Green Belt. PPG2 provided a requirement for outdoor sport and recreation facilities to be essential within Green Belt locations. The Inspector considered that the proposed development was not essential and would harm the openness of the Green Belt.

- 5.4 Furthermore the Inspector considered that the extension, which would have more than doubled the size of the building, would have represented an encroachment into the open countryside and so would not represent strict control, as required by PPG2.
- 5.5 The Inspector also considered the matter of landscape impact and found that the proposed extension would be tall, bulky and utilitarian in form and appearance and, overall form an incongruous feature in the rural location of the site.
- 5.6 It was also noted that the proposed use would result in an increase in traffic movements, general activity and car parking, with an indication of 54 vehicle movements per day. The Inspector noted that the site was in a particularly attractive and tranquil area of the countryside and that the comings and goings would harm the character and visual amenity of the site.
- 5.7 In respect of flooding, the Inspector was satisfied that there were no other sites with a lower flood risk that could be used for the development.  
That appeal decision is a material consideration in the determination of the current application. In particular it is necessary to assess how the development now proposed differs from the appeal proposal, and to assess what material considerations have changed since the dismissal of the appeal, including the NPPF.

#### **Existing Use of the Building**

- 5.8 The site was visited on the 28<sup>th</sup> August 2015 and during this visit it was evident that the existing building was in active use for agriculture. The building was storing a large quantity of hay/straw and agricultural machinery both inside and outside. There was also an element of external storage taking place to the west of the building.
- 5.9 Following the case officer's visit to the site officers had reservations regarding there being an active agricultural use on the application site, which with the proposed development and conversion would need to be located elsewhere. Therefore officers requested additional information to explain the position of the existing agricultural use of the building and to understand if the use is still required, and if it is, where the agricultural use would be relocated. Further information was provided from the agent in an email dated the 9<sup>th</sup> September which explained that the agricultural business has been scaled back in recent times due to the loss of 100 acres of rented land. The existing building is surplus to requirements. The existing storage relates to crop from the larger farmed area and once used will not be replaced. The scaled back agricultural business will continue from existing buildings at the main farm yard to the east.
- 5.10 Following the submission of further information officers are content that there is sufficient space at the existing farm to continue the scaled back agricultural business without the need for additional buildings to be provided in place of the one to be lost due to the proposed development and conversion.

#### **Green Belt**

- 5.11 Government guidance on development within the Green Belt is set out in the National Planning Policy Framework (NPPF). The NPPF states that all new buildings in the Green Belt should be considered inappropriate, subject to various exceptions, including:
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
  - The extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.

- 5.12 Paragraph 90 of the NPPF also makes provision for the “re-use of buildings providing that the buildings are of a permanent and substantial construction”.
- 5.13 Clearly there has been a change in the test that needs to be met between PPG2 and the NPPF with the removal of the need for outdoor recreation uses to be “essential”, with the NPPF now referring to “appropriate”.
- 5.14 Policy ESD14 of the adopted Cherwell Local Plan seeks to preserve the special character and landscape setting of the Oxford Green Belt.
- 5.15 The application site currently comprises a large agricultural building used for the storage of hay and farming machinery. The agent has advised that the use of the building for the agricultural business running from Moorlands Farm has now become surplus to requirement due to a reduction in the amount of land farmed and a scaling back of the agricultural business. The building is separated from the main farm holding to the east of the site. The keeping of horses is a use most appropriately located in the countryside given the need for large areas of open land. As such, rather than necessarily seek to construct new buildings to accommodate such uses the re-use of a building would appear to be appropriate and could reduce the need for further new, isolated buildings in the Green Belt.
- 5.16 Furthermore, the extension now proposed to the building amounts to approximately a 40% increase in floor area as opposed to the previous scheme that sought to double the floor area with higher extensions. The extension now proposed is considered to be a proportionate addition which would be considered to preserve the special character, landscape setting and openness of the Green belt in accordance with Government guidance contained within the NPPF and Policy ESD14 of the Cherwell Local Plan 2011-2031.
- 5.17 The use is likely to introduce parking of large vehicles within the site and the storage of equestrian paraphernalia. In order to ensure that the visual appearance of the area is not adversely affected by the proposed use in relation to the parking of vehicles and outdoor storage associated with the use suitable conditions will be attached to control parking and storage within the site of the current hard standing.
- 5.18 The proposed change of use of the land to the south of the building, from agricultural to equestrian use, for the grazing of horses, will not of its self significantly alter the visual appearance of the land. However the erection of fences to subdivide the land, along with the potential for horse related paraphernalia to be kept on the land, would amount to visual clutter that would detract from the special character, setting and openness of the Green Belt. As such in order to ensure that the visual appearance of this land does not change significantly due to the equestrian use of this land I propose to attach appropriate conditions to limit the siting of equestrian paraphernalia (enclosures and jumps) on the land.
- Landscape Impact**
- 5.19 The previous Inspector considered that the scale of the proposed extensions within the previous scheme would be bulky and incongruous. The extension now proposed forms a lean-to style extension on the southern elevation, with the highest point of the lean-to being at the existing eaves level of the existing building at 5 metres, dropping down to 4 metres.
- 5.20 The extension now proposed represents a significant reduction on that previously dismissed by the Inspector. Given the lower level nature of the development proposed, this means that when viewed from the surrounding countryside, the proposed extension would be seen in the same context as the existing building, which forms a more dominant backdrop.

- 5.21 The Council's Landscape Officer has raised no objections to the proposal subject to the retention of the existing planting on the north, east and west boundaries. I have no reason to disagree with the Landscape Officer's view and therefore conclude that due to the reduced scale of the proposed extension and ensuring that the existing boundary planting is retained by the use of appropriate conditions the proposed extension is a proportionate addition to the building which will sit comfortably within the surrounding landscape without causing an undue impact on the visual amenities of the area. The proposal is therefore considered to be in accordance with policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031.
- 5.22 The change of use of the land to the south of the building from agricultural use to equestrian use for grazing of horses will not significantly alter the appearance of the land, providing control can be exercised over equestrian paraphernalia associated with such a use. Suitable conditions are attached to the recommendation below to secure this control. Therefore, the proposed change of use of the land will not adversely affect the visual amenities of the local landscape.

#### **Vehicle Movements and Footpaths**

- 5.23 The previous proposal was likely to generate 54 vehicle movements per day and the Inspector found that this level of activity would harm the character and visual amenity of the countryside.
- 5.24 The current proposal comprises 10 stables and an internal exercise area with land for the grazing of horses. Members of the public will be able to keep their horses at this site on a livery basis and exercise their horses at the site. It is suggested that this level of use will generate vehicle movements of between, 20-25 per day, which is a significant reduction on that previously proposed. The current access currently serves an agricultural building which will generate traffic movements, maybe not to the same extent as the proposed use but there is already an agricultural use generating trips to and from the site without undue harm to highway safety. The Local Highway Authority has raised no objection to the proposal and I concur with the Highway Authority's view that this level of traffic generation will not cause a highway safety issue.
- 5.25
- 5.26 In order to ensure that vehicles movements do not significantly increase, it will be necessary to impose a condition ensuring that only horses kept in the stables are allowed to use the indoor exercise area and that it is not a facility available for use by the general public. It is also necessary to impose a condition requiring details of the location of parking for cars and horse boxes within the existing hard standing area, to ensure this is adequate and to ensure the visual impact is kept to a minimum

#### **Flooding**

- 5.27 The current Government guidance on flood risk is contained within the NPPF at paragraph 103 and within the Planning Practice Guidance. Its aim is to steer new development to areas at the lowest probability of flooding. This defines zones in 3 categories, whereby land is either at low, medium or high probability of flooding. The application site is located within flood zones 1 and 2 with part of the proposed paddock area within flood zone 3. Cherwell Local Plan policy ESD6 also requires a site specific flood risk assessment to be submitted with all developments in flood zones 2 or 3.
- 5.28 The application has been supported by a site specific flood risk assessment which indicates that the proposed development will use an existing building and will involve flood resilient construction techniques within the extension which allows flood water to enter the building causing little or no damage and no displacement of flood waters. The area of the site at the highest risk from flooding is the area proposed for grazing. This area will not be altered by the proposal and will therefore not affect flood waters.

5.29 The proposal uses an existing agricultural building which is part of an agricultural business and proposes conversion to equestrian. The sequential test was considered by the Inspector and he concluded from the available evidence that any practical alternatives in lower flood risk areas within the applicants ownership would be equally if not more harmful to the Green Belt. It is therefore considered impractical in this case to consider an alternative site within flood zone 1.

5.30 The proposed development has illustrated that there will be no adverse impact on surface water and flood waters and it is considered that the sequential test has been met in accordance with Government guidance in the NPPF, Planning Practice Guidance and Local Plan policy ESD6. The Environment Agency has not objected to the proposal on the grounds of flood risk, and so it is considered acceptable in this respect.

#### **Ecology**

5.31 Policy ESD10 of the Local Plan seeks to protect and enhance biodiversity and the natural environment. The application site's access immediately abuts the Arthur's Acre Local Wildlife Site which is designated for its lowland meadow priority habitat and hedgerows which support brown hairstreak butterflies. It is therefore important that the existing hedgerow running along the existing access road is not adversely affected by the proposed conversion and extension. It is therefore appropriate to attach a planning note to advise the applicant to protect the hedgerows during construction.

5.32 The Council's Ecologists has raised concern with the storage and disposal of the horse manure generate at the site to ensure no local biodiversity or water course is adversely affected. A suitable condition will be attached to ensure management of the horse manure is agreed.

#### **Engagement**

5.33 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through discussion with the agent during the course of the application to achieve an acceptable scheme and consideration within an efficient and timely determination of the application.

#### **Conclusion**

5.34 The proposed development reuses an existing building within the Green Belt for outdoor recreation, which is an appropriate use in the Green Belt, and comprises a proportionate extension to the building which would be considered to preserve the special character, landscape setting and openness of the Green Belt, without undue harm to the visual amenities of the area, highway safety, flooding and ecology. The proposal therefore complies with Policies ESD6, ESD10, ESD13, ESD14 and ESD15 of the Cherwell Local Plan 2011-2031: Part 1, saved Policies AG5, ENV1 and C28 of the Cherwell Local Plan 1996, and the NPPF.



## **6. Recommendation**

**Approval**, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Report dated November 2014, Flood Risk Assessment and drawings numbered:

- 200-01 Revision B
- 200-02
- 200-03

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. The development hereby approved shall proceed in accordance with the Flood Risk Assessment received on the 26<sup>th</sup> November 2014 accompanying the application unless otherwise previously approved in writing by the Local Planning Authority.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with adopted Local Plan policy ESD6 and in order to comply with Government guidance contained within the National Planning Policy Framework.

### **Before development commences**

4. Prior to the commencement of any works on the extension hereby approved, details of the flood resilient construction method/s to be used in the construction of the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ESD6 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of any works on the extension hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD13 and ESD14 of the adopted Cherwell Local Plan, saved policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Before first use of the development**

6. Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning area which

shall be provided within the curtilage of the site so that motor vehicles and horse boxes may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

7. Prior to the first use of the development hereby approved, a plan showing car, van and trailer parking provision for 10 spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to the development hereby approved being brought into use a scheme for the storage and disposal of manure and soiled bedding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that proper arrangements are made for the disposal of manure, to ensure the creation of an environment free from intrusive levels of odour/fly and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the site without the prior express planning consent of the Local Planning Authority.

Reason: To retain the open character, setting and openness of the Green Belt and to protect the development and its occupants from an increased risk of flooding and in order to comply with Government guidance contained within the National Planning Policy Framework and Local Plan policies ESD6, ESD13 and ESD14.

10. The use of the existing building and land for equestrian purposes shall be limited to use by the owners and/or riders of the horses kept in the stables approved on the site, and shall not be used by any other persons, or as a riding school or equestrian training centre open to the general public, or for any other purpose whatsoever.

Reason: In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and does not cause a highway safety issues or adverse impact on the surrounding area to comply with Policy ESD10 and ESD14 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. The existing hedgerow and trees along the northern, western and eastern boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant or tree dies within five years from the

completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy ESD13 and ESD14 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Except as otherwise approved under a condition of this planning permission, no horse boxes, trailers, horse jumps, exercise equipment, or other horse related paraphernalia, shall be stored in the open without the prior express planning consent of the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area and the character, setting and openness of the Green Belt in accordance with Policy ESD13 and ESD14 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

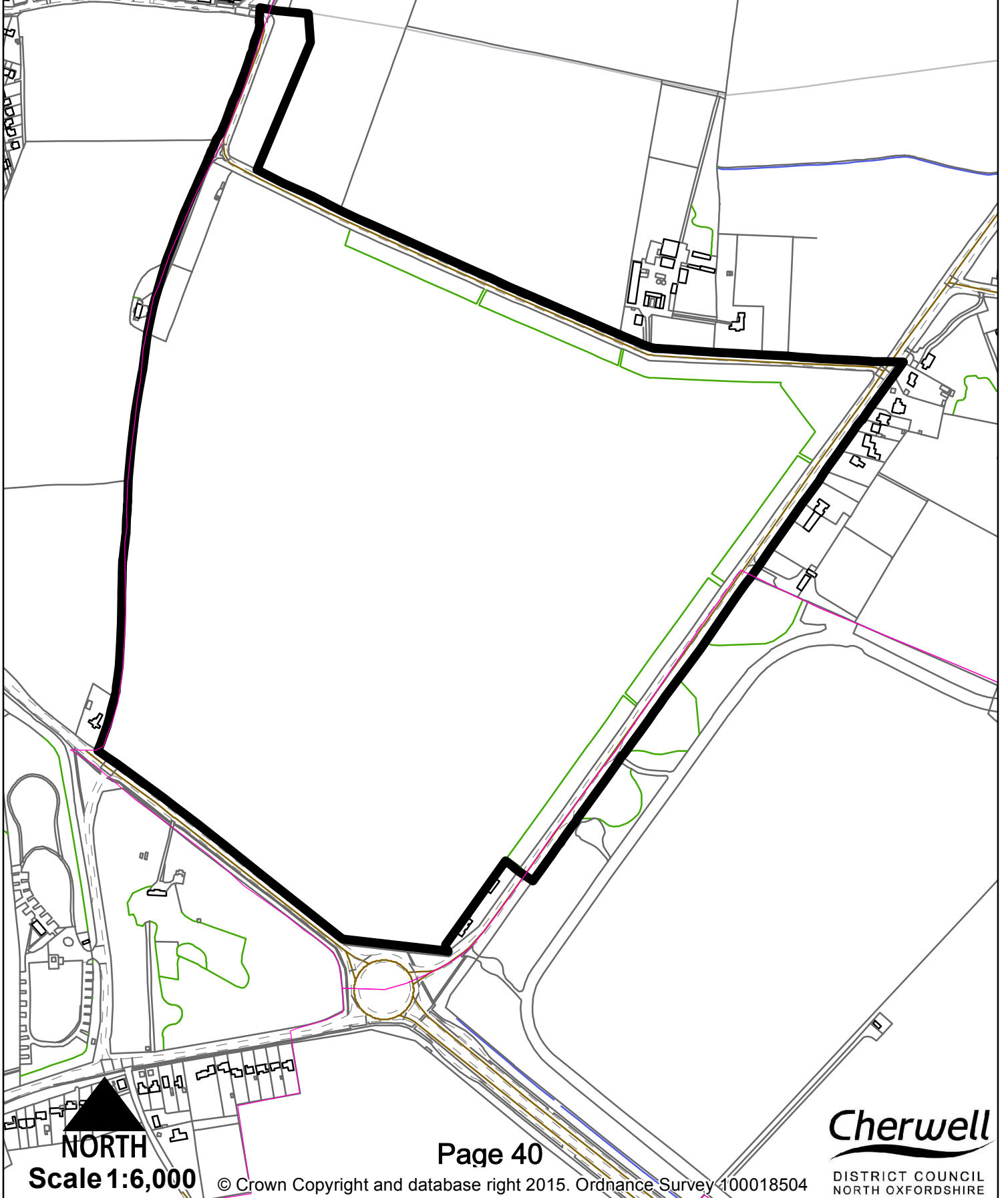
1. The applicant is advised that the access track to the site of the proposed development lies directly adjacent to Arthur's Acre Local Wildlife Site which is designated for its lowland meadow priority habitat and hedgerows which support brown hairstreak butterflies. Please ensure that the hedgerow to either side of the access track is protected during construction to avoid any damage to the hedgerows in this location.

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council in a positive and proactive way, through discussion with the agent during the course of the application to achieve an acceptable scheme and consideration within an efficient and timely manner.

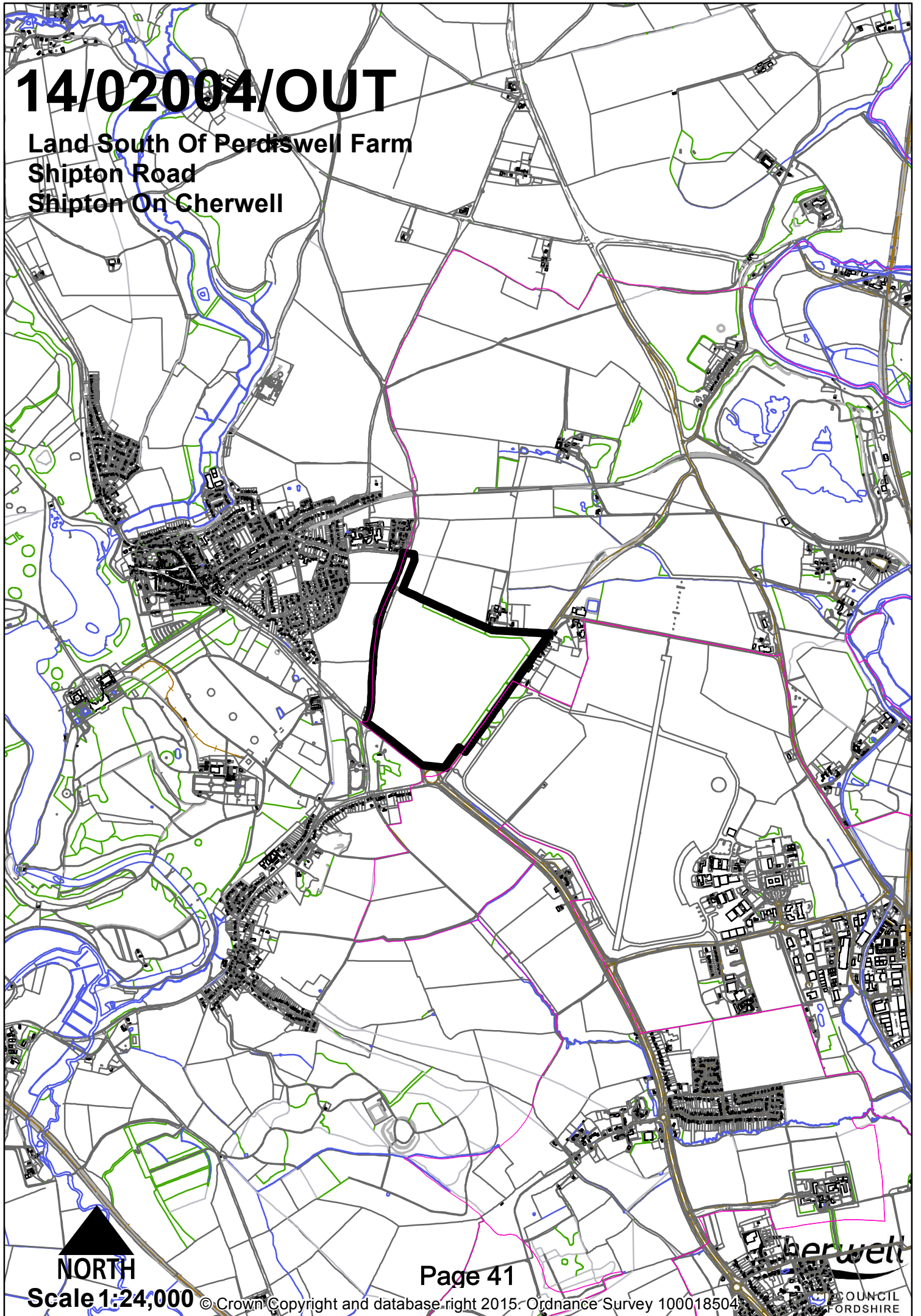
# 14/02004/OUT

Land South Of Perdiswell Farm  
Shipton Road  
Shipton On Cherwell



# 14/02004/OUT

Land South Of Perdrswell Farm  
Shipton Road  
Shipton On Cherwell



**NORTH**

**Scale 1:24,000**

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**Cherwell**  
COUNCIL  
FORDSHIRE

**Land south of Perdiswell Farm,  
Shipton Road, Shipton-on-Cherwell**

**14/02004/OUT  
Road**

**Ward:** Kirtlington

**District Councillor:** Councillor Simon Holland

**Case Officer:** Bob Duxbury

**Recommendation:** Refusal

**Applicant:** The Vanbrugh Trust and Pye Homes Ltd

**Application Description:** Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works

**Committee Referral:** Major application

**Committee Date:** 1 October 2015

## **1. Site Description and Proposed Development**

- 1.1 This application relates to a site situated on the north-eastern side of the A44 to the north of the Bladon roundabout. The site amounts to 74.7 hectares of predominantly level arable land stretching from the A4095 north-westwards to the eastern extent of the existing residential development of Woodstock, and northwards from the Bladon roundabout to Perdiswell Farm that is on the road from Upper Campsfield Farm to Woodstock that is known both as Shipton Road and Hensington Road.
- 1.2 The site is in both Cherwell and in West Oxfordshire, the boundary being located on a prominent hedgerow line running north/south through the application site. Therefore about two-thirds of the site is within our administrative area
- 1.3 The land in our District consists of one large arable field that is bounded on the A4095 and Shipton Road frontages by tree belts, and on the A44 frontage by a 2.5 metre high agricultural hedgerow.. The land in WODC's area is two smaller fields and the playing field of Marlborough School. The site excludes a domestic property on the A44 frontage (just in WO) and the Woodstock Boarding Cattery next to the Bladon roundabout. A domestic property in the centre of the site is however included.
- 1.4 AS originally submitted the application was a hybrid, i.e. part for outline and part detailed. The detailed element was to be for 29 houses in the western corner of the site (in West Oxfordshire). During the life of the application this element has been removed and the application is only in outline, with all matters other than access reserved for later consideration.
- 1.5 The description of the development has also been amended to lower the number of dwellings proposed from 1,500 to 1,200 with a compensatory increase in employment floorspace from 7,500 sq. Metres to 13,800 sq. Metres.
- 1.6 The proposal elements are listed in the description of development above. The application is accompanied by an illustrative layout which shows how these various

uses are intended to be distributed across the site This has been revised during the application and is now contained in the applicants' design response document. It shows an internal distributor road running from the a44 to the A4095 by a circuitous route, providing main access to all residential areas. On the western part of the site in West Oxfordshire the masterplan shows the local centre (930 sq.m), the primary school and the care home, together with areas of housing. On the Cherwell part of the site are shown the main parkland at the centre of the site, the site for Woodstock Town FC and a MUGA, other green spaces, the employment land, the transport interchange (park and ride) and the larger part of the proposed housing.

- 1.7 The proposal represents EIA development and therefore a full Environmental Statement has been submitted. The document includes survey and analysis information on community, economic and retail impacts; transport and accessibility information; flood risk, drainage and water resources ; lighting; air quality; noise and vibration ; landscape and visual impact analysis; ground conditions; including ag.land quality; archaeology; culture heritage impact; and ecology/nature conservation impact.
- 1.8 More latterly a technical response document, a design response document, and a legacy document have been submitted. These will be referred to in the main report.
- 1.9 As a cross-border application each planning authority will consider and determine the application as if it had been made to them. West Oxfordshire DC considered their application on 21 September following a joint site visit for both Planning Committees on 15 September. At their meeting held on 21 September WODC resolved to refuse planning permission for the development on 10 grounds. I attach as Appendix 1 a copy of the report their officers put to their Committee with the reasons for refusal agreed set out at the end of the report.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. Two periods of consultation have been undertaken, the second following the submission of the technical and design response documents in late May.
- 2.2 833 general letters of objection have been received , mainly from residents of Woodstock. 76 letters of support have also been received  
A summary of the objections is attached as appendix 2.

A petition signed by 262 persons has also been received which states  
*"We say no to 1200 more houses, football stadium, inappropriate retail space and associated transport infrastructure.  
We implore the West Oxfordshire District Council and the Cherwell District Council to stop the proposed development.  
We reject any development or urbanisation on green fields abutting and surrounding Woodstock in accordance with the town's intensely prevailing position and the 6 November Town Poll".*

- 2.3 **Woodstock Town Partnership** (an informal group of residents, local councillors and reps of business etc.) comments

*The Town Partnership recognises the inevitability of new development in Woodstock and welcomes it where appropriate in scale and design and when real benefits for the*

*town can be demonstrated and delivered. Woodstock is in a unique situation in that The Blenheim Estate owns the majority of land both within and surrounding the town and therefore controls the supply of land for future development. The relationship between The Estate and the community of Woodstock has shaped the evolution of the town and will continue to do so. We believe that this landowner has as much responsibility towards the internationally admired town as to the World Heritage Site and should safeguard the character, community and economy of the town through any development that they bring forward.*

*Woodstock Town Partnership does not believe that these proposals meet these aspirations and that the Blenheim consortium has engaged only cursorily with the townspeople. The level of community engagement has been inadequate and wholly unacceptable for a development of this scale and significance. We feel obliged therefore to object to the planning application*

They list out the following grounds (summary only –see full letter in file)

- Contrary to CDC Policy H18 and WODC policy H7 – village/town categorisation
- Undesirable precedent in a void of locally defined policy
- Insufficient affordable housing – seek 50% not 40%
- Supermarket on this site would harm the vitality and viability of the town centre
- Poor connectivity to town
- Potential impact upon the adequacy of the town centre parking
- Adverse impact of Oxford Airport noise upon new residents
- Proposed layout does not reflect the street pattern of historic Woodstock *The design is inward looking with very few connections across the ‘red line’ of the site boundary and none taken ‘edge to edge’ across the site. Woodstock East appears as a separate community, surrounded by landscape buffers. The layout illustrated cannot generate the physical and social integration necessary to create a successful extension to the existing town and needs fundamental redesign*
- Critical of green infrastructure
- Scale of development excessive
- Retirement village element inappropriate
- Section 106 matters not clarified

2.4 A letter has been received from the governing body of The Marlborough C of E School in which they acknowledge that the development could provide considerable educational; benefits for the whole community, namely

1. Students who attend The Marlborough C of E School, hereby called “The Marlborough”, live in Woodstock as well as the surrounding parishes of Stonesfield, Combe, Bladon, Tackley, Bletchingdon, Kirtlington, Wootton, Begbrook and Yarnton. In addition, a significant number of students who attend the school are not entitled to free school transport because The Marlborough is either not their closest school, they do not live in the catchment area or they live within 3 miles of the school. These students currently travel from Bicester, Kidlington and a number of other areas outside the existing catchment area. This places The Academy Trust at significant financial risk, a situation that may worsen as additional secondary places are made available to these out of catchment students through the development of other centres such as Bicester. If the school is unable to attract young people to attend the school in the future because it was not their nearest option, there is a risk of a shortfall in its revenue budget and the sustainability of the school in its current form. The Governing Body believes a number of rural secondary schools in Oxfordshire are



also at risk of a reduced roll following a change in transport policy by Oxfordshire County Council in 2014. The proposed Woodstock East development would address this considerable risk to secondary education in the area. The proposed development will accommodate a considerable number of families and young people who it is expected would attend The Marlborough as it would be the closest school. The Governing Body believe the proposed development will provide a sustainable financial revenue income, remove some of the risk of a revenue shortfall, and ensure The Marlborough is sustainable in the foreseeable future. In addition, the development is likely to reduce the distance students will have to travel between school and home and, therefore, the number of vehicles causing congestion on the road network during the peak commuter period in the morning.

2. During the last five years there has been considerable development in the Woodstock area. The Marlborough has not benefited with additional infrastructure from this growth, only from the replacement of buildings that were not fit for purpose. There are a number of other schools in West Oxfordshire and Cherwell that have benefited from enhanced educational and community facilities as part of residential growth including Eynsham, Chipping Norton and Bicester. The Governing Body believe that, if piecemeal development continues in the Woodstock area, in the future The Marlborough will not be able to provide the same level of facilities as other schools in the area, particularly in towns where growth takes place like Bicester and Witney, and it will be unable to offer the same level of opportunity and educational experiences as neighbouring schools. An increasing number of families are, quite rightly, reviewing a number of aspects of a school before choosing which one their child will attend, creating a competitive municipal market. If The Marlborough does not provide an inspirational environment for young people, as well as excellent education standards, there is a substantial risk that it will not be the first choice for education and there is already evidence of this in Bicester with parents choosing to send their children to schools which are not the closest one to their home. Paragraph 38 of The National Policy Framework states that schools should be located within walking distance of most properties, the proposed East Woodstock will achieve this.

3. The Governing Body believes that the proposed East Woodstock development provides one of the most exciting educational opportunities in Oxfordshire and for this reason it is prepared to make land in its control, subject to Local Authority and Dof E approval, available to enable enhanced educational and community facilities to be created. The Government is clear in The National Policy Framework (Paragraph 72) that Local Planning Authorities should give great weight to the need to create, expand and alter schools. The proposed development would create a new primary school and The Governing Body believes this provides an opportunity to work in collaboration with the developers, the existing Woodstock Primary School, Oxfordshire County Council, the local community and stakeholders, The Diocese of Oxford, as well as the new school, to create a new educational 'hub' that would be a centre of excellence, located to the east of Woodstock, and enhanced community facilities for the town and surrounding communities in West Oxfordshire and Cherwell. Appendix A outlines the enhanced facilities which the Governing Body believes would be essential for the proposed East Woodstock development to provide substantial educational and community benefits to the Woodstock area.

4. The Governing Body fully supports the Education Authority's (Oxfordshire County Council) proposal for s.106 funding to provide additional classroom capacity at The Marlborough to meet the anticipated demand from the proposed new development.

5. The Governing Body would like the opportunity to address the CDC and WODC Planning Committees when the application is determined and outline why it believes

the proposed Woodstock East development would provide considerable and substantial educational and community benefits to the Woodstock area.

### 3. Consultations

#### 3.1 Shipton on Cherwell PC comment as below

Shipton on Cherwell and Thrupp Parish Council, on behalf of parishioners living in Upper Campsfield Road make the following comments in respect of the proposed development

- 1 Traffic on the A4095 (Upper Campsfield Road) – this is a very busy road already and would increase significantly in view of this development as well as the potential developments in Bladon and Long Hanborough There could also be an effect on traffic from further afield at Bicester and Chesterton or Witney as the A4095 is a direct route between Witney and Bicester
- 2 There is a proposal to block off Shipton Road, therefore this would increase the traffic on the A4095
- 3 The business area is planned to be located by the Upper Campsfield Road Residents request that there are no outside air conditioning units, compressors or any other automated machinery as at night they could be quite noisy
- 4 The Link & Ride is also planned to be located by the Upper Campsfield Road Residents request that the parking area is built in such a way to stop anyone using the parking area out of hours as a race track
- 5 The residents of Upper Campsfield Road currently have no access to a bus service The nearest bus stop is at the Bladon Roundabout The developers should provide the residents with a footpath down to the Bladon Roundabout
- 6 Residents have concerns about the amount of lighting for the roundabout, the link & ride area and the business
- 7 There are also issues regarding noise pollution as follows
  - a vehicles slowing down and speeding up along Upper Campsfield Road as they approach the new roundabout,
  - b noise from the link & ride parking area e.g doors banging, people shouting, etc,
  - c noise from the business area e.g early morning deliveries and refrigerated lorries parking up overnight
- 8 As the development is to be built out over 15 years, residents would be susceptible to dust and dirt, building noise, and additional lorry movements

3.2 Agents acting for **Woodstock TC** initially objected to the proposal in February (see letter on file dated 18.2.15) attached as appendix 3. More latterly a further letter has been received (20.7.15) continuing to object to the amended scheme, also Appendix 3

3.3 **Kidlington PC** say they have reviewed the revised planning application and wishes to object on the grounds that that this site is not allocated for development in Part 1 of the Cherwell Local plan which has now been determined as 'sound' by the

Planning Inspector conducting the Public Examination and is therefore a material consideration for the determination of planning applications. As the site is not allocated as a major development site in the Local Plan it is contrary to that document and should be refused.

#### 3.4 **Kirtlington PC**

The Parish Council objects to this application and considers that its previous comments of 5th February still apply:

*“The scale of the proposal is huge and breaches current and emerging policy. The effects of the additional traffic load on the surrounding road network and rural villages would be entirely negative. The effect on the setting, amenity and character of Woodstock would be entirely negative. No thought has been given to the provision of secondary school places in the catchment area.”*

The new information received does not appear to reduce the scale of the proposals which still seem at odds with the scale of Woodstock and in this regard the agent's Technical Response to Consultation (May 2015) appears defensive. Housing density levels are also out of character, the development is contrary to the existing settlement pattern and is too prominent at the entrance to the town.

Notwithstanding the proposed retail space and locally led employment sites the scale of the development would have a major impact on traffic levels in the area as most residents would still be obliged to commute.

The proposals appear to be opportunistic and are premature of the Cherwell Local Plan Part 2. The joint Oxfordshire Councils need to be given time to agree housing numbers across the whole county, and carry out a fair and fully considered allocation of sites. If this site is promoted as an allocation it need not include that part of the site within Cherwell DC boundaries. With the sterilization of land around the Roman Villa, the eastern part of the masterplan becomes isolated and detached from the existing town centre of Woodstock, making it unsustainable.

The Parish Council hopes this application will be refused but any planning consent should stipulate the details, timing and completion of infrastructure (such as the primary school, an extension to the Marlborough School, new roads, parks and sports facilities) before the construction of any housing. The recommendations in the Kirkham Landscape Planning Ltd report for WODC (May 2015) should be followed. The depths of the tree belts to the A44 and A4095 frontages of the site as shown on the illustrative masterplan are far too narrow to form effect screens and do not complement the wooded parkland at Blenheim Park and this should be remedied.

- 3.5 **Bladon PC** raise no objections to the proposal but make the following observation- They are very concerned that the increase in traffic on the A4095 and A44 as a result of a development of this size will be to the detriment of Bladon residents. Provision must be made to cope with this including the possibility of adding traffic lights at the A4095/A44 roundabout at the end of Bladon

### **Cherwell District Council Consultees**

#### 3.6 **Planning Policy Officer:**

The application site is not allocated for development by the saved policies of either the adopted Cherwell Local Plan 1996 or the adopted West Oxfordshire Local Plan 2011.

At the present time, Cherwell is able to demonstrate that the district has a five year supply of deliverable housing land. There is no pressing need for additional housing land to be brought forward. West Oxfordshire also has a stated 5 year land supply position. The presumption in favour of sustainable development should therefore be applied in that context.

Land is not allocated for the development proposed in either the Non-Statutory Cherwell Local Plan 2011 or the Cherwell Local Plan 2011 -2031. The development of land at Woodstock does not accord with the Council's proposed development strategy of focusing development at Banbury and Bicester and allowing limited development in the rural areas. However, part of the application site, known as 'land east of Woodstock' is identified in the Submission West Oxfordshire Local Plan 2031 as housing potential needed to meet West Oxfordshire's proposed housing requirements.

Without that land the Cherwell part of the site could not be developed as a sustainable extension to Woodstock because of the lack of connectivity and poor access to services, facilities and employment opportunities within the town. Furthermore, as proposed (albeit in outline) there would be no local centre as this is proposed on the West Oxfordshire land. A standalone village within Cherwell, separate from but within close proximity to Woodstock is not required to meet housing needs, would not be in accordance with Cherwell's development strategy, does not feature in the district's village categorisation and would potentially undermine West Oxfordshire's spatial planning objectives.

However, should the development of the land within West Oxfordshire to the 'east of Woodstock' take place as envisaged by West Oxfordshire's Local Plan, connectivity and integration could potentially be achieved. The benefits and impacts of a larger development, fully integrated and planned as part of Woodstock, but including the land within Cherwell would need detailed consideration. This includes the benefits of providing additional housing including affordable housing and homes for an ageing population (noting that there is no current, pressing need from a 5 year land supply perspective in Cherwell), employment opportunities and whether new services and facilities would help address existing deficiencies or help maintain existing amenities. However, close consideration of the effects on Blenheim Palace, the SAMs, other heritage assets and the overall impact on the setting of the Conservation Areas and on the wider character and appearance of Woodstock would be required in addition to other detailed matters such as highway impact

There would be a significant loss of open countryside next to Woodstock and development would bring the edge of Woodstock up to the boundary of Oxford Airport to the east and close to the northern edge of Bladon to the south. Whilst the visual quality of the countryside in this location is not striking, the openness of the area is part of the setting of Woodstock.

Woodstock is identified as one of West Oxfordshire's most sustainable settlements, a rural service centre. However, with a population of about 3,000 the proposed development of up to 1,500 homes (involving about 3,000 residents) would represent a doubling of the size of the population. It would also result in a substantial extension to Woodstock's built-up area effectively doubling it in size in terms of land area and the number of new buildings

Whether Woodstock could sustain such a size and potential rate of expansion in terms of infrastructure capacity, employment opportunities, traffic generation, the impact on the setting of the Conservation Area and the wider impact on the character and appearance of the village as a whole, will in particular need detailed examination taking into account the observations of West Oxfordshire District Council.

Woodstock has a retail centre comprising food and non-food shops aimed at both the domestic and tourism markets. It has a doctors' surgery, pharmacy, dental practice,

primary school, secondary school, library, post office, swimming pool, fire station, community hall, museum, pubs and restaurants, hot food takeaways guest houses and hotels. There is no medium/large foodstore or larger comparison stores such as clothes shops, furniture stores, or DIY stores such as those located at Banbury, Bicester, Witney and Oxford. It is likely that most new residents would use supermarkets at Kidlington but these are not within a realistic walking or cycling distance.

The application proposes the provision of new services and facilities as part of a mixed use development which would assist the development's 'sustainability'. Due to its location adjacent to Woodstock and the relatively small scale of the proposed retail development, it is probably not necessary for a sequential test or impact assessment to be provided in relation to Cherwell's settlements. However, whilst noting thresholds set out in the NPPF for undertaking an impact assessment, it may be appropriate for one or both to be provided in relation to Woodstock. A supermarket would remove the need for some trips out of Woodstock and provide a facility for residents and the surrounding area but would also draw trade away from central Woodstock.

Retail, tourism and a limited number of other small companies and organisations provide employment in Woodstock but there are no significant employment/industrial estates in Woodstock itself. The Cherwell Local Plan 2011-2031 encourages jobs growth and paragraph 28 of the NPPF is in principle supportive of employment development in the rural areas. However the provision of employment opportunities on the application site is inconsistent with the Local Plan strategy which focuses employment development at Banbury and Bicester. The proposals would not make use of existing employment sites and/or previously developed land. Policy SLE1 requires that justification be provided and policy criteria met for employment proposals in the rural areas. If the proposals are implemented jobs would be provided which would assist in improving the sustainability of the new development, through the provision of a mix of uses, and Woodstock its self. However the vast majority of new residents would work elsewhere generating trips to other settlements and employment areas, a significant proportion of which would be by private car. The potential impacts of new employment development on the natural and historic environment and the character of the area will also need to be considered carefully including locating employment and residential development in close proximity. There are employment opportunities in relatively close proximity, approximately 2km away at Kidlington; at Langford Lane, at the airport and at Begbroke Science Park. This area is also identified for a small scale strategic review of the Green Belt for future employment uses under Cherwell Local Plan Policy Kidlington 1. These employment opportunities are within cycling distance, the landscape is flat and there is an 'off road' cycle path on the A44 making cycling a realistic option. Journeys by private car would also be short. There would be an opportunity to walk to this location from the site but distances would likely mean this would not be a likely option for most. Kidlington town centre could also provide employment where there are food shops, comparison (non-food) stores and some public/community services. These are however some distance from the site and not within reasonable walking and cycling distance for most. The number and range of employment opportunities in Kidlington is less than in Banbury, Bicester, or Oxford.

Oxford would probably provide employment for a significant proportion of new residents and this is likely to generate a significant amount of commuting. The site is on a main highway corridor into Oxford (A44). A regular bus service (S3) connects Woodstock and Oxford City Centre. It is understood from the application that the bus takes between 24 and 43 minutes. There is also a railway station at Long Harborough 3km to the east. However, both the emerging Cherwell and West Oxfordshire Local

Plans contain housing strategies for meeting their own needs and there is an on-going countywide process for considering the agreed unmet needs of Oxford City, which are yet to be defined, and how that need might be met. The outcome of that process will feed into the Partial Review of Local Plan Part 1. The modified Local Plan (Part 1) and the Council's Local Development Scheme commits to this review being completed within two years of adoption of Part 1.

The provision of the proposed transport interchange would encourage the use of alternative modes of transport to the private car from the site to Oxford and elsewhere. However, the appearance of such a facility would need detailed examination and the Non-Statutory Cherwell Local Plan (Policy TR7) states that the Council will not permit further Oxford based Park and Ride Sites in Cherwell District but notes (paragraph 6.23) that commuter trips to Oxford should transfer to public transport at or close to the source of the journey (as is the case here). The facility might encourage some travel to it from outside Woodstock. The views of the Highway Authority should be taken into account including with regard to its on-going review of the Local Transport Plan.

Finally, with regard to Local Plan prematurity, some weight should be given to the fact that this represents a substantial, strategic proposal in advance of the Examination of the new West Oxfordshire Local Plan, albeit one that is in part consistent with the intention to bring some land east of Woodstock forward for development.

They recommend that

There is a planning policy objection to the proposed development as it does not accord with the adopted or emerging development strategies of the Local Plans of either Cherwell or West Oxfordshire. While the emerging West Oxfordshire Local Plan anticipates that some development to the east of Woodstock needs to be delivered to meet its housing requirements, the inclusion of land within Cherwell makes this a much more substantial proposal. At the present time, there is no pressing five year housing land supply need for additional homes in Cherwell and West Oxfordshire has a stated five year land supply position. There would be benefits from the provision of new homes including affordable housing and homes for an ageing population and potential benefits through the provision of employment opportunities and new services and facilities. However, there would be loss of countryside and a doubling of the size of Woodstock with potential effects on the historic environment, potential implications for the capacity of local infrastructure and some concern over the sustainability of the proposals in relation to car based trip generation. The significance of those effects will need close consideration in collaboration with West Oxfordshire District Council alongside all other detailed matters.

### **Updated comments**

The planning policy team provided a response to this planning application on 28 July 2015. This planning policy update memorandum has been provided to examine new matters considered particularly relevant for the determination of the planning application since the previous response was provided. The letter sent to Mr Duxbury on 24 August 2015 from John Ashton (West Waddy ADP) which included comments on the previous planning policy response has also been considered. This response should be read in conjunction with the previous planning policy response.

The in principle observations and considerations in the previous planning policy response remain unchanged and a summary of these is provided below. This includes in relation to the number of dwellings proposed which even at a confirmed 1200 dwellings would almost double the size of Woodstock. The application site is

not allocated in the adopted Cherwell Local Plan 2011-2031 or the West Oxfordshire Local Plan 2011. There is some concern over the sustainability of the proposals. The development of land at Woodstock does not accord with the Council's proposed development strategy of focusing development at Banbury and Bicester and allowing limited development in the rural areas. However as stated previously, the views of Oxfordshire County Council in relation to transport should be considered and the significance of effects will need close consideration in collaboration with West Oxfordshire District Council alongside all other detailed matters. The on-going countywide process for considering the agreed unmet needs of Oxford City, which are yet to be defined, continues as a Council priority as part of a plan led system.

#### Submission West Oxfordshire Local Plan 2031

The West Oxfordshire Local Plan 2031 was submitted to the Planning Inspectorate for independent examination on the 14 July 2015. Dates have been identified for hearings in October and November, however the Inspector has written to West Oxfordshire, in the first instance on the 30 July 2015, seeking some initial clarification from the Council about the evidence justifying the housing requirement in the Plan and other matters. West Oxfordshire District Council has provided a response. The outcome of the examination is not yet known and therefore it is considered that the Inspector's queries are of limited significance at this stage specifically in relation to the consideration and determination of this planning application.

#### Cherwell five year land supply

In the previous response it was stated that Cherwell is able to demonstrate that the District has a five year supply of deliverable housing land. The five year land supply which includes a 5% buffer has been confirmed by a recent appeal decision at Kirtlington (Appeal ref: APP/C3105/W/14/3001612). It was stated in the previous response that there is no pressing need for additional housing land to be brought forward and this is now further confirmed by this decision. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

#### Funding for Blenheim Palace

Consideration of the public benefits of the proposal were raised in relation to the potential impact on the historic environment in the previous response, however it is acknowledged, for the avoidance of doubt, that the specific issue of the proposed development potentially contributing towards securing the future of Blenheim Palace should be a material consideration for this application if well founded. The views of Historic England will be important on this matter.

#### **Planning Policy Observations**

The application site is not allocated for development by the saved policies of either the adopted Cherwell Local Plan 1996 or the adopted West Oxfordshire Local Plan 2011. Land is not allocated for the development proposed in either the Non-Statutory Cherwell Local Plan 2011 or the Cherwell Local Plan 2011-2031.

The development of land at Woodstock does not accord with the Council's proposed development strategy of focusing development at Banbury and Bicester and allowing limited development in the rural areas. However, part of the application site, known as 'land east of Woodstock' is identified in the Submission West Oxfordshire Local Plan 2031 as housing potential needed to meet West Oxfordshire's proposed housing

requirements. Without that land the Cherwell part of the site could not be developed as a sustainable extension to Woodstock because of the lack of connectivity and poor access to services, facilities and employment opportunities within the town. A standalone village within Cherwell, separate from but within close proximity to Woodstock is not required to meet housing needs, would not be in accordance with Cherwell's development strategy, does not feature in the district's village categorisation and would potentially undermine West Oxfordshire's spatial planning objectives.

However, should the development of the land within West Oxfordshire to the 'east of Woodstock' take place as envisaged by West Oxfordshire's Local Plan, connectivity and integration could potentially be achieved. The benefits and impacts of a larger development, fully integrated and planned as part of Woodstock, but including the land within Cherwell would need detailed consideration. This includes the benefits of providing additional housing including affordable housing and homes for an ageing population (noting that there is no current, pressing need from a 5 year land supply perspective in Cherwell), employment opportunities and whether new services and facilities would help address existing deficiencies or help maintain existing amenities. However, close consideration of the effects on Blenheim Palace, the SAMs, other heritage assets and the overall impact on the setting of the Conservation Areas and on the wider character and appearance of Woodstock would be required in addition to other detailed matters such as highways impact.

Woodstock is identified as one of West Oxfordshire's most sustainable settlements, a rural service centre.

Whether Woodstock could sustain such a size and potential rate of expansion in terms of infrastructure capacity, employment opportunities, traffic generation, the impact on the setting of the Conservation Area and the wider impact on the character and appearance of the town as a whole, will in particular need detailed examination taking into account the observations of West Oxfordshire District Council.

The provision of the proposed transport interchange would encourage the use of alternative modes of transport to the private car from the site to Oxford and elsewhere. However, the appearance of such a facility would need detailed examination and the Non-Statutory Cherwell Local Plan (Policy TR7) states that the Council will not permit further Oxford based Park and Ride Sites in Cherwell District but notes (paragraph 6.23) that commuter trips to Oxford should transfer to public transport at or close to the source of the journey (as is the case here). The facility might encourage some travel to it from outside Woodstock. The views of the Highway Authority should be taken into account including with regard to its on-going review of the Local Transport Plan.

With regard to Local Plan prematurity, some weight should be given to the fact that this represents a substantial, strategic proposal in advance of the Examination of the new West Oxfordshire Local Plan, albeit one that is in part consistent with the intention to bring some land east of Woodstock forward for development.

Both the emerging Cherwell and West Oxfordshire Local Plans contain housing strategies for meeting their own needs and there is an on-going countywide process for considering the agreed unmet needs of Oxford City, which are yet to be defined, and how that need might be met. The outcome of that process will feed into the Partial Review of Local Plan Part 1. The Local Plan (Part 1) and the Council's Local Development Scheme commits to this review being completed within two years of adoption of Part 1.



There is a planning policy objection to the proposed development as it does not accord with the adopted or emerging development strategies of the Local Plans of either Cherwell or West Oxfordshire. While the emerging West Oxfordshire Local Plan anticipates that some development to the east of Woodstock needs to be delivered to meet its housing requirements, the inclusion of land within Cherwell makes this a much more substantial proposal. At the present time, there is no pressing five year housing land supply need for additional homes in Cherwell and West Oxfordshire has a stated five year land supply position. There would be benefits from the provision of new homes including affordable housing and homes for an ageing population and potential benefits through the provision of employment opportunities and new services and facilities. However, there would be loss of countryside and a doubling of the size of Woodstock with potential effects on the historic environment and potential implications for the capacity of local infrastructure. The proposals would draw trade away from central Woodstock and there is some concern over the sustainability of the proposals in relation to car based trip generation. The significance of those effects will need close consideration in collaboration with West Oxfordshire District Council alongside all other detailed matters.

### **3.7 Waste and Recycling Manger**

I am content with the developers proposal for waste and recycling storage

### **3.8 Landscape Officer:** Summary comments as follows Full comments (dated 23.7.15 available on file)

- The Landscape Visual Impact Assessment (LVIA) is comprehensive but raises a number of questions of public perception and the importance of Woodstock Conservation Area and Blenheim Palace World Heritage Site.
- It is obvious that visual amenity is going to be greatly harmed by this development. The human receptor, residential and walker will experience the loss of the open fields and the loss of the appreciation of the wider views of the wooded hill of Bladon Heath and High Lodge. Tourists and visitor 'receptors' have highly sensitive to their environment, especially as the Oxford Road approach to Woodstock appears to 'set the scene', heightening receptor's anticipation of the visit to Woodstock and Blenheim Palace. For this experience the historic and landscape context is important.
- With respect to the World Heritage Site, In my view the proposed development does compromise the historic and aesthetic connection between this open setting (application site) as experienced on the approach road for visitors, both pedestrian and vehicle receptors, and local people. There is obviously going to be strong emotive response for individuals and groups in respect of the importance of historical and landscape setting of Woodstock and Blenheim Palace
- The application site is a landscape setting to the eastern urban edge of Woodstock. The openness of the site is such as to allow visual receptors to experience the openness and views contained by the woodland belt on the northern and eastern boundaries. The strong landscape characteristic being woodland containing the site on the aforementioned boundaries. The woodland associates well with the Woodland of Campsfield Wood on Oxford Road, the wooded hill of Bladon Heath and High Lodge to the south. However

visual/visitor/local receptor will experience screen tree planting as major character change to the Oxford Road, contributing towards a strong feeling of enclosure, and perhaps oppressiveness, combined with their knowledge that the main function of the trees is to screen the harmful effect of the mixed use development. The assertion in the LVIA that the Parkland 'feel' reflects that of Blenheim Palace is false, given that the parkland strip will be a recent addition in historical terms and so does not portray Blenheim's real 'landscape of power'; there is no historic landscape relevance for this!

- In my opinion this development proposal will unsettle the balanced relationship of Woodstock's 'historic centre' and its urban approach (Oxford Road), the World Heritage Site, and Bladon Conservation Area. The development will obliterate the open landscape setting that is the application site, and contribute unfortunate urban encroachment onto attractive countryside. Because of this the Magnitude of Change is **Very High** combined with the **Very High** Sensitivity of the landscape receptor, which resulting in a very high Significance of Effect rating of **Substantial/Adverse**.
- With this development proposal the significant loss of the open setting, the loss of both the visual amenity and historic context/value to Woodstock, along with the harm to visitor/tourist receptor's memorable experience via the approach to Woodstock, this culminates in significant harm.  
Due to the experience of visual receptors time and movement (from or to) the historic landscape between Bladon and the site - refer to photo-views point 15 and 5, the visitor/tourist receptor expectation of visual amenity is **high**, and therefore the receptor sensitivity is, in my opinion, going to be **very high**. Therefore, the Magnitude of Change is **very high** because of the drastic change from the open to the built environment, resulting in a notable harm to the receptor's experience of the setting that is the application site, and the approach to Woodstock's historic core and Blenheim Palace. Therefore the Significance of Effect result is obviously going to be **Substantial** and **Adverse** and harmful for visual receptors.

### 3.9 Recreation , Health and Communities

No objections raised but the following comments re Section 106 requirements

- Senior and junior football pitches required – commuted sums set out
- Commuted sum for proposed woodland maintenance needed
- Play provision would be 15 LAPS, 3 combined LEAP/LAPS and 1 NEAP
- Maintenance of existing mature woodland belts, and hedgerows, and proposed informal open space; and existing ditches and proposed swales
- 1.1 hectares of allotments
- Attenuation ponds

### 3.10 Nuisance investigation Officer

I have no objections to this application. Noise from road traffic and the airport has been adequately covered in the design statement. Planning conditions related to

noise, hours of use etc. may be required at the full planning stage for the proposed B1/B2/B8 uses and controls will need to be put in place during the construction period to minimise noise and dust.

### **3.11 Oxfordshire County Council Consultees**

The initial overall view of the County Council was that

The application site is not allocated in either the emerging Cherwell Local Plan or emerging West Oxfordshire Local Plan.

Transport Development Control have raised an objection for the following reasons:

The submitted documents fail to provide an appropriate appraisal of the traffic impact that would result from the proposed development and therefore does not demonstrate that the traffic from new development can be accommodated safely and efficiently on the transport network contrary to Policy SD1 of Local Transport Plan 3.

The proposed link and ride facility would reduce the viability of existing and proposed public transport services and infrastructure and cause an increase in private car use and modal shift from public transport to private motor car; therefore the proposal is considered contrary to Policy PT3 of Local Transport Plan 3 and emerging Local Transport Plan 4.

The site access proposals would have an adverse impact upon the safety and convenience of highway due to:-

i) the proposed priority junction to the A44 is in close proximity to an existing junction on the opposite of the road.

ii) the layout of the proposed roundabout to A4095

The County's Ecologist Planner has also raised an objection as the proposals are likely to have a significant effect on the Oxford Meadows Special Area of Conservation (SAC) and Blenheim Park Site of Special Scientific Interest (SSSI).

Since that time the ecology objection has been withdrawn

I attach as appendix 4 the revised single response document from the County Council

A separate archaeology response raises no objection and comments

The application area includes a Scheduled Ancient Monument (SAM 35545) and is adjacent to a World Heritage Site of Blenheim Palace which includes the Grade I listed parkland (PG 1402). The importance of the settings of these designations is highlighted in the NPPF, the NPPF Planning Practice Guidance, Local Plan Policies of WODC and CDC. The Archaeological Desk Based Assessment (DBA) that forms part of the planning application does not appear to take into account the settings of these designations or consider how these issues can be resolved.

The applicant has undertaken geophysical survey and archaeological evaluation of the application area. At our request the applicant has commissioned a survey of aerial photographic information from an aerial photographic consultant. The results of this are not included in the DBA but form a separate report. The surveys did not include the SAM and nor did they reveal non designated heritage assets

that are demonstrably of equivalent significance to scheduled monuments. They did however reveal archaeological features that appear to relate to the SAM. These will require appropriate mitigation.

We would recommend that prior to the determination of the application that the planning authority resolves any issues concerning the settings of the designated assets in line with formal advice from English Heritage.

If planning permission is granted we would recommend that conditions are attached that will require further evaluation trenching and any appropriate mitigation.

### **3.12 West Oxfordshire District Council departments**

I attach as appendix 5 comments from **West Oxfordshire Planning Policy Manager**

#### **WODC Environmental Health comment**

I have now had time to review the applicants Noise Assessment Report (Report 14/0299/RO1). I am pleased that this full acoustic report is in the public domain and it appears to cover the areas of noise concerns this team raised which triggered the report's commission.

In light of the approach the assessment has taken, I am minded to accept in large part its overall conclusions for noise. The reports six conclusions are spelt out at page 35. Through noise contouring the assessment addresses the 2013 scenario and a maximum permitted movement scenario for fixed wing, rotary (helicopters) and for an 'all aircraft' type scenario. This is what this team requested. The assessment also addresses other types of potential noise sources.

If planning permission is granted, I recommend specific conditions are attached which addresses the unique noise climate of the site.

(i) A generic condition is needed: "The design and construction of all residential dwellings must comply with BS.8233:2014"

(ii) A more site specific condition is also needed which formalises the report's conclusion (para. 8.6):

"Land areas as demarcated and categorised in the applicants report (Report 14/0299/RO1) potentially impacted by aircraft noise, under a maximum permitted movement scenario, shall be designated for non-residential use only".

#### **WODC Conservation Officer comments**

There a number of significant heritage designations within and immediately adjacent to the proposed development site. In general terms the proposed development has inadequately addressed these constraints.

The proposed development lies in both Cherwell District Council and West Oxfordshire District Council boundaries. The comments have addressed the site as a whole, identifying which specific issues are relevant to the two different authorities.

#### **Archaeology**

Scheduled Monument

Cherwell District

The Scheduled Ancient Monument (SAM) of Blenheim Villa and associated field system lies entirely within Cherwell District Council boundary. The villa was first discovered by aerial photography and is now identified by a low mound within the field. There has been very limited excavation (in 1985), which revealed that the villa was well –preserved. The outline of the SAM boundary appears to be relatively

arbitrary and further investigative work is required to determine the precise extent of the archaeological remains. The development needs to be designed in order to preserve the archaeological remains in-situ and to avoid future damage to them. This can only be achieved following detailed archaeological investigative work. Careful consideration will also need to be given to retaining a setting to the scheduled ancient monument, but this can only be done once the precise extent has been established

#### Ridgeway

- Boundary between Cherwell and West Oxfordshire

The ancient routeway of the 'Ridgeway' appears to survive through the site. This is identified on the Historic Environment Record as 'Witney Branch Ridgeway' and is identified as early medieval to medieval in date. The original source for this appears to have been B Grundy *Saxon Oxfordshire. Charters and Ancient Highways*, 1933; so the date of the feature may be earlier than this. The routeway is aligned along the boundary between Cherwell and West Oxfordshire administrations and also runs alongside Blenheim Villa, Scheduled Ancient Monument.

The alignment is shown on historic OS maps as being a defined earthwork to the north of the proposed development site. It has not been verified on site whether this still survives. The route incorporates part of the road and passes immediately alongside the standing building of the Pest House (see below). It is noted that the outline proposal is for this route to be maintained as part of the current proposed development, but this is by coincidence and is not identified as a fundamental constraint. Detailed consideration will need to be given to how the routeway can be retained and positively addressed within the development layout. It is important that the precise alignment is followed and that any remaining features along this route (including earthworks and / or hedgerows) are retained in-situ and that the route is clearly demarcated from the surrounding landscape and topography.

#### Landscapes

Blenheim Park World Heritage Site / Registered Parkland

- West Oxfordshire District Council / Cherwell District Council (edge of parkland)
- Proposed development in Cherwell District Council area will impact on setting of part of Blenheim Park.

The World Heritage site of Blenheim Palace and Park is located immediately to the west of the site. The principle building of the Palace site is not impacted, but part of the parkland (which is also a Registered Park) is in very close proximity.

English Heritage's guidance '*The Setting of Heritage Assets*' outlines that setting is about far more than just visual impact, but is about the wider experience and appreciation of heritage assets. The proposed development has a significant impact on the setting of Blenheim parkland and one of the key approaches to the site. The proposed development would have a detrimental impact on the experience of visiting the site as well as its wider appreciation. In addition the development would have a functional as well as visual impact on the inter relationship between the settlement of Woodstock and Blenheim Palace. The site has been identified as being of international significance (reflected in its World Heritage status) and extra special care needs to be taken of its wider setting, this is not reflected in the current proposal

#### Historic townscape and buildings

Woodstock Conservation Area

- West Oxfordshire District Council

The Woodstock Conservation Area is located entirely within West Oxfordshire District Council boundary, There is no up to date conservation area appraisal. The development is situated at some

distance from the Woodstock Conservation Area and does not impact upon its immediate setting, but the approach and wider setting of the village would be significantly impacted.

#### **Pest House**

A small building is shown on historic maps from at least 1750 on the border between Cherwell District and West Oxfordshire District. On historic OS maps from 1880s onwards it is identified as a 'Pest House' (colloquial term for hospital for infectious diseases). The building is still in existence today. It is constructed in local vernacular style and materials and appears from the exterior to be little altered.

The category of Pest House is not used in English Heritage's *'Designation listing selection guide: Health and Welfare Buildings'*. The section on Specialist Hospitals states *'Such was largely a nineteenth-century phenomenon to care for cases excluded from most general voluntary hospitals. There were almost as many hospitals as there were parts of the body. Early examples are often in converted houses, but most date from at least the late nineteenth century'* similarly the section on Isolation Hospitals concentrates on later 19<sup>th</sup> century examples. It is unclear how rare this form of structure was nor how many such buildings remain. Further documentary work and a more detailed site visit may be needed to determine the significance of the former Pest House.

At the very least the former Pest House is an undesignated heritage asset and the setting of this asset should be considered in the detailed design of the site. It is understood that the building and surrounding land and track are to remain in existing ownership and will not form part of the boundary of the proposed development. Nevertheless the building will be surrounded on all sides and consideration needs to be given to the setting of the asset.

In close proximity to the former Pest House, at a short distance to the east an Isolation Hospital for Woodstock Rural District Council is shown on the historic OS map of 1913-1923. This is shown to be contemporary with the Pest House at that date. The building has not survived as a structure, but there may potentially be archaeological remains which may be of interest

#### **Site layout**

There are some concerns with the proposed whole site layout. The site is divided into two by the presence of the Scheduled Ancient Monument, this also forms the dividing line between the two different administrative authorities of West Oxfordshire and Cherwell.

The portion of development within West Oxfordshire District Council and to the west of the Ridgeway is in a sustainable location in close proximity to the existing town of Woodstock, which has the potential to integrate with the existing settlement. The portion which falls within Cherwell District Council boundary appears to be an ad-hoc add on which is separated by green space and does not link to the existing settlement. There is no sense of organic development of the town with the section lying within Cherwell and this area would be effectively isolated from the town of Woodstock, but not linked to any existing development within Cherwell District

#### **WODC Housing Enabling Officer**

I understand that one of the amendments is the reduction in housing from 1,500 dwellings to 1,200. Of which it is intended that 40% across the whole development, in both West Oxfordshire and Cherwell District Councils shall be sought as affordable homes.

The argument that this development should seek to achieve a mix of market to affordable of 60 to 40% overall is still valid in my opinion. I would support a scheme where general and specialist housing provided the opportunity to meet the needs of

a range of households, including, but not limited to; single and smaller family, families, C3 older persons and 'wheelchair ready' homes.

Re-iterating my previous comments; *"Woodstock is a highly sustainable settlement for older persons...with connections to Woodstock and in need of some support would benefit from being able to access purpose built housing either for affordable rent or shared ownership. There are several examples of this provision in high value areas across West Oxfordshire and the County as a whole, not least in CDC"*

The comments expressed previously regarding; standards, phasing, and cross boundary working still stand.

### **Other Consultees**

#### **3.13 Thames Water:**

##### **Waste Comments**

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

##### **Water Comments**

In relation to the outline application, the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until:

Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Thames Water recommend the following informative be attached to any planning permission: There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes

#### **3.14 Environment Agency**

We have no objection to the application as submitted, subject to the inclusion of a number of conditions, detailed under the headings below, to any subsequent planning permission granted.

Without the inclusion of these conditions we consider the development to pose an unacceptable risk to the environment

Conditions would cover

- Surface water flood risk – submission of drainage strategy
- Surface water pollution control
- Land contamination
- Scheme for improvement of sewerage system

And they make the following comments

*Flood Risk*

We consider that the FRA provides a suitable level of detail to support the hybrid application. We would expect that additional surface water drainage details are submitted to support future reserved matters applications. The FRA recommends that as the design and layout of the development progresses and attenuation volumes for the main pond storage are refined, a drainage plan detailing the flow rates to be expected from each parcel or the development will be produced. This will help ensure that all phases of development comply with the principles established within the report which is an approach we would support. We note that works to ordinary watercourses are likely to be required including realignment and culverting of a watercourse at the entrance to Phase 1. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the Lead Local Flood Authority which in this instance is Oxfordshire County Council . It is best to discuss proposals for any works with them at an early stage.

#### *Foul Drainage*

Section 11 of the Flood Risk Assessment (FRA) states that the developments' foul sewers will be connected to the network and treatment works serving Woodstock. Our evidence suggests that there have been a number of sewer flooding/failure incidents in recent years, suggesting an existing capacity issue. This is confirmed by Thames Water in section 11.2 of the FRA.

An additional 1500 dwellings would place additional strain upon this network, and therefore worsen sewer flooding magnitude and frequency. It is acknowledged within the FRA that upgrades will be required in order to accommodate the development. The precise details of these upgrades – including timing, to coincide with any phased development – are yet to be determined. Our preference for foul drainage is for connection to the existing foul water drainage network. Only if significant environmental advantages can be demonstrated will any alternative options be considered. We understand that Thames Water will be carrying out an assessment of the sewage treatment works to establish what upgrades will be required to accommodate the additional flows. We need to see this before we can be satisfied the additional foul water into the network can be accommodated.

### **3.15 Historic England (formerly English Heritage)**

In summary they initially commented that

This major housing proposal is unusual in being proposed so close to a World Heritage Site, Blenheim Palace and Park, and further evidence in the form of visualisations is needed to assess the impact. The development could also cause harm to the significance of the scheduled monument, Blenheim Villa, through the impact upon its setting. The villa enjoyed a rural setting with an aspect towards the south-east and this aspect would be blocked by the proposed new dwellings. Any public benefits of the proposal will need to be weighed against the harm caused, and there is not as yet sufficient clarity either on the possible effects, or on whether the heritage benefits claimed for the application lead to the need to cause these effects

The full comments are available on file

Their comments on the more recent submissions are

*We wrote on this case in February this year (under the same reference). That letter was chiefly concerned to establish the range of heritage impacts and to discuss the framework within which the balance of decision, as regards heritage, might be seen.*

*As regards the heritage impacts, we concluded that there would be harm to the significance of Blenheim Villa (Scheduled Monument), although this might in part be ameliorated by changes to the layout of the scheme; that views from the World Heritage Site, specifically*



*from the Great Park and the upper parts of the Palace, might be affected, and the contrary needed to be demonstrated; and that planting along the A44 was going to be important in reducing the visible effects on the setting of the World Heritage Site and of Woodstock Conservation Area.*

*As to process, any harm to the Villa (and other assets) is being countered, in the view of the applicant, by the beneficial effects claimed for the development as one that would support the World Heritage Site by providing an endowment for its repair. In our view, this seemed to bring the case within the category of 'enabling development', in which case some forms of proof of the balance of benefit and of this being the way it should be provided, would be needed - which were then lacking.*

*This letter picks up those points which have been addressed by any subsequent submissions, although we have no record of being specifically asked for further comment by your authority. The Estate has provided us with some information directly, which is referred to in the later sections below.*

#### *Blenheim Villa*

*There has been some further discussion on this topic, which is briefly referred to in the 'Design Response Document' and 'Technical Response to Consultation' submitted in May. Despite the archaeological consultant to the Estate (TVAS) being sceptical about the alignment of the villa, as described in our letter, the 'Landscape Led Masterplan' (p 77) shows an area to be mowed in a rectangle which has its long side facing southeast, and the ground immediately in front of this as open for a distance before the increased tree belt along the A44 would close it. It appears that this is a response to our letter, in that it opens what is claimed as the southeast aspect of the villa.*

*We did, in fact, describe the chief aspect in this case as ESE, and the ground plan of the villa suggests that it is a little further north than shown on this plan, so that the actual aspect would cut across the area still shown as to be fully built up. Therefore, if this proposal were built out on the indicative plans, the villa's setting would change profoundly: it would lose altogether the sense of a rural setting, and not preserve even a corridor of view from what was once, we believe, its main front. **Thus, in our view, the harm remains the same as previously identified: less than substantial, but nonetheless serious.***

#### *The World Heritage Site - Impact*

*As mentioned above, we have not taken a prima facie view that there would be a substantial, or in most cases even a perceptible, effect on the World Heritage Site's Outstanding Universal Value. However we did take the view that some of the possible views out from the WHS (which of course is also an outstanding Registered Park) should be illustrated. The Technical Response does contain some new views, and No 19 is taken from the Monument (and thus from the part of the Park in question). But it faces due east, which means that it misses the actual development site. A further view is needed which is oriented actually on the site, even if the development can only be indicated as not visible. We also suggested that a view from elevated positions in the Palace would be instructive, rather than the ground level view which is now included. It is possible, now, that these questions cannot be finally resolved until the leaves are off the trees.*

#### *The Mechanism for Securing the Benefits*

*At the time of the first submissions, we pointed out that this case would make sense as an 'enabling' case. The advice on that kind of case which we wrote in 2008 is currently being revised to take account of recent secondary legislation, but it is unlikely to alter in its broad lines. In that well-accepted decision framework, it would be necessary to show that the profits from the development were to go directly to the identified purpose, and thus that the profit and the cost were directly related.*

*The Estate has now supplied a document, 'Securing the Future', which makes the position a little clearer, in that 100% of the profit (after provision of necessary infrastructure etc.) would go to the purposes, and be spent by a charitable foundation, the Blenheim Heritage Foundation. Further to that, we have seen some details of how this would work, and we believe the foundation would be an adequate vehicle to protect the public interest in how the money would be spent.*

*However, were this a full enabling case there would be, as you know, a significant number of other issues to be resolved, such as whether the money could be raised in other ways (or only in less desirable ways), on which at this juncture we have not seen further evidence.*

#### *The Need for the Spend on the World Heritage Site*

*Foremost among those questions would be the need for the money. At this juncture, when the broad lines of the case have in our view not been fully drawn, we have not sought to go into the argument for the scale of expenditure needed, although if your authority wished to examine that case closely we would of course be glad to help.*

*At this point, then, all we can say is that the maintenance of a site like Blenheim is indeed very expensive, and that there are items of major expenditure coming forward at a rate which can probably be predicted with some accuracy and from long experience. The figures have been drawn up by a very reputable conservation practice, and it would be surprising to find that they were severely understated. If they are even close to accurate, there is a very substantial issue to be addressed by the Estate and it is entirely right, both for the WHS and for the heritage assets considered individually, that they are seeking to fulfil their obligations. Certainly we would expect this to be a material consideration for planning permission.*

#### *Recommendation*

*In our view there would be some harm to Blenheim Villa from this scheme as shown by the indicative layout; other questions of possible harm to heritage items including the World Heritage Site remain to some degree unresolved. 'Great weight should be given to the asset's conservation' (NPPF paragraph 132) in such cases. **The application has not been defined as enabling, though its objective is stated as exactly that, and because of this imprecision it is not fully supported by evidence for the need to provide this development, although there is a case to answer as regards the need for the money.***

*Logically, the case should be deferred to see if it can be put into a form where the decision can be properly weighed. If after this time this is not acceptable to your authority, the balance of the decision lies with you as to the weight to be given to the benefits against the levels of harm such as those identified above.*

### 3.16 Icomos

ICOMOS UK is the UK National Committee, which has a special role as the official adviser to UNESCO on cultural World Heritage sites.

In summary they consider that further work, by the use of tethered balloons or similar is needed to demonstrate beyond doubt that the proposed development will not have an adverse visual impact on the World Heritage site.

They point out however that the potential impact upon the WHS is more than just the visual impact. An important aspect is also the tranquillity ; they clearly anticipate that increased traffic flows and lighting may impact negatively

They also comment that the setting of Blenheim Park and the medieval royal hunting park which preceded it has always been and remains a predominantly open rural one. The contrast between the enclosed parkland and the open farmland surrounding it is important in understanding and appreciating its historic character. They say that In their view the town of Woodstock forma a key element in the setting

of the WHS. The town has always been dependant on the adjoining estate. This role continues to this day and gives Woodstock its distinctive character. They consider that the development would physically overpower the existing settlement while remaining distinct from it and providing an alternative focus. They conclude that unbalancing the physical relationship between town and park/palace and changing the character of Woodstock would further harm the setting of the WHS, and consequently they cannot support the revised application

### 3.17 Sport England

#### Initial comments

From the boundary shown on the Site Location Plan (drawing numbered L01 Rev. E), it is clear that part of the site constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The playing field is that which is used by The Marlborough Church of England School, Shipton Road, Woodstock.

Sport England is therefore a statutory consultee and has assessed the application in the context of its policy to protect playing fields, 'A Sporting Future for the Playing Sport Fields of England', which is in line with paragraph 74 of the National Planning Policy Framework (NPPF).

Essentially, Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or part of a playing field, unless one of five exceptions applies

The application seeks outline planning permission for the whole of the development described above and full planning permission for the first phase of residential development. For the outline part of the application, both the principle of the development and the means of access are to be considered at this stage. All other matters are reserved. The first phase of the development is proposed in the south-western corner of the site and would not affect an existing playing field.

The Planning Statement accompanying the application notes the following

*8.45 Woodstock has its own football club and team that have been battling with poor quality and out of date facilities that are significantly restricting the clubs ability to improve and move up the local Hellenic Football League (they have accepted voluntary relegation in the past, as FA standards have improved but their facilities have not). The clubs facilities do not meet the standards set by the Football Association and so the club, no matter how well they play are unable to progress to the higher football league. The sub standard facilities also mean that the club is unable encourages youth or ladies teams, which could foster further community involvement. There is a real possibility that without the promise of the new proposed facilities, the local club with over 100 years of history will fold within the next 18 months.*

*8.46 The new neighbourhood will include a floodlit football stadium, ground, clubhouse, and training pitches including a multi use games area (MUGA). The land allocated for the football facilities is located to the north east of site with excellent safe, and quick pedestrian and cycle access to both the existing and new primary and secondary school. The football facilities will be available for school and other public groups...*

*8.48 The WODC Infrastructure Delivery Plan has identified a need for an outdoor floodlit training area and a skate park. The proposed development is providing the training area, in the form of a MUGA and the financial contribution required for leisure could fully or part-fund the skate park.*

*8.49 Woodstock does not have any indoor leisure facilities, the nearest gym facilities are located within the Oxford Airport, otherwise residents have to travel to Kidlington to enjoy their indoor leisure centre. The proposed retirement village may have its own indoor swimming pool and gym. To integrate the retirement village within the community these facilities may be available for the local people and new residents of the development to enjoy the financial contribution required for leisure could fully or part-fund the skate park.*

While the Land Use Parameter Plan (drawing numbered P300) and Illustrative Layout plan (drawing numbered SK027) indicate the location of a proposed football ground with two pitches, in the northern part of the site, the Landscape Strategy (Design and Access Statement pages 80 & 81) is likely to preclude the provision of any other playing pitches, a MUGA or a skate park on this part of the site.

The Draft Heads of Terms for a s.106 Agreement includes making on-site provision for the football club as well as playing pitches. However, there is no reference to the time that the sports facilities will be delivered in relation to any specific phase of the development (the indicative phasing strategy on pages 134 and 135 of the Design and Access Statement is unclear) or the number and type of playing pitches, justified by a needs assessment undertaken in accordance with paragraph 73 of the NPPF.

Woodstock does have a four court sports hall, at The Marlborough C of E School, which caters for indoor sports and is available for community use on weekday evenings (17.00 – 21.00) and at weekends (09.00 – 17.00) The Draft Heads of Terms makes reference to on and off-site contributions to leisure centre improvements, but does not specify which centre or type of improvements are to be carried out.

Sport England considers it necessary for the Councils to secure contributions to both sports pitches and built facilities to meet the increased demand generated by the additional population. Sport England's Sports Facilities Calculator (SFC) is a sophisticated planning tool which helps to estimate the level of demand for key community sports facilities created by a given population. The SFC has been created by Sport England to help local planning authorities quantify how much additional demand for the key community sports facilities (swimming pools, sports halls and artificial grass pitches), is generated by populations of new growth, development and regeneration areas. It uses information that Sport England has gathered on who uses facilities and applies this to the actual population profile of the local area. This ensures that the calculation is sensitive to the needs of the people who live there.

The Marlborough C of E School playing field, situated on the south side of Shipton Road, currently provides a total of 9 grass playing pitches (2 full size football pitches, 2 senior rugby union pitches, 2 rounders pitches, 1 cricket pitch and 2 softball pitches). It is available for community use at weekends (09.00 – 17.00) The Illustrative Layout (drawing numbered SK027) shows no development on this part of the application site, raising a question as to why it has been included. The Land Use Parameter Plan (drawing numbered P300) benignly describes it as "Multipurpose Green Space". However, the Design and Access Statement (pages 106-108 and figures 103 and 104) contains options for development of the proposed primary school on the playing field and/or staff parking and a drop-off zone (page 112 and figure 106). None of these options fulfil the circumstances described in any of the exceptions to Sport England's Playing Fields Policy or accord with paragraph 74 of the NPPF.

Notwithstanding the potential benefits of the scheme for Old Woodstock Town Football Club, while the Marlborough C of E School playing field remains within the application site boundary and the options described in the Design and Access Statement form part of the proposal, the principle of the development cannot be considered acceptable.

This being the case, **Sport England objects to the proposal** the subject of this application.

In order to overcome the objection, the applicant will need to do the following:

1. Submit a revised location plan which excludes the existing school playing field from the northern part of the application site.
2. Provide a clear explanation for the number and type of playing pitches to be provided to meet the needs of residents of the proposed development.
3. Provide a plan to demonstrate how the proposed pitches and other outdoor sporting facilities can be accommodated on the site in addition to the proposed football ground.
4. Clarify when the proposed sports facilities will be provided in relation to a specific phase or phases of the development.
5. Identify specific leisure centre improvements intended to benefit from the s.106 contributions.

**Additional comments** have been received and are attached as appendix 6. It will be seen that their initial objection is retained as follows

*There is considerable uncertainty whether the design of the proposed sports facilities will be fit for purpose. There is further uncertainty over the management and maintenance of the proposed facilities, raising doubt over their long-term sustainability. It has not been demonstrated that the new sports facilities have been planned for in a positive and integrated way in accordance with paragraph 70 of the NPPF, in order to meet needs that have been identified through a robust and up to date assessment carried out in accordance with paragraph 73 of the same. This being the case, **Sport England maintains its objection to the proposal** the subject of this application.*

### 3.18 **Thames Valley Police comments**

As you may be aware TVP has undertaken an assessment of the implications of growth and the delivery of housing upon the policing of the West Oxfordshire and Cherwell areas and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of policing developer contributions towards the provision of infrastructure will be required. This assessment and information has been fed into both Council's Infrastructure Delivery Plans and is acknowledged by the Councils as a fundamental requirement to the sound planning of the area.

The additional population generated by the development will inevitably place an additional demand upon the existing level of policing for the area. In the absence of a developer contribution towards the provision of additional infrastructure then TVP consider that the additional strain placed on our resources and therefore ability to adequately serve the development will have implications for TVP's ability to adequately police the new development and surrounding area

They have sent in an extensive letter justifying this position, which is available on file. They itemise and cost a contribution for extra staffing, staff set-up costs, vehicles, mobile IT, radio coverage, ANPR cameras, premises and control room capacity amounting to a total request for £508592.

### **3.19 Natural England**

Initially NE objected to this proposal due to the potential impact upon the Oxford Meadows Special Area of Conservation and the Blenheim Park SSSI. However following the submission of additional information they have withdrawn that objection and comment that they recommend that a monitoring and mitigation package is conditioned to record any changes in the SSSI vegetation as a result of the increased NOx, and to mitigate for any changes that may occur.

The withdrawal of Natural England's objection to this application does not necessarily mean that all natural environment issues have been adequately addressed, but that we are satisfied that the specific issues that we have raised in previous correspondence relating to this development has been met. Natural England, as stated in previous correspondence, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context.

### **3.20 Oxford Airport**

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with the safeguarding criteria. Therefore they do not object subject to conditions

- To minimise bird activity
- Ditto during construction
- Control of packaging
- Control of lighting/floodlighting
- Control of cranes during construction
- Restriction of water bodies
- Risk assessment

### **3.21 CPRE**

CPRE Bicester & CPRE West Oxfordshire Districts are writing jointly to object to this proposal on the following grounds:

1. This proposal is on a massive scale and is both premature and surplus to need. Housing on this scale constitutes a strategic development. This area was not selected for strategic development within the West Oxfordshire or the Cherwell Local Plans.

The current Cherwell Local Plan submission document has identified sufficient land to meet housing targets. The Local Plan does not identify a need to more than double the housing in the Woodstock area. While we await the Inspector's conclusions, it seems clear that the outcome should not be pre-empted by determining this individual application in isolation. The Inspector will either:

- a. Agree that the local plan is appropriate, in which case this application should also be viewed as inappropriate; or
- b. Suggest changes to the local plan that will require further consultation.

2. The development is of a disproportionate and unsustainable scale. It would more than double the size of Woodstock (from ~1300 homes to ~2800). It offers no compensating infrastructure improvements nor demonstrated employment benefits to the existing town.

3. The character and setting of the Woodstock town conservation area will be irreparably damaged both by the development on its outskirts and the resultant traffic and pressure on parking

4. The development is designed to be largely self-sufficient and will not have good links into Woodstock. The effect will be to create a separate 'satellite town' on the outskirts. This, coupled with the inclusion of a medium sized new supermarket, will be detrimental to the existing town centre.
5. The development borders the Green Belt on Upper Campsfield Road and would result in the creation of a ribbon of urbanisation linking Woodstock, via Oxford Airport and the Langford Lane business area toward Kidlington and Begbroke. The physical separation between the town of Woodstock and the village of Bladon will be compromised. This will inevitably have many adverse consequences for the Green Belt and landscape in the area.
6. The development will clearly generate an unsustainable level of traffic. It will increase the already severe congestion on the A44 / Shipton road, A4095 and A34. The impact on traffic will be further increased by the applicants' parallel housing development application for Hanborough and the proposed Oxford Northern Gateway. We endorse the view of Woodstock Town Council's appraisal note (document 07845125) that the applicants' traffic impact assessment is flawed. The information provided is not adequate to understand the full potential impact of the proposed development on the highway. Traffic surveys were undertaken in the last full week before public schools broke up in July 2014 and outwith the Oxford Universities' terms.
7. The knock on effects will increase pressure on minor roads and lanes in the area that will discourage cycling and other leisure use.
8. There will be an unsustainable increase in traffic using train stations in the vicinity. Long Hanborough and Combe stations are already at capacity both in terms of parking and space on the trains themselves. Traffic toward Bicester and Kidlington stations will similarly stress the road network. The Kidlington 'Sainsbury' roundabout is already at capacity for commuter traffic.
9. The proposed mitigation measures (new bus links and minor highway changes) are inadequate.
10. The site is at a strategic and sensitive historic and rural location at the SE entrance to Woodstock town facing the main entrance to Blenheim Palace. It will be overlooked by the palace grounds. This will detract from the character, appearance and setting of this World Heritage Site. We note that both English Heritage and the UK National Committee of ICOMOS (which advises UNESCO on cultural World Heritage Sites) have registered objections on this point. ICOMOS-UK considers that the application has given inadequate consideration to the overall impact of the development and that the visual impact assessment that has been performed is inadequate.
11. The proposed development will cause irreparable harm to highly valued agricultural land as well as the character of a locally prized landscape. The loss of a large tranche of farmland cannot be mitigated with respect to sustainability.
12. Several public footpaths cross the site. The urbanisation will result in a significant loss of public amenity and enjoyment. The proposed mitigation via 'creation of green corridors' and 'recreational access' are inadequate compensation for causing the deterioration of existing amenities.
13. A development of this size will have significant ecological effects on a wide number of native species. The proposed mitigation measures rely heavily on the creation of Plantings scheme includes 6.54 ha of newly created woodland

composed of a native species mix. It is difficult to see how this can be reconciled with the constraints imposed by the proximity to the airport.

14. The applicants are citing the need to raise money to pay for repairs to Blenheim Palace as special circumstances to justify the development. The Planning Committee are not permitted to take the identity or needs of an applicant into any account.

15. We note that Woodstock residents and Town Council have registered an overwhelming majority in opposition to the proposal. The applicants' claim to have engaged and consulted with residents should be rejected as inadequate.

16. Given that the proposed site is within both West Oxfordshire and Cherwell Districts, it is likely to create difficulties in cross-border administration. If it would require a proposal to alter boundaries, then we believe this should be considered upfront with appropriate consultation with local residents.

17. Notwithstanding these objections, the application is for outline approval for 1,500 homes and full approval for a phase 1 development which will erect 29 residential homes in the SW corner of the site. This approach is being marketed as having the advantage of:

a. providing substantial infrastructure that would not be forthcoming from a smaller uncoordinated development plan;

b. providing 40% affordable housing; and

c. being implemented gradually in several phases over 15 year time span, as market forces permit and to minimise the immediate impact.

It is not at all clear how these conflicting assurances can be reconciled or what guarantees or measures will be put in place to ensure delivery of the promised public ancillary facilities and associated infrastructure. We note that the outline proposal reserves all matters relating except for means of access to the development.

Furthermore, development on unallocated land should comprise at least 50% affordable housing. The Council should insist that the affordable housing and infrastructure be delivered during the first and second phase.

The focus of attention and objection is naturally drawn to the complete unsustainability of large scale strategic development on this site. We wish also to register our objections to the proposed Phase 1 (29 home development). This lies at a supremely sensitive location facing Blenheim Palace. We understand that a much smaller housing development on a part of this site was refused ten years ago. In the interim Woodstock has accommodated a significant increase in housing stock. We therefore consider the application should be refused. It is not at all clear how these conflicting assurances can be reconciled or what guarantees or measures will be put in place to ensure delivery of the promised public ancillary facilities and associated infrastructure. We note that the outline proposal reserves all matters relating except for means of access to the development.

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interim Woodstock has accommodated a significant increase in housing stock. We therefore consider the application should be refused.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Cherwell Local Plan 2011 -2031

The Submission Cherwell Local Plan (February 2015) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The examination was suspended by the Inspector, shortly after commencing in June 2014 to allow further work to be undertaken by the Council. Modifications were required to meet the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA). The proposed modifications were subject to public consultation, from 22nd August to 3rd October 2014. The examination reconvened in December 2014 and the Inspector's report was published in June 2015, and was formally adopted by the Council on 22<sup>nd</sup> July 2015.

The site is not identified as a strategic housing site in the new Local Plan. Relevant policies are

Policy PSD1 (Presumption in Favour of Sustainable Development)  
Policy SLE1 (Employment Development)  
Policy SLE 2 (Securing Dynamic Town Centres)  
Policy SLE4 (Improved Transport and Connections)  
Policy BSC1 (District Wide Housing Distribution)  
Policy BSC2 (Effective and Efficient use of Land)  
Policy BSC3 (Affordable Housing)  
Policy BSC4 (Housing Mix)  
Policy BSC 7 (Meeting Education Needs)  
Policy BSC 10 (Open Space, Outdoor Sport and Recreation Provision)  
Policy BSC11 (Local Standards of Provision – Outdoor Recreation)  
Policy BSC12 (Indoor Sport, Recreation and Community facilities)  
Policy ESD 1 (Climate Change Mitigation and Adaptation)  
Policy ESD 2 (Energy Hierarchy)  
Policy ESD 3 (Sustainable Construction)  
Policy ESD 4 (Decentralised Energy Systems)  
Policy ESD 5 (Renewable Energy)  
Policy ESD 6 (Sustainable Flood Risk Management)  
Policy ESD 7 (Sustainable Drainage Systems)  
Policy ESD 8 (Water Resources)  
Policy ESD 10 (Protection & Enhancement of Biodiversity & the Natural Environment)  
Policy ESD13 (Local Landscape Protection and Enhancement)  
Policy ESD 16 (The Character of the Built and Historic Environment)  
Policy ESD 18 (Green Infrastructure)  
Policy Villages 1 (Village Categorisation)  
Policy Villages 2 (Distributing Growth across the Rural Areas)  
Policy Villages 4 (Meeting the Need for Open Space, Sport and Recreation)  
The Spatial Strategy for Cherwell District is set out at paragraph A.11

Adopted Cherwell Local Plan (Saved Policies)

Policy H18 (New dwellings in the countryside)  
Policy S28 (Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington shopping centres)  
Policy TR1 (Transportation funding)  
Policy TR7 (Minor Roads)  
Policy TR22 (Roads in the Countryside)  
Policy C8 (Sporadic development in the countryside)  
Policy C18 (Listed buildings)  
Policy C25 (Scheduled Ancient Monuments)  
Policy C28 (Layout, design and external appearance of new development)  
Policy C30 (Design of new residential development)  
Policy C31 (Incompatible uses in residential areas)  
Policy C33 (Protection of Important Gaps)

Woodstock by-pass is identified in the adopted Local Plan (Policy TR22). The bypass is identified as a 'Scheme Protected by Oxfordshire County Council'. Paragraph 5.87 states that the County Council has resolved to protect for development control purposes the line of the Woodstock bypass shown on the Proposals Map. It also states that the scheme is not included in the County Council's programme and the line is protected to reserve the option should circumstances change. However this scheme has not been implemented and does not feature in the Council Council's Local Transport Plan review (draft LTP4).

## **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Planning Practice Guidance

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Policy and Principle
- Heritage Impact
- Heritage balance
- Landscape Impact
- Scale of development
- Indicative layout/design
- Connectivity
- Transport issues
- Park and ride proposal
- Flooding and drainage
- Loss of agricultural land
- Ecology
- Employment development
- Infrastructure including Sport and Recreation matters
- Prematurity?

### **Policy and Principle**

5.2 Section 38 (6) of the 1990 Town and Country Planning Act sets out the requirement for decisions to be made in accordance with the development plan unless material

considerations indicate otherwise. This remains the statutory position. The NPPF at paragraph 11 confirms the continued importance of the development plan in the decision making process and that the changes introduced through the NPPF do not override the importance of the plan led system.

- 5.3 The development of land at Woodstock does not accord with the Council's proposed development strategy of focusing development at Banbury and Bicester and allowing limited development in the rural areas. However, part of the application site, known as 'land east of Woodstock' is identified in the Submission West Oxfordshire Local Plan 2031 as housing potential needed to meet West Oxfordshire's proposed housing requirements.
- 5.4 The Council is able to demonstrate that it has a 5 year supply of deliverable housing land. based on the AMR published in March 2015, and including a 5% buffer. With a recently adopted Local Plan the Council is in a more robust situation than it has been for some time, and whilst the presumption in favour of sustainable development contained in para 14 of the NPPF is still applicable, the application site lies in open countryside and is not allocated for development in either the Cherwell or West Oxfordshire Local Plans and is therefore contrary to policy. The recent Kirtlington decision has confirmed that the Council is right to be applying a 5% buffer and not a 20% buffer.
- 5.5 The applicants argue in their original submission, in their technical response document issued in May, and in their most recent letter (dated 24.8.15, attached as Appendix 7) that the site can make a significant contribution towards meeting the unmet needs of Oxford identified in the SHMAA, and which has led to the Council acknowledging that their needs to be inter-authority working and an early review of an element of the Local Plan. The issue of prematurity to this work, and indeed to the examination of the recently submitted West Oxfordshire Local Plan will be discussed towards the end of the report.

### **Heritage impact**

- 5.6 The NPPF offers the following advice when determining planning applications affecting heritage assets

*131. In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

*132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest*

*significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

The submitted West Oxfordshire Local Plan contains the following policy against which this development should be assessed

***Policy EW1 – Blenheim World Heritage Site***

*The exceptional cultural significance (Outstanding Universal Value) of the Blenheim World Heritage Site will be protected, promoted and conserved for current and future generations.*

*Accordingly, proposals which conserve and enhance the attributes and components that comprise the Outstanding Universal Value of the Site, as identified in the Statement of Outstanding Universal Value Statement and in line with the Blenheim Palace World Heritage Site Management Plan, will be supported.*

*In accordance with the National Planning Policy Framework, development proposals that would lead to substantial harm to or loss of those attributes and components of the Site will be unacceptable, unless it can be demonstrated that any such harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss. Such harm will be wholly exceptional. Where development proposals would lead to less than substantial harm to those attributes and components, that harm will be weighed against the public benefits of the proposals.*

*When assessing the impact of a proposed development on the Outstanding Universal Value, great weight will be given to the conservation and enhancement of the Outstanding Universal Value and to the integrity and authenticity of the World Heritage Site.*

*Consideration of impact will be made of proposals within, or potentially affecting, the World Heritage Site and its setting, including areas identified as being of special importance for the preservation of long distance views to and/or from the Site (as shown on the Blenheim Palace Management Plan). Particular regard will be given to the design quality of the proposal (including scale, form and massing), its relationship to context (including topography, built form, views, vistas and effect on the skyline) and the implications of the cumulative effect of changes.*

*By helping to sustain and enhance the significance of the World Heritage Site, the Blenheim Palace Management Plan is a material consideration in assessing development proposals. Proposals relating to the World Heritage should seek to support the aims and objectives of the Management Plan*

- 5.7 The site is just across the A44 from the extensive parkland associated with Blenheim Palace, which is a World Heritage Site (WHS) and Grade 1 listed building and Grade 1 Park and Garden.

In the applicants Heritage and Archaeological Assessment (part of the ES) they conclude that the proposed development will not adversely impact upon the character, appearance or setting of either Blenheim Palace, the surrounding parkland, or the Roman villa. However it will be noted at para. 3.16 above that ICOMOS do not accept this, and state that they cannot support the application because of the adverse impact upon the WHS. This is a significant objection given the rarity and special nature of World Heritage sites, and the role of the body making the objection.

- 5.8 It will be seen that this concern is echoed by the WODC Conservation Officer, by Historic England (insofar as they suggest that the matter is still unresolved and that extra assessment is required), our Landscape officer, and many local residents. This view is shared by your planning officers. In our assessment the new development will be seen from areas of the Lower Park particularly, where views out from the

parkland are possible to the A44 even in summer months. Currently, except for the view of passing traffic this area of the parkland is undisturbed. Others have claimed that the site may be seen from upper floors of the Palace and in winter from the Upper Park (around the monument). At the site visit to be held on 15 September the applicants had cherry pickers erected at roof ridge heights so that Members and Officers could seek to confirm the extent of this intervisibility. Your officers had the opportunity to see this relationship earlier in the year and believe that there are areas of the Lower Park where this interrelationship is significant and that harm to the park will result. Notwithstanding the conclusion of the intervisibility assessment exercise, the proposed extensive development will be readily seen as one approaches Woodstock and the WHS from the south on the A44. You will see at para 3.8 that the Landscape Officer describes the degree of impact as an *unfortunate urban encroachment onto attractive countryside. Because of this the Magnitude of Change is Very High combined with the Very High Sensitivity of the landscape receptor, which resulting in a very high Significance of Effect rating of Substantial/Adverse.*

This is an assessment of landscape impact but clearly helps in understanding the visibility of the site upon approach from that direction

- 5.9 One of the most important approaches to the Park is along the A44, from the south east, and that whilst there is more recent development on the north side of the road, this is relatively low key, and relatively near to the historic core of the settlement. This means that the Park is perceived early, and first seen in the context of undeveloped land, not modern development. There is no doubt that the massive scale of the proposed development would change this substantially, however well handled. The proposal seeks to introduce substantial planting along the frontage with the A44 and around the southern corner of the site adjacent to the A44/A4095 roundabout. This is located and designed to screen the development rather than simply be incidental landscaping, and is a recognition that the development would need to be obscured or removed from view. The presence of such planting would dramatically alter the openness of this part of the landscape and create a strong sense of enclosure along the A44.. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate. The screening would be intrusive and fail to respond sympathetically to the character of this location, which currently reveals the undeveloped and sweeping nature of the setting of the assets.
- 5.10 Notwithstanding the intention to screen the development, its siting and scale would still be perceived, as a result of the height and layout of built form (up to 3 storeys. It would create light pollution, noise, substantial numbers of vehicle movements, general activity from a large resident population and additional street furniture/signage/road markings, all of which are cues as to an urban environment. It is notable that the main access to the A44 is directly opposite the park. The urbanising effect and influence of the scheme on the character and appearance of the area, and how it is experienced, would be substantially damaging to the setting of the Park. Such harm would not be temporary or reversible.
- 5.11 The harm to the setting of the WHS, Listed Building and Listed Garden is considered to be a significant harm that warrants refusal of the application.
- 5.12 The application site includes within it a scheduled ancient monument (SAM) – a buried Roman villa, although the illustrative plan indicates that the SAM would be contained within a central open space area. The proposal would however arguably impact upon the setting of that monument. in paragraph 3.15 above Historic England initially stated

*The development could also cause harm to the significance of the scheduled monument, Blenheim Villa, through the impact upon its setting. The villa enjoyed a rural setting with an aspect towards the south-east and this aspect would be blocked by the proposed new dwellings. Any public benefits of the proposal will need to be weighed against the harm caused, and there is not as yet sufficient clarity either on the possible effects, or on whether the heritage benefits claimed for the application lead to the need to cause these effects*

And WODC Conservation Officer says (para 3.11 above)

*The outline of the SAM boundary appears to be relatively arbitrary and further investigative work is required to determine the precise extent of the archaeological remains. The development needs to be designed in order to preserve the archaeological remains in-situ and to avoid future damage to them. This can only be achieved following detailed archaeological investigative work. Careful consideration will also need to be given to retaining a setting to the scheduled ancient monument, but this can only be done once the precise extent has been established*

- 5.13 It will be noted from their latest correspondence that Historic England retain their position that the setting of the SAM is likely to be seriously harmed by the proposed development

#### **Heritage balance**

- 5.14 The applicants have submitted a document entitled “Securing the future of one of the nation’s greatest heritage assets” which includes a section which seeks to demonstrate that the development will ensure that the WHS becomes fully funded for its future maintenance programme for the foreseeable future (see appendix 8 for pages 9-14 of that document). The applicants have supplied a legal opinion which suggests that the weight to be attached to the significant heritage benefits of providing long term funding for the upkeep of the Blenheim Palace WHS should be given the greatest possible level of weight, but the opinion does not seek to balance the objections to the scheme against that weight.
- 5.15 Your officers have sought legal advice upon materiality of this as a consideration and assistance in gauging the weight that should be attached to this consideration
- 5.16 Counsel has referred to Historic England’s “Enabling development and the conservation of significant places” guidance which contains a definition of enabling development as follows

*1.1.1 ‘Enabling development’ is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. While normally a last resort, it is an established and useful planning tool by which a community may be able to secure the long-term future of a place of heritage significance, and sometimes other public benefits, provided it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to land as a result of the granting of planning permission for its development.*

The applicant has stressed that they do not seek to demonstrate a true enabling argument. Counsel therefore suggests the appropriate case law is not a case concerning the Royal Opera House, but instead refers to R( Sainsburys Supermarkets)v Wolverhampton CC in which it was stated that the local authority may balance the desirable financial consequences for one part of a scheme against

the undesirable aspects of another part. This confirms that the applicant's intentions of establishing a trust fund for the future well-being of the WHS is a material consideration. The weight to be attached to the consideration is however a matter for us to decide. Historic England's views on these matters are set out in para 3.15 above. They consider that the intended charitable foundation that would receive the proceeds of the development would be an adequate vehicle to protect the public interest in how the money would be spent, but that they would want to see further evidence of whether the necessary monies could be raised in other (potentially less or more harmful) ways , before the weight to be attached to this positive benefit can be fully assessed. Your officers share this concern

- 5.17 It is necessary to assess whether the benefit of securing the future well-being of the WHS outweighs the harms that may be identified. Even if the heritage considerations establishes an overall neutral impact in heritage terms it is then necessary to go beyond that and see whether the benefit to the WHS outweighs all of the other identified objections to the proposal. This latter aspect will be dealt with at the conclusion of the report.

### **Landscape Impact**

- 5.18 A full Landscape and Visual Assessment (LVIA) accompanied the application. The conclusion of that assessment was that the landscape has the capacity to accommodate some change. It says that the site is not subject to any landscape designation and that it plays no specific role in defining the character of Woodstock or the surrounding area.

It concludes that the proposed development with mitigation will not cause unacceptable harm to the landscape character of the area. They say that the development will create the opportunity to bring enhancements to Woodstock and the surrounding area, specifically that the

- (i) enhancement of the A44 approach to Woodstock with new tree avenues set against a wooded backdrop , which will complement the parkland adjacent and create a new robust and defensible edge to the urban area
  - (ii) creation of accessible public open space
  - (iii) creation of green space around the Roman villa site allowing public appreciation of the heritage asset
  - (iv) extensive new tree planting
- 5.19 It will be seen that the Landscape Officer fundamentally disagrees with this assessment. A summary of his views are attached at paragraph 3.8 above, and in full on the electronic file. He concludes that the magnitude of change is very high, and combined with a very high sensitivity of the receptors, results in a significance of impact rating of substantial and adverse , and on that basis he objects to the proposals.  
Your planning officers see no reason to disagree with this conclusion.

### **Scale of development**

- 5.20 In the submitted West Oxfordshire Local Plan the Council say that at Woodstock there is some scope for limited development within and on the fringe of the town, but that the potential impact upon the historic fabric of the town and in particular the Blenheim WHS will be a key consideration. In the strategy for the Eynsham-Woodstock Sub-area an identified SHLAA capacity of 529 houses is identified. Woodstock East is identified as a site in the WODC SHLAA, but is limited to a site of 150-180 dwellings.

- 5.21 The above points to this development being considerably beyond the scale of development being contemplated. Members will see in Appendix ... referred to in para 5.5 above that at page 3 the applicant's agent suggests that if the part of the site closest to Woodstock is accepted for that scale of development then it is expected that the part of the site in this Council's area would also be acceptable. This later point is not agreed for the reasons set out in the policy heritage impact and landscape impact sections above.
- 5.22 Furthermore, although the town of Woodstock falls outside the administrative area, your officers find it hard to accept that an almost doubling of the population and ground area coverage of the settlement could be readily assimilated by that community, even if spread out over a number of years.

### **Indicative layout and design**

- 5.23 The applicant's agents have worked closely with both Councils to address the obvious issues/concerns in the originally submitted masterplan/design codes document. The indicative plan has been revised in the Design Response Document submitted at the end of May, and which was the basis of the reconsultation exercise in June .
- 5.24 The Council's design consultants has commented as follows

#### **The Masterplan**

I think it useful that the Masterplan is now annotated and is much clearer about what the proposals comprise, and the main elements that will form the basis of the detail. The principles of development are clear and whilst there is a logic, perhaps some further exploration would help. Thus more could be made of the site's relationship with the Palace and its landscape, the juxtaposition of formality with informality, and thus make the links between the Park and the site clearer and closer. Such exploration might include the glimpses into the site from Oxford Road, the nature of that gateway into the site, greater structural formality within the masterplan, and the qualities and feature of the proposed Hensington Place. The proposals for Vanburgh Square offer the opportunity to reflect the formal parterre gardens of the Palace, such as The Italian Garden; and the formal avenue and associated planting linking Hensington Place and the A4095 does not seem fully realised.

The proposals for the entrance to the site remain un-resolved. The workshop suggested more work was needed to consider the gateway into the site to set the scene for the rest of the site and not just remain a location for larger houses. The sequence of experience as one moves from the Oxford Road to Hensington Place - the main proposed space needs greater consideration.

I would have liked to have seen greater emphasis on the N/S connectivity between Park and site. I consider these could be further discussed as detail is explored. This might help provide the recognisable identity of Woodstock that is the ambition of the proposal.

The introduction of the object building as an art hub and community centre, is positive. It will be important that the nature and form of any public art is considered in detail. Public art is a complex issue, not just what has been called, 'plonk art' - i.e. art as a wayfinder. Therefore a Public Art strategy would be welcome. The Applicant



is also right that this could be a tool as part of a Town Trail to help visitors enjoy the whole of Woodstock and benefit the whole town. The ambitions illustrated in the section on Woodstock Park would be welcome.

### **Streets**

The street sections, both existing and proposed, are very helpful in setting out and recording the characters and attributes of the main routes - and later on the implications on the new plan. Lessons have been learned and principles derived. The Codes may need to be a bit bolder - to reflect some of the principles derived from the exploration of Woodstock - though much will depend on discussions with the County's Highways Department. The prospect of the Blenheim Estate continuing to have an interest in the site long after development has been completed provides the opportunity to create the sort of environment that the proposals are aiming for ("*the special place*") and not the more 'municipal' quality, that could happen. These aspects of street design need to be clarified as they affect the nature and form of both masterplan and codes.

The Street Design section illustrations are helpful, but could be clearer on issues such as on-street parking, verges, shared surfaces and so on. The codes provide some further clarity, but would appear to be incomplete, with no clear reference to OCC Highways Department. Further work would help.

### **Parameters**

I consider the plans indicating density and heights may need some reconsideration, mainly at the gateway entrance from A44. The height of the Care Village could be raised to 3 storeys - the illustrated exemplars show up to 4. The previous masterplan indicated general suburban house-building. Whilst I recognise the developer's desire to set out the large houses in plots at the entrance, the emphasis should be on the 'processional route' from the entrance to Hensington Place. The entrance could thus be raised to 3 storeys. The vignettes on pages 55 / 99 indicate a way forward that seems to have been lost in these parameter plans and later on in the exploration of the character areas. An additional X-section is required in Section 11. The design of this entry route should be considered as a set piece in the context of its role. Thus there is a need for some further diagrams or 'proving plans' to show in more detail how this important area is dealt with.

There appear to be some minor anomalies in Parameter Plans: for instance the tertiary streets do not appear on the Movement Plan. No consolidated urban design strategy is indicated. Thus there is no indication of important frontages, landmark buildings, views / vistas and so on. It would be helpful to have two key control documents, a Townscape Regulatory Plan and a Landscape Regulatory Plan to encapsulate the main parameters.

I would like to see the rationale for the four Phasing Plans. Is all the land west of the Hae Straet hedgerow to be one Phase? If so how does that work? The strategy diagram is a bit clearer.

### **Character and codes**

Any coding document for this site needs to be clear. The Design Codes, which I assume are draft, helpfully set out broad design principles. What is not clear is what

is mandatory and what if anything is discretionary. I think that the set of rules needs to be clear. The Response Document seems to point towards generic codes that cover the whole development, which need to be more clearly set out, and the more specific codes for particular areas - which require more work. Also helpful would be an understanding of the purpose of the codes, how the coding process will be managed / amended, what procurement procedures would be required, what sustainability and energy resource efficiency will be delivered and so on. It may be useful to set out contents of the code and to agree how they will be used, the level of detail CDC / WODC / OCC and others may require and so on. A statement on Management and Public Art strategies would help.

There are some characteristics that have been sketched and encapsulate clear ideas that somehow have been weakened as the details of the plan have been set out. Generally Character Areas should not be bounded by streets but encompass them, so that both sides reflect the same character attributes. Some adjustment or overlap may be necessary. In the same way the parcellation strategy should also ensure both sides of the street are developed by the same developer teams. The exception is Hensington Place where several character attributes come together. I think it would be useful to reconsider characters A and C in the light of the comments on height and density above. The illustrations in the codes show that proposals for CA1 and CA7 are very similar, though the areas appear to have different roles.

The codes revolve around the character areas. This is fine but could require some context. So the role of the area, and the design objectives or performance criteria need to be set out for each area. These need to be accompanied by sketch plans that indicate clearly what the Applicant is required to do - not describe what the Applicant wants to build. For instance Character area CA1 brings into focus the entrance to the project, and the route to Hensington Place. Perhaps a more considered piece of urbanism would be appropriate, with some relaxed development as illustrated in the photos associated but not dominating the gateway. Sketch Plans would help the Council understand what the masterplan means. Where are the landmark / signal buildings, where could the treatments and typologies change? Plans and sections illustrating how the codes could be applied are needed, especially for the key areas to avoid ambiguity. Providing greater clarity would help remove some of the uncertainty for the Council.

I think the tabular form of the code reads well, but some classifications are missing. These could include such aspects as boundaries, thresholds, encroachments, meter and cycle storage for terraces, visitor parking, service strips, waste management, gardens etc, all of which influence the quality of development. Also some of the definitions may require tightening up. For instance there is no indication of what a high-pitched roof is. If the code said minimum 45 degrees that would be clear. Should the houses along the main routes have raised ground floors and greater adaptability to allow home-working? Are the choice of materials and the themes proposed appropriate. Will the County adopt all streets? This clarification and reduction in uncertainty applies to all the codes and definitions; but this is a good start.

The street design, planting and materials used needs to be incorporated so a total design code that includes architecture, UD, landscape and street design is there for one character area. These sort of questions go through the coding section of the

Response Document and need resolving. CDC and WODC may wish to do this as part of any negotiation if approval of the development is contemplated, however the sooner this takes place the greater the confidence in the scheme..

The continuing involvement of Blenheim Trust is a great opportunity to ensure long term benefits for the town. As we are moving towards different lifestyles, tenures, demographics and work patterns such as home-working, flexibility and adaptability increase in importance, and it is worth stating that not only has the design of the project to reflect the history of Woodstock but it has to look to its future and what the Town wants to be like in 50 years plus.

- 5.25 It is clear from the foregoing that the scheme has progressed substantially and should the Committee be minded to approve the application it would be possible, with further co-operation from the applicants, to arrive at a finalised version of the indicative masterplan and a package of conditions which would produce an acceptable form of outline approval in design and layout terms, that could be the basis of a reasonable scheme. However the decision has been taken not to progress further with this work unless the Committee were minded to approve.

### **Connectivity**

- 5.26 The site is somewhat remote from the facilities offered by the town centre, especially the distant parts adjacent to A4095. The revised indicative plan shows new footpath links being provided in two places to the existing residential areas adjoining to the west, but neither provide straight-forward routes to any of the town centre facilities. Access to them will all be focussed along the existing footpath routes along the A44. A further link would be established along the north-south western boundary to be able to access the existing primary school and Marlborough School. The proposed internal footway network is extensive and will link together well the open spaces, primary school, playing fields, local centre, and employment area.
- 5.27 The concern about connectivity is considered significant but incapable of being overcome because of the siting of the development relative to the town centre, and due to its scale. Concern is also expressed about the phasing of development. Should elements of a scheme be started in the Cherwell part of the site, they will be remote from the remainder of the site and from the town centre facilities. This could potentially be dealt with by condition/agreement.
- 5.28 The concern about connectivity is further exacerbated by the decision of West Oxfordshire to refuse planning permission for their part of the site. Without that part of the proposed development the proposed section of the site in CDC's area would be separated from the town by a substantial width of open land, and the result would be to create a separate self-contained community. The submitted illustrative plans have indicated that the necessary facilities such as school, retail and community facilities would all have been proposed on the WODC side of the boundary. Your officers are not convinced that these can be provided within the land in Cherwell, and even if they can the result would be an undesirable and unsustainable separate village lying outside of both Woodstock or Bladon.

### **Transport issues**

- 5.29 Appendix 4 provides in full the County Council's comments upon the application, pages 4-17 dealing with transport. It will be seen that with one exception all technical transport issues have been adequately addressed or can be addressed in conditions/agreement. The unresolved issue relates to the proposed transport interchange –which is considered in para. 5.29 below.

- 5.30 The county set out that they will require financial contributions towards junction improvements on the A44- improvements at Frieze Way and Cassington Road plus bus priority improvements at Springhill Road and Rutten Lane. They also seek bus service improvements contributions, bus stop improvements, TROs, public rights of way improvements, travel planning matters including a car club and various Section 278 works.
- 5.31 Woodstock by-pass is identified in the adopted Local Plan (Policy TR22). The bypass is identified as a 'Scheme Protected by Oxfordshire County Council'. Paragraph 5.87 states that the County Council has resolved to protect for development control purposes the line of the Woodstock bypass shown on the Proposals Map. It also states that the scheme is not included in the County Council's programme and the line is protected to reserve the option should circumstances change. However this scheme has not been implemented and does not feature in the Council Council's Local Transport Plan review (draft LTP4). The Policy is retained as a saved policy in the recently adopted Local Plan but will be reviewed as part of the preparation of Part 2 of the Local Plan. Paragraphs 5.67-5.69 of West Oxfordshire's report to Committee (appendix 1), explains in more detail the position of the by-pass from their point of view.

#### **Transport Interchange/Park and ride proposal**

- 5.32 The application proposes a 300 space car park to act as a "link and ride" facility. The applicants explain in the Planning Statement accompanying the application that this facility would allow quick, regular and easy access to employment opportunities along the knowledge spine for residents and its hinterland
- 5.33 On page 10 of Appendix 4 the County Council sets out their objections to this interchange. In summary they consider that
- it does not fit with the long term strategy for Park & Ride on the A4260 and A44 corridors as set out in its emerging ( now adopted) Local Transport Plan 4 (LTP4).
  - The proposed car park is too small to fulfil the function required in LTP4 – 1100 spaces needed
  - No scope for expansion
  - Unanswered questions about operation – who operates/charges/frequency
  - Undermining the successful implementation of the Oxford Transport Strategy
- 5.34 On page 7 of Appendix 7 the applicants seek to overcome the County Council's concerns by offering that the consent for the interchange be limited to a 10 year temporary permission, or renewed on an annual basis. It is known that this offer has previously been tabled with OCC, but that it did not find favour with the County Council officers. Finally the applicants indicate that if this were an issue with this Council they are prepared to remove the interchange from the application. It is not indicated what the land would be proposed for as an alternative. Your officers support the County Council's position , and therefore a reason for refusal is advanced.

#### **Flooding and drainage**

- 5.35 At paragraph 3.13 above the Environment Agency raise no objections and comment that

*We consider that the FRA provides a suitable level of detail to support the hybrid application. We would expect that additional surface water drainage details are submitted to support future reserved matters applications. The FRA recommends that as the design and layout of the development progresses and attenuation volumes for the main pond storage are refined, a drainage plan detailing the flow rates to be expected from each parcel or the development will be produced. This will help ensure that all phases of development comply with the principles established within the report which is an approach we would support.*

It would appear therefore that this matter can be dealt with by condition

- 5.36 Thames Water at paragraph 3.12 above confirm that sewerage capacity is not an issue, but with regards to water supply they say that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. They consider however that a condition requiring an impact assessment would be sufficient to identify the capacity requirement and a connection point. They have not recommended refusal.

### **Loss of agricultural Land**

- 5.37 The Environmental Statement provides information on this matter it says that

*To support a mixed use planning application West Waddy ADP requested that ADAS determine the Agricultural Land Classification of land at Woodstock. Of the approximately 70.4 ha of land an area of 48ha was surveyed. The remaining land had previously been classified by ADAS on behalf of MAFF (now Defra with reports available from Natural England).*

*The 1:250,000 scales Provisional Land Classification Map of the area shows the site as Grade 3. The area is underlain by limestone resulting in shallow soils and the detailed fieldwork undertaken for this study confirms the site as Subgrade 3b.*

*The loss of 59.74ha of Subgrade 3b land which contains areas of Grade 4 within it, will not have a significant effect on national agriculture but the cumulative effect of the loss of land from this and other development sites in the area will need to be considered.*

*Surplus soil could be used to restore other sites which are short of soil, to preserve the soil and retain soil functions such as water and carbon storage.*

- 5.38 Natural England is the statutory consultee for applications involving the loss of 20 hectares or more of Grade 1,2 or 3a agricultural land . They have not objected I this case.

### **Ecology**

- 5.39 Natural England initially objected to the application, but by letter dated 26<sup>th</sup> March 2015 they withdrew their objections and stated they are satisfied that the proposed development will not have an effect on nitrogen deposition of mean NOx concentration on Oxford Meadows SAC. They also indicated that they are content that the development would not cause significant harm to the Blenheim Park SSSI. No other ecological issues are outstanding.

### **Employment development**

- 5.40 The application has been amended to decrease the amount of housing and increase the employment provision from 7,500sq.metres to 13,800sq.metres, with the land being allocated on the indicative masterplan on the A4095 frontage. The applicants indicate that this latter change was encouraged by officers, but this seems to have been a mis-understanding. The applicants indicate that this floorspace could provide

300 jobs and that in their opinion the site is well placed to provide sites for the knowledge based economy or for firms related to Oxford Airport.

5.41 However the provision of employment opportunities on the application site is inconsistent with the Local Plan strategy which focuses employment development at Banbury and Bicester. The proposals would not make use of existing employment sites and/or previously developed land. Policy SLE1 of the newly adopted Local Plan requires that justification be provided and policy criteria met for employment proposals in the rural areas. If the proposals are implemented jobs would be provided which would assist in improving the sustainability of the new development, through the provision of a mix of uses. However the vast majority of new residents are likely to work elsewhere generating trips to other settlements and employment areas, a significant proportion of which would be by private car. The potential impacts of new employment development on the natural and historic environment and the character of the area will also need to be considered carefully including locating employment and residential development in close proximity.

5.42 Policy SLE1 is a criteria based policy and says the following

New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:

- They will be outside of the Green Belt, unless very special circumstances can be demonstrated.
- Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.
- They will be designed to very high standards using sustainable construction, and be of an appropriate scale and respect the character of villages and the surroundings.
- They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.
- The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).
- The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.
- There are no suitable available plots or premises within existing nearby employment sites in the rural areas.

5.43 In your officers opinion the proposed employment floorspace fails to provide adequate justification for its location, beyond improving the sustainability of the mixed use housing development, which as set out above is itself considered to be contrary to policy. No indication of scale or design is of course provided, so the acceptability of the buildings and uses is difficult to assess. No information has been submitted to demonstrate that there are no other alternative sites within existing or planned sites in the rural area.

## Infrastructure

- 5.44 The application proposes education and social infrastructure, sports and leisure provision, namely a primary school a new football ground for Woodstock football club, a mixed use games area , formal sports areas, a community building and large areas of open space .
- 5.45 The development is likely to generate the need for a 2 form entry primary school , which the applicants intend to make arrangements to provide on-site. It is noted that the illustrative masterplan does not comply with the County Council's standard requirements for a primary school site with regards to access and position within its own site relative to the boundaries, but these matters are capable of being overcome at reserved matters stage.
- 5.46 The development is likely to generate significant numbers of secondary school age pupils. This need would need to be met by a significant expansion of Marlborough School, which lies adjacent, by requiring developer contributions. The County Council will also require further contributions for other types of education provision
- 5.47 The proposal includes the relocation of Woodstock Football Club to the site. The club is currently located at Recreation Road where the ground is of limited size and constrained by other development around it. The characteristics of the site and facilities available mean that the club has not been able to progress to a higher league.
- 5.48 Sport England has queried the provision as regards the football ground and adjacent multi-use games area. The football ground would have its own grass playing pitch and a requirement for a practice pitch. However, in terms of the playing surface, there is a difference between an artificial grass pitch suitable for football and one designed for a range of other sports. This issue has not been resolved to date. WODC Leisure and Communities Officer notes that the football ground and all weather pitch will both need floodlights. However, no details have been provided as to the location scale and appearance of floodlighting. Football Association standards for the construction of the pavilion should feature within the detailed design to enable the club to access facility grant funding from the Football Foundation in the future. The number of changing rooms provided will need to be sufficient to serve the natural turf pitches and the all-weather pitch while operating in tandem.
- 5.49 An area to the south east of the football ground is indicated to provide a number of courts/pitches, but their specific sports use is not defined. It is also unclear whether it is intended for changing rooms, pavilions, or other facilities to be provided in connection with these sports/recreational areas. One pitch is separated from the others by a road which could present practical and highway safety issues.
- 5.50 The masterplan indicates that the existing school playing field at the north west corner of the site would remain as a playing field and there are no proposals to develop this part of the site under the indicative arrangements. Nonetheless, as it is included within the red line, this could change. If so, details would need to be provided as to equivalent or better provision to off-set the loss of existing provision.
- 5.51 Phasing of sports provision would need to be agreed, although it is noted that the applicant intends to develop the football ground and adjacent all weather pitch early in the construction programme. It is not clear how community use will be secured for

the various sports facilities and this would need to be agreed and established via a formal community use agreement.

- 5.52 Whilst the intentions of the applicant as regards the overall amount of formal sports provision are welcomed, Sport England maintains its objection in relation to concerns about the future of the school playing field, the intended use of the pitch to the west of the football ground, and the further sports facilities shown elsewhere on the site. It is necessary to establish that all the sports facilities will be fit for purpose and sustainable in the longer term.
- 5.53 The masterplan shows a large area of open land in the central part of the site and many other smaller areas of open space which will assist in the provision of a well greened and attractive townscape. From discussions held with the applicant it is understood that Blenheim would retain ownership and control of all these areas and hence the maintenance liability. These arrangements would need to be secured through a binding agreement which would specify standards for play provision, timing and maintenance regime.
- 5.54 The application proposes a community building. Again the provision and standard of this building and arrangements for its future management would need to be secured by legal agreement.
- 5.55 The applicant has indicated that they are prepared to make provision for affordable housing to meet the Council's policies. The policies differ with regards to the percentages required. No negotiations have been held on such matters but it is not anticipated that this would be a significant stumbling block. It will be noted that the relatively standard reason for refusal on the lack of an agreement is recommended. Should the applicant proceed to appeal the Council would seek to reach a mutually acceptable position on all infrastructure contributions , and therefore this reason is likely to be able to be overcome.
- 5.56 The County Council's requirements for infrastructure contribution are contained in Appendix 4 and include A44 junction improvements ( Cassington Road and Frieze Way), bus priority arrangements, bus service improvements , Bus stops, TROs, Public Rights of Way improvements, travel planning, education contributions, and other contributions to library services , waste management ,adult day care and OCC waste.
- 5.57 In the light of the intended play/sports provision the Council's other infrastructure requirements are likely to be limited to securing appropriate mechanisms for their provision rather than monetary contributions. An update on this position will be given at the Committee

### **Prematurity**

- 5.58 The application is a substantial strategic proposal which is being submitted in advance of both the County-wide co-operative work to seek to resolve Oxford's apparent housing land shortage, and the Examination of the recently submitted West Oxfordshire Local Plan. Clearly the matter of prematurity with regards to the latter is for WODC to consider.
- 5.59 Whilst preliminary work is underway with regards to the early partial review of the Cherwell Local Plan to consider the Oxford housing issue, any scope in that review that may open up for this development is not a relevant consideration at this time , and it is therefore considered to be premature for the application to rely on this



upcoming review insofar as it seeks to do so – which is fairly substantially in the applicants documentation. Consideration has been given to whether this should represent a further reason for refusal. This is not pursued in the recommendation

## **Conclusions**

- 5.60 The proposed development would result in unnecessary and undesirable new housing development in open countryside in that the application site is not allocated for development in either the adopted Cherwell Local Plan 2011-2031, the West Oxfordshire Local Plan 2011, or the Submission West Oxfordshire Local Plan 2031. Cherwell District Council is able to demonstrate that it has a 5 year supply of deliverable housing land and the development of land at Woodstock does not accord with the Council's development strategy of focussing development at Banbury and Bicester and allowing only limited development in rural areas. Furthermore the proposed employment development of the scale proposed is inconsistent with the Cherwell Local Plan strategy which focusses employment development at Banbury and Bicester or on existing employment sites elsewhere.
- 5.61 The proposal would result in a significant loss of open countryside and would cause harm to the character and appearance of the countryside.
- 5.62 The proposal is poorly connected to the existing town of Woodstock and the facilities that it offers. It is now known that WODC consider the part of the development in their area to be unacceptable for a large number of reasons and the concern about connectivity is compounded in the event that that area remains undeveloped. The result would be an undesirable and unsustainable separate village.
- 5.63 It has not been demonstrated that the development, by reason of its siting, size, and height of buildings, will not have a significant and adverse detrimental impact upon the Blenheim Palace and Park World Heritage Site, the Grade 1 listed building, and the Listed Garden which would impact upon visitors experience of the WHS and other heritage assets both on their approach to it from the south along the A44, and whilst within the park.
- 5.64 It is necessary to balance against the above concerns the applicant's intention to utilise some of the proceeds from the development to secure the future well-being of the Palace and the World Heritage site. It is acknowledged that this is a significant material consideration. However this benefit has to be balanced against both the harm to the heritage interests, and against the substantial other potential reasons for refusal. Your officers share Historic England's concerns that it has not been satisfactorily demonstrated that the money necessary needs to be raised in this way.
- 5.65 On balance, our conclusion is that the substantial planning housing and employment policy, countryside impact, connectivity, sports provision and infrastructure provision matters, together with the heritage concerns, outweigh the heritage benefits of this scheme, and the proposal should be refused.

## 6. Recommendation

Refusal for the following reasons:

1. The proposed development would result in unnecessary and undesirable new housing development in open countryside in that the application site is not allocated for development in either the adopted Cherwell Local Plan 2011-2031, the West Oxfordshire Local Plan 2011, or the Submission West Oxfordshire Local Plan 2031 . Cherwell District Council is able to demonstrate that it has a 5 year supply of deliverable housing land and the development of land at Woodstock does not accord with the Council's development strategy of focussing development at Banbury and Bicester and allowing only limited development in rural areas, and therefore the proposal is contrary to Policies BSC 1 AND Policy Villages 1 of the Cherwell Local Plan 2011-2031 and to Policy H18 of the saved policies of the Cherwell Local Plan (1996)
2. This substantial development proposal would result in a significant loss of open countryside and have a substantial and adverse impact upon the character and appearance of that countryside and therefore be contrary to Policy ESD13 of the Cherwell Local Plan 2011-2031.
3. It has not been demonstrated that the development, by reason of its siting, size, and height of buildings, will not have a significant and adverse detrimental impact upon the Blenheim Palace and Park World Heritage Site , the Grade 1 listed building, and the Listed Garden, or the Blenheim Villa Scheduled Ancient Monument, which would impact upon the setting of these assets and visitors experience of the WHS and other heritage assets both on their approach to it from the south along the A44, and whilst within the park, and would therefore be contrary to Policy ESD16 of the Cherwell Local Plan 2011-2031. It is considered that the evidence to support the applicants case for securing the future of the World Heritage site is not sufficient to outweigh this concern
4. The proposed development would be poorly connected to the existing facilities offered by Woodstock, with the principle effective pedestrian/ cycle route being along the A44 .Additional proposed connections through existing housing estates are considered to be indirect and of lesser attraction to users as they do not lead to the facilities sought. Given the size of the site walking and cycling distances from the southern/eastern extremities of the site are excessive. The proposal is therefore considered to contrary to Policy SLE 4 of Cherwell Local Plan 2011-2031
5. Given the refusal of planning permission by West Oxfordshire District Council for their part of the site the remaining development would result in an unconnected and isolated community in an unsustainable location poorly related to either Woodstock or Bladon, and it has not been demonstrated that the necessary facilities for the community could be provided in a satisfactory manner within the remaining area, and therefore the proposal would be contrary to Policies PSD1,Policy Villages 1 and 2, and Policy INF 1
6. The transport interchange (formerly Link & Ride) car park is contrary to

transport strategy as set out in the Oxford Transport Strategy that forms part of the adopted Oxfordshire County Council Local Transport Plan 4, 2015 – 2031.

7. The provision of employment development of the scale proposed is inconsistent with the Cherwell Local Plan strategy which focusses employment development at Banbury and Bicester or on existing employment sites elsewhere. No attempt has been made to address the criteria set out in Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 and therefore the proposal is contrary to that Policy
8. It has not been demonstrated to the satisfaction of either the Local Planning Authority or Sport England that the proposed sports facilities have been planned in a positive and integrated way in accordance with Paragraph 70 of the NPPF and may not therefore be fit for purpose, accessible and sustainable, and therefore the proposal is contrary to Policies BSC10 AND BSC 11 of the adopted Cherwell Local Plan 2011-2031
9. By reason of a lack of a satisfactory completed S106 legal agreement to ensure that the development adequately mitigates its impact on community infrastructure and secures the provision of affordable housing, the local planning authority cannot be satisfied that the impacts of the development in this respect can be made acceptable. Consequently the proposals conflict with the requirements of Policies BSC3 and INF1 of the Cherwell Submission Local Plan as well as paragraphs 17, 203 and 204 of the National Planning Policy Framework

## Agenda Item No. 4

Application Number	14/02063/OUT
Site Address	Land East Of Woodstock Oxford Road Woodstock Oxfordshire
Date	10 <sup>th</sup> September 2015
Officer	Catherine Tetlow
Officer Recommendations	Refuse
Parish	Woodstock
Grid Reference	445519 E 216334 N
Committee Date	21st September 2015

**Application Details:**

Outline Planning Application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to a 120 unit care village (C2) with associated publicly accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publicly accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works

**Applicant Details:**

Vanbrugh Trust And Pye Homes Ltd.  
C/O Agent

**I CONSULTATIONS**

- 1.1 Woodstock Town Council
- The Town Council has submitted two separate representations via their planning advisors Kemp and Kemp.
- The first letter dated 18/02/15 makes the following conclusions about the application:
- The proposal is contrary to adopted planning policy and the spatial strategy for both local authorities. Therefore, according to the Town and Country Planning Act 1990 and Section 38(6) of the 2004 Act, plain permission should be refused.
- The development would be premature to the Councils developing Local Plans which seek to allocate development in the most sustainable locations.
- It will cause significant and irreparable harm to the setting of the World Heritage Site and Scheduled Ancient Monument.
- The proposal will cause wider landscape harm and the coalescence of two historic settlements.
- There will be serious detrimental effects on Woodstock's Town Centre and the local environment.
- The Transport Assessment has significant information gaps which means the full traffic impact of the proposal is not known.
- The applicants have based their arguments on sustainability factors but have failed to take account of the negative impact on sustainability as regards environment, economic and social considerations.
- The Council would be seriously remiss in approving this application and should therefore take the only possible decision in the circumstances and refuse planning permission.

These comments were supplemented with an assessment by Glanville in relation to highways matters. These conclude as follows:

Further information will be required to understand the baseline situation against which future proposals can be properly assessed. This includes establishing the validity of surveyed traffic flows, provision of traffic flow diagrams, and junction layout diagrams to scale.

Proposed development traffic generation should be reviewed together with further explanation of assumed distribution and assignment.

Justification and information on how the proposed link and ride facility would operate should be provided.

Information appropriate for the detailed planning application element of the scheme should be provided.

Proposed site access junctions should be further considered in line with relevant DMRB guidance to ensure safe and viable access from the strategic highway can be provided.

The subsequent comments received following re-consultation are as follows:

The proposal is not needed strategically by either District Council to meet its housing needs.

It would be premature to the collaborative working between all Oxfordshire authorities to establish the most appropriate plan led approach to meeting Oxford's unmet housing need (an approach validated by Government Inspector).

The amended proposal in no way addresses WTC's initial objections in terms of the significant negative effects the scheme will have on Woodstock's Town Centre and the wider historical and natural environment.

The Council would be seriously remiss in approving this application and should therefore take the only possible decision in the circumstances and refuse planning permission.

1.2 WODC - Arts

The scheme would trigger a contribution for public art.

1. The developer would be required to come up with a public art plan for the site. This must accompany any subsequent application. This would need to show how the developer will incorporate public art within the development to enhance its design quality and legibility.

2. A contribution towards temporary public art in the form of community led activity post-occupation should be set aside. This will focus on supporting the new residents to build community activity and a sense of identity.

3. Public meeting spaces should be provided.

1.3 WODC Architect

Advice incorporated into report.

1.4 WODC Drainage Engineers

No objection subject to condition.

1.5 WODC Planning Policy Manager

Objects on the following grounds:  
Contrary to Policy H7.

The Council considers that it can demonstrate a 5 year supply of land for housing and is challenging the findings of the SHMA through the

revised local plan examination.

Part of the site has been identified as suitable for housing development in the SHLAA for around 180 dwellings. However, the site as a whole outweighs the level of need identified in the emerging plan.

The scheme will need to make a policy compliant contribution to affordable housing.

Contributions will be sought to address impact on local infrastructure.

Notwithstanding objection to the scheme as a whole, the site should take advantage of its position by incorporating a meaningful employment area as a proportion of the whole.

There is no obvious buffer to separate the residential and employment uses.

An ecologist should be consulted to ensure policy compliance as regards biodiversity.

Phasing would need to be agreed.

We need to be fully satisfied that the retail element will not harm the functions of the town centre and therefore a retail impact assessment should be carried out.

The land within Cherwell has not been included in the Cherwell Local Plan to meet their identified housing requirement.

Meeting Oxford's unmet need will be addressed through joint working being co-ordinated by the Oxfordshire Growth Board. Until this work is completed there can be no certainty about whether the site represents a preferred option for accommodating Oxford City's unmet need.

The development would be disproportionate and of an inappropriate scale to its context.

The scale of development is such that it cannot be considered to be of community benefit. It is likely to have a harmful effect on the local community.

The development would not form a logical complement to the town of Woodstock.

Highways and transport considerations will need to be fully addressed and resolved in consultation with OCC Highways.

Although the Council commissioned Kirkham landscape review only considered a small parcel of the total site area, it provides some useful principles that have not been followed in the proposal, such as the retention of undeveloped land to the south of the site. Even if the suggestions were followed, the sheer scale of the development is unlikely to respect the small scale, historic character of the town and will harm this important approach to Woodstock.

1.6 WODC Env Health - Uplands

No objection subject to conditions.

1.7 WODC - Sports

Relocation of football club.

1. The site currently occupied by the football club should be retained and maintained as public open space with the ownership transferred to the Town Council.

2. The football club car park is currently used by users of the community centre it is therefore desirable to retain car parking in this location as there is currently no car parking at the community centre which is on the opposite side of the road. Additional car parking would also be useful for the youth club to increase the desirability of hiring

out their facility. Possibility in the future that changing rooms could be added to the youth club which would mean the football pitch could be used and hired, again and this would also need adequate car parking. Having a community building such as the youth club on the site also makes the site desirable for community events (fetes etc).

3. The natural turf Football pitch and all weather pitch both need floodlights. It's not clear from the DAS how community use will be secured for the all-weather pitch and natural turf pitches and pavilion building. This will need to be agreed and established via a formal community use agreement.

4. Football Association standards for the construction of the pavilion should feature within the detailed design to enable the club to access facility grant funding from the Football Foundation in the future.

5. The number of changing rooms provided will need to be sufficient to serve the natural turf pitches and the all-weather pitch while operating in tandem.

6. The specification for the all-weather pitch should be in accordance with Sport England guidance.

7. To facilitate access and usage it would be preferable to swap the location of the football facilities with the Primary School location, this would place them adjacent to the existing Marlborough School Playing Fields and offer the potential for enhanced shared use arrangements.

#### Woodstock Outdoor Swimming Pool

A condition survey commissioned by the Council has identified the need for £286,000 of investment. A commuted sum will be required towards this work.

#### Care village

The DAS refers to the inclusion of a gym and indoor pool and talks about the possibility of these being available to the general public. This is a desirable outcome; the applicant will need to explain how this can be achieved in practice.

#### Play Facilities/Public Open Space

The specification, type and locations of on-site play provision will need to be agreed with both Councils relevant departments as part of the master planning process. Commuted sums for maintenance will be required. On-site play areas/public open space (within WODC geographical boundary) will either be transferred to the ownership of Woodstock Town Council (subject to their agreement) or a management company.

1.8 WODC Env Services -  
Waste Officer

WODC would not be interested in taking over management of the public open space and clear provision for how these areas will be managed and maintained will need to be given in the Section 106 agreement for the development.

Environmental Services would like a contribution from the developers towards the maintenance of woodland on Brook Hill and Westland Way, Woodstock. £10,000 would pay for a full tree survey in these locations and for tree maintenance as required.

Please ensure the impact of proposed structural landscape on the householders is fully understood and that choice of species and locations for new planting will not cause long term nuisance in terms of damage to properties or issues caused by the natural life cycle of the trees. No trees should be planted within 8m of any structure, unless it can be shown by soil analysis that there is no risk of subsidence. Species of tree should be chosen to ensure their ultimate size does not present a risk of damage to the proposed structures. Care should also be taken to avoid species which are at risk of contracting notifiable diseases.

The existing field boundaries and woodland areas within the site should be retained and protected from the development of buildings or walls closer than 15m.

A sustainable drainage scheme will need to be produced to the approval of the Principal Engineer.

Waste service requires 6 bins per dwelling in the WODC area.

- 1.9 WODC Head Of Housing In the case of Woodstock the expectation would still be for 50%. The Council's Housing Enabling Officer has advised that there are currently 157 households on WODC's housing waiting list who would qualify for affordable housing in Woodstock were it available today. Of these 30+ households are older people who would benefit from the opportunity to move to extra care housing in use class C3. However, institutional care under use class C2 is not, in the opinion of the Council's Housing Enabling Officer, the most sustainable solution for locally identified need. In terms of the remaining 120+ households, WODC would as a guide seek unit types of 65% for smaller households, e.g. 1 and 2 bedroom homes, 30% 3 bedroom family homes and no more than 5% larger 4 bedroom family homes.

1.10 One Voice Consultations

Transport

Transport interchange is contrary to County Council Policy as set out in LTP4.

All other technical transport concerns raised previously have now been adequately addressed or will be addressed by conditions or legal agreements and reserved matters submissions.

Archaeology

There are issues concerning

1. The setting of the Scheduled Ancient Monument
2. The close proximity of the development to its eastern side
3. The effect of the development upon World Heritage site

These will need to be resolved before a decision can be reached.

Education

This development lies within the school planning area of Woodstock. The scale of the proposed housing would require a new primary school site and buildings to be provided. Section 106 developer contributions



totalling £8,068,000 would be required.

£3,979,740 Section 106 required for necessary expansion of permanent secondary school capacity in the area. This site lies within the current Marlborough CE School's designated catchment area (an academy).

£205,395 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision serving the development's area. SEN provision for this area is provided by a Special Resourced Unit at The Marlborough CE School, as well as by those schools serving the whole county.

#### Property

Library £59,400

Central Library £50,935.50

Waste Management £190,080.00

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Adult Day Care £255,200.00

Total\* £555,615.5

\*Total to be Index-linked using PUBSEC Tender Price Index

Administration & Monitoring £17,500

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

#### Ecology

For the District Council to comment.

#### Waste Management

1. Contributions are sought towards HWRC infrastructure to meet the demand generated by the proposed development based on the following calculation.

A HWRC designed with capacity for 17,650 households has an estimated project build cost of £3,400,000 (@1Q 14 prices)

This equates to a capital cost per household of £193

The HWRC requires a site area of 16,000m<sup>2</sup> (equating to 0.91m<sup>2</sup> per household)

Using an estimated land value of £300,000/acre =£74.14/m<sup>2</sup>

This equates to land cost per household of £67 (£74.14\*0.91)

Total m<sup>2</sup> cost/household - £193+£67= £260

Total m<sup>2</sup> cost/person (based on 2.4 average occupancy) - £260/2.4 = £108.33

Total contribution from 14/02004/HYBRID-2

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£260 x 1,200 dwellings = £312,000

2. This cost takes in to account the infrastructure required to deliver a modern HWRC with adequate facilities to maximise reuse and recycling. This ensures that OCC will comply with the EU Waste Framework Directive 2008, enacted through the Waste Regulations (England and Wales) 2011 (as amended) which demands that:

An establishment or undertaking which imports, produces, collects, transports, recovers or disposes of waste, or which as a dealer or broker has control of waste must, on the transfer of waste, take all

such measures available to it as are reasonable in the circumstances to apply the following waste hierarchy as a priority order-

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery (for example energy recovery);
- (e) disposal

3. A modern facility with reuse area and extensive recycling facilities also ensures we meet our commitments in the Oxfordshire Joint Municipal Waste Management Strategy (JMWMS) which sets out the vision for managing waste across the county. The strategy has been adopted by all councils and commits to:

Policy 3: help households and individuals to reduce and manage their waste in order to ensure zero growth or better of municipal waste per person per annum

Policy 4: provide an integrated system of collection and processing of household waste which will achieve, as a minimum:

By 31st March 2020: recycle or compost at least 65% of household waste;

## 1.11 Historic England

Summary of comments in relation to initial submission:

This major housing scheme is unusual in being proposed close to a World Heritage Site, Blenheim Palace and Park, and further evidence in the form of visualisations is needed to assess the impact. The development could also cause harm to the significance of the scheduled monument, Blenheim Villa, through the impact upon its setting. The villa enjoyed a rural setting with an aspect towards the south-east and this aspect would be blocked by the proposed new dwellings. Any public benefits of the proposal will need to be weighed against the harm caused, and there is not yet sufficient clarity either on the possible effects, or on whether the heritage benefits claimed for the application lead to the need to cause these effects.

Detailed comments will be incorporated into the report under relevant headings.

Further advice has been provided on the revised application (dated 10/09/15) as follows:

We wrote on this case in February this year (under the same reference). That letter was chiefly concerned to establish the range of heritage impacts and to discuss the framework within which the balance of decision, as regards heritage, might be seen.

As regards the heritage impacts, we concluded that there would be harm to the significance of Blenheim Villa (Scheduled Monument), although this might in part be ameliorated by changes to the layout of the scheme; that views from the World Heritage Site, specifically from the Great Park and the upper parts of the Palace, might be affected, and the contrary needed to be demonstrated; and that planting along the A44 was going to be important in reducing the visible effects on the setting of the World Heritage Site and of Woodstock Conservation Area.

As to process, any harm to the Villa (and other assets) is being countered, in the view of the applicant, by the beneficial effects claimed for the development as one that would support the World Heritage Site by providing an endowment for its repair. In our view,

this seemed to bring the case within the category of 'enabling development', in which case some forms of proof of the balance of benefit and of this being the way it should be provided, would be needed - which were then lacking.

This letter picks up those points which have been addressed by any subsequent submissions, although we have no record of being specifically asked for further comment by your authority. The Estate has provided us with some information directly, which is referred to in the later sections below.

#### Blenheim Villa

There has been some further discussion on this topic, which is briefly referred to in the 'Design Response Document' and 'Technical Response to Consultation' submitted in May. Despite the archaeological consultant to the Estate (TVAS) being sceptical about the alignment of the villa, as described in our letter, the 'Landscape Led Masterplan' (p 77) shows an area to be mowed in a rectangle which has its long side facing southeast, and the ground immediately in front of this as open for a distance before the increased tree belt along the A44 would close it. It appears that this is a response to our letter, in that it opens what is claimed as the southeast aspect of the villa. We did, in fact, describe the chief aspect in this case as ESE, and the ground plan of the villa suggests that it is a little further north than shown on this plan, so that the actual aspect would cut across the area still shown as to be fully built up. Therefore, if this proposal were built out on the indicative plans, the villa's setting would change profoundly: it would lose altogether the sense of a rural setting, and not preserve even a corridor of view from what was once, we believe, its main front. Thus, in our view, the harm remains the same as previously identified: less than substantial, but nonetheless serious.

#### The World Heritage Site - Impact

As mentioned above, we have not taken a prima facie view that there would be a substantial, or in most cases even a perceptible, effect on the World Heritage Site's Outstanding Universal Value. However we did take the view that some of the possible views out from the WHS (which of course is also an outstanding Registered Park) should be illustrated. The Technical Response does contain some new views, and No 19 is taken from the Monument (and thus from the part of the Park in question). But it faces due east, which means that it misses the actual development site. A further view is needed which is oriented actually on the site, even if the development can only be indicated as not visible. We also suggested that a view from elevated positions in the Palace would be instructive, rather than the ground level view which is now included. It is possible, now, that these questions cannot be finally resolved until the leaves are off the trees.

#### The Mechanism for Securing the Benefits

At the time of the first submissions, we pointed out that this case would make sense as an 'enabling' case. The advice on that kind of case which we wrote in 2008 is currently being revised to take account of recent secondary legislation, but it is unlikely to alter in its broad lines. In that well-accepted decision framework, it would be necessary to show that the profits from the development were to go directly to the identified purpose, and thus that the profit and the cost were

directly related.

The Estate has now supplied a document, 'Securing the Future', which makes the position a little clearer, in that 100% of the profit (after provision of necessary infrastructure etc.) would go to the purposes, and be spent by a charitable foundation, the Blenheim Heritage Foundation. Further to that, we have seen some details of how this would work, and we believe the foundation would be an adequate vehicle to protect the public interest in how the money would be spent.

However, were this a full enabling case there would be, as you know, a significant number of other issues to be resolved, such as whether the money could be raised in other ways (or only in less desirable ways), on which at this juncture we have not seen further evidence.

The Need for the Spend on the World Heritage Site

Foremost among those questions would be the need for the money. At this juncture, when the broad lines of the case have in our view not been fully drawn, we have not sought to go into the argument for the scale of expenditure needed, although if your authority wished to examine that case closely we would of course be glad to help.

At this point, then, all we can say is that the maintenance of a site like Blenheim is indeed very expensive, and that there are items of major expenditure coming forward at a rate which can probably be predicted with some accuracy and from long experience. The figures have been drawn up by a very reputable conservation practice, and it would be surprising to find that they were severely understated. If they are even close to accurate, there is a very substantial issue to be addressed by the Estate and it is entirely right, both for the WHS and for the heritage assets considered individually, that they are seeking to fulfil their obligations. Certainly we would expect this to be a material consideration for planning permission.

Recommendation

In our view there would be some harm to Blenheim Villa from this scheme as shown by the indicative layout; other questions of possible harm to heritage items including the World Heritage Site remain to some degree unresolved. 'Great weight should be given to the asset's conservation' (NPPF paragraph 132) in such cases. The application has not been defined as enabling, though its objective is stated as exactly that, and because of this imprecision it is not fully supported by evidence for the need to provide this development, although there is a case to answer as regards the need for the money.

Logically, the case should be deferred to see if it can be put into a form where the decision can be properly weighed. If after this time this is not acceptable to your authority, the balance of the decision lies with you as to the weight to be given to the benefits against the levels of harm such as those identified above.

1.12 Sport England South East

Sport England has queried the provision as regards the football ground and adjacent multi-use games area. The football ground would have its own grass playing pitch and a requirement for a practice pitch. However, in terms of the playing surface, there is a difference between an artificial grass pitch suitable for football and one designed for a range of other sports. This issue has not been resolved to date. WODC Leisure and Communities Officer notes that the football ground and all

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weather pitch will both need floodlights. However, no details have been provided as to the location scale and appearance of floodlighting. Football Association standards for the construction of the pavilion should feature within the detailed design to enable the club to access facility grant funding from the Football Foundation in the future. The number of changing rooms provided will need to be sufficient to serve the natural turf pitches and the all-weather pitch while operating in tandem.

An area to the south east of the football ground is indicated to provide a number of courts/pitches, but their specific sports use is not defined. It is also unclear whether it is intended for changing rooms, pavilions, or other facilities to be provided in connection with these sports/recreational areas. One pitch is separated from the others by a road which could present practical and highway safety issues.

The masterplan indicates that the existing school playing field at the north west corner of the site would remain as a playing field and there are no proposals to develop this part of the site under the indicative arrangements. Nonetheless, as it is included within the red line, this could change. If so, details would need to be provided as to equivalent or better provision to off-set the loss of existing provision.

Phasing of sports provision would need to be agreed, although it is noted that the applicant intends to develop the football ground and adjacent all weather pitch early in the construction programme. It is not clear how community use will be secured for the various sports facilities and this would need to be agreed and established via a formal community use agreement.

Whilst the intentions of the applicant as regards the overall amount of formal sports provision are welcomed, Sport England maintains its objection in relation to concerns about the future of the school playing field, the intended use of the pitch to the west of the football ground, and the further sports facilities shown elsewhere on the site. It is necessary to establish that all the sports facilities will be fit for purpose and sustainable in the longer term.

1.13 Natural England

No objection - Following receipt of further information from the applicant, Natural England is satisfied that the proposed development will not have a significant effect on nitrogen deposition or annual mean NOx concentrations at Oxford Meadows Special Area of Conservation. Natural England is also satisfied that the proposed development will not cause significant harm to the Blenheim Park Site of Special Scientific Interest.

Natural England would recommend that a monitoring and mitigation package is conditioned to record any changes in the SSSI vegetation as a result of the increased NOx and to mitigate for any changes that may occur.

1.14 Thames Water

No objection in relation to sewerage infrastructure capacity. The water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development and an impact study would be required to determine the magnitude of any new additional capacity required in the system and suitable connection point.

It is also noted that there are large water mains adjacent to the site

and Thames Water will not allow any building within 5 metres of them and will require 24 hour access for maintenance purposes.

1.15 Environment Agency

No objection subject to conditions.

1.16 TV Police - Crime  
Prevention Design  
Advisor

The additional population generated by the development will inevitably place an additional demand upon the existing level of policing for the area. In the absence of a developer contribution towards the provision of additional infrastructure then TVP consider that the additional strain placed on our resources and therefore ability to adequately serve the development will have implications for TVP's ability to adequately police the new development and surrounding area.

#### Overview of Financing Arrangements

Police Forces are funded by similar if not identical HMG methods used to agree funding for all Local Authorities or other public services. The funding allocated to Police Forces via Home Office grants, the Council Tax precept and other specific limited grants is insufficient to fund in full requests for capital expenditure. Capital programmes are funded generally from a mixture of asset disposal (a finite option), redirection of revenue funding (with implications for operational policing), general capital grants or general reserves and prudential borrowing. Prudential borrowing is not a nil cost option, with any borrowing required to be repaid from revenue/income; repayments from this source having implications for the delivery of operational policing in a similar vein to redirection of revenue funding.

Multi-year funding settlements for the Police are determined in accordance with the Comprehensive Spending Review (CSR), which utilises population forecasts that are historic.

Funding is based on population figures that are 3 years in arrears, on which basis the Police Grant (revenue) received in the current financial year is based on population figures from 3 years earlier. Accordingly there is a consistent lag between the level of revenue funding potentially available and the population to be policed. Furthermore the word 'potentially' is used in the preceding sentence because the Home Office has chosen to continue its policy of not implementing the CSR Police service funding formula in England and Wales but instead allocating broadly flat rate annual funding increases to Forces which ignore the service impact of increased population within Force areas. The Government continues to provide annual Capital Grant to Forces which typically funds 20% of a Force's capital programme in any one year. The Government is revising the level of Capital and Revenue grants as part of its austerity package which is likely to cover the period 2010 to 2017. The majority of Forces fund the balance of their capital expenditure either through PFI arrangements or Prudential Code borrowing. Although PFI continues to be used by some Forces it is a diminishing resource with various shortcomings.

The funding of the Police is divided into revenue and capital funding. The revenue funding stream relates broadly to the day-to-day running costs of the Force, that is the payment and management of staff, the on-going costs relating to running and maintaining buildings and equipment and repayment of loans used to fund capital projects. The capital funding stream relates to the provision of additional buildings,

information technology, vehicles, equipment and other infrastructure items required to both sustain existing police services and address increased pressures and requirements placed on the Force as a consequence of growth in demand for services. Funding received by the Police via the Council Tax precept is used for revenue purposes and is not directed towards capital projects/programmes on the basis that directing funds towards such projects would diminish that available for the delivery of front line policing services. It is part of the remit of the Police and Crime Commissioner to allocate funding as considered appropriate to achieve the objective of providing an efficient and effective Police service. However, the pressure on revenue funding is such that it is extremely unlikely that it could be made available to finance capital projects of any significance; in practical terms the revenue budget is insufficient to fund infrastructure projects. It should be noted that in 2011 and 2012 HMG encouraged a nil increase to Council Tax. It should also be noted that even with revenue raised from the Council Tax precept there has been a recognised funding gap created by inflation and a continuing expansion of the role of the Police service and the demands placed upon it. While there has been investment from central Government, this is often ring-fenced for particular initiatives and has not kept up with the demand for services. This means that Police Forces need an increase of over 5% annually from the Council Tax precept simply to 'stand still' in terms of service provision. Given the current economic climate the cap on Council Tax will not allow this. Therefore the funding gap is likely to increase, with less money for revenue spending, let alone capital projects. At the same time Forces are typically looking at a 20% reduction in the level of the annual Police Grant (revenue) by 2014 and Capital grant is also reducing by a similar amount. Financial contributions are therefore sought based on an increase in population of 2.4 people per new household. These contributions would be towards staff, vehicles, mobile IT, radio coverage/airwave capacity, ANPR cameras, premises, and control room and Police national database capacity.

- |      |                                 |  |
|------|---------------------------------|--|
| 1.17 | WODC Env Services - Car Parking | The proposal will add to the strain in the local parking situation and impact on town centre parking.  |
| 1.18 | OCC Waste Planning Authority    | See One Voice OCC consultation   |
| 1.19 | Ecologist                       | No objection subject to conditions.  |
| 1.20 | Adjoining Parishes              | Bladon Parish Council is very concerned that the increase in traffic on the A44 and A4095 as a result of the development will be to the detriment of Bladon residents. Provision must be made to cope with this, including the possibility of adding traffic lights at the A44/A4095 roundabout. |

Combe Parish Council –

Concern that a development of the scale proposed will affect the

availability and accessibility to facilities in Woodstock.

Residents use Hanborough Station (in addition to Combe Halt) which is already at capacity in terms of parking and space on trains.

Increase in traffic.

Only a small proportion of the houses will count towards WODC housing target yet its residents will feel the main impact in terms of access to facilities and traffic generation.

## 2 REPRESENTATIONS

- 2.1 There have been a large number of representations, made up of formal consultations with Parish and Town Councils, statutory consultees, Council departments/officers of WODC and CDC, and OCC, together with third party representations from residents and interest groups. All of these representations and comments are available to view on the CDC website, as CDC is carrying out the administration of the application. Comments will not be reproduced in full as part of this report and they will therefore be summarised. In some instances comments will be incorporated into the body of the report. If Members of the Committee wish to view representations in full they should use the "view a planning application" function on the CDC website (Cherwell.gov.uk) using the CDC case reference 14/02004/HYBRID.

### Comments from organisations:

- 2.2 International Council on Monuments Sites (ICOMOS):
- 2.3 Object to original application and revised submission –
- 2.4 The replacement of open farmland with the major development proposed would have a negative impact on the tranquillity of the closest part of the WHS from increased traffic flows and from lighting, particularly for floodlit sports pitches. This would be greater in the winter when the leaves are off the trees and in the evenings.
- 2.5 Even with the planned new avenue along the side of the A44, and planting to screen the proposed development, it is difficult to argue that the replacement of open fields by a large area of mixed development would enhance the setting of the WHS or its approach from the south. The increased traffic and lighting... would impact equally on the setting of the World Heritage Site.
- 2.6 By doubling the size of the town and providing an alternative focus to the historic centre of a very different self-contained character, the proposed development would significantly alter the balance of this relationship and thus the context of the World Heritage Site. While some smaller scale development could be acceptable, we believe that it should be organic in character and of a quality and design that acknowledge the significance of its location next to a World Heritage Site and important historic town.  
The whole of the World Heritage site and its setting needs to be seen as a sustainable unit that has potential to deliver considerable benefits if its assets are sensitively nurtured and developed. We do not consider that this development in any way respects these approaches.

### Object to revised submission

- 2.7 The additional work on views into and out from the WHS is of limited value.
- 2.8 We do not accept that the impact on OUV is limited to purely visual impact. An important concern was the impact on tranquillity of the WHS from increased traffic flows and lighting.
- 2.9 Replacing open farmland with a large development set in planting would impair understanding and appreciation of the historic setting of the WHS and thus have a negative impact on its significance.



- 2.10 The WHS management plan was written in 2006. A more up to date management plan would give more detailed attention to issues of setting. This will need to be addressed when the current management plan is revised.
- 2.11 It remains our view that the town of Woodstock forms a key element in the setting of the WHS. The town was always dependent on the adjoining estate, developing from the medieval period to service the Palace/Park and its visitors. This role which continues today gives Woodstock its distinctive character. While it can be argued that the intended maintenance of a strong link between the Blenheim Estate and the proposed new development would reflect and strengthen the historic relationship, we continue to believe that the development would physically overpower the existing settlement while remaining distinct from it and providing an alternative focus. Unbalancing the physical relationship between town and park/palace and changing the character of Woodstock would further harm the setting of the WHS.

#### London-Oxford Airport

- 2.12 The proposed development does not conflict with aerodrome safeguarding criteria. No objection is raised subject to certain measures being employed in terms of: bird activity; control of waste that may cause a hazard to aircraft; control of dust and smoke; flood lighting and street lighting should be hooded and angled downwards and be of an appropriate height; if cranes are used during construction the developer will need to liaise with the airport; and assessment of risk and increased security requirements.

#### CPRE Oxfordshire

- 2.13 This proposal is on a massive scale and is both premature and surplus to need.
- 2.14 The development is of a disproportionate and unsustainable scale. It would more than double the size of Woodstock. It offers no compensating infrastructure improvements, nor demonstrated employment benefits to the town.
- 2.15 The character and setting of the Woodstock Town Conservation Area will be irreparably damaged both by the development on its outskirts and the resultant traffic and pressure on parking.
- 2.16 The development will not have good links into Woodstock. The effect will be to create a separate 'satellite town' on the outskirts. This, coupled with the inclusion of a medium sized new supermarket, will be detrimental to the existing town centre.
- 2.17 The development borders the Green Belt on Upper Campsfield Road and would result in the creation of a ribbon of urbanisation linking Woodstock, via Oxford Airport and the Langford Lane business area toward Kidlington and Begbroke. The physical separation between the town of Woodstock and the village of Bladon will be compromised. This will inevitably have many adverse consequences for the Green Belt and landscape in the area.
- 2.18 The development will clearly generate an unsustainable level of traffic. It will increase the already severe congestion on the A44 / Shipton road, A4095 and A34. The impact on traffic will be further increased by the applicants' parallel housing development application for Hanborough and the proposed Oxford Northern Gateway. We endorse the view of Woodstock Town Council's appraisal note (document 07845125) that the applicants' traffic impact assessment is flawed. The information provided is not adequate to understand the full potential impact of the proposed development on the highway. Traffic surveys were undertaken in the last full week before public schools broke up in July 2014 and out with the Oxford Universities' terms. The knock on effects will increase pressure on minor roads and lanes in the area that will discourage cycling and other leisure use.

- 2.19 There will be an unsustainable increase in traffic using train stations in the vicinity. Long Hanborough and Combe stations are already at capacity both in terms of parking and space on the trains themselves. Traffic toward Bicester and Kidlington stations will similarly stress the road network. The Kidlington 'Sainsbury' roundabout is already at capacity for commuter traffic.
- 2.20 The proposed mitigation measures (new bus links and minor highway changes) are inadequate. The site is at a strategic and sensitive historic and rural location at the SE entrance to Woodstock town facing the main entrance to Blenheim Palace. It will be overlooked by the palace grounds. This will detract from the character, appearance and setting of this World Heritage Site. We note that both English Heritage and the UK National Committee of ICOMOS (which advises UNESCO on cultural World Heritage Sites) have registered objections on this point. ICOMOS-UK considers that the application has given inadequate consideration to the overall impact of the development and that the visual impact assessment that has been performed is inadequate.
- 2.21 The proposed development will cause irreparable harm to highly valued agricultural land as well as the character of a locally prized landscape. The loss of a large tranche of farmland cannot be mitigated with respect to sustainability.
- 2.22 Several public footpaths cross the site. The urbanisation will result in a significant loss of public amenity and enjoyment. The proposed mitigation via 'creation of green corridors' and 'recreational access' are inadequate compensation for causing the deterioration of existing amenities.
- 2.23 A development of this size will have significant ecological effects on a wide number of native species. The proposed mitigation measures rely heavily on the creation of Plantings scheme includes 6.54 ha of newly created woodland composed of a native species mix. It is difficult to see how this can be reconciled with the constraints imposed by the proximity to the airport.
- 2.24 The applicants are citing the need to raise money to pay for repairs to Blenheim Palace as special circumstances to justify the development. The Planning Committee are not permitted to take the identity or needs of an applicant into any account.
- 2.25 We note that Woodstock residents and Town Council have registered an overwhelming majority in opposition to the proposal. The applicants' claim to have engaged and consulted with residents should be rejected as inadequate.
- 2.26 Given that the proposed site is within both West Oxfordshire and Cherwell Districts, it is likely to create difficulties in cross-border administration. If it would require a proposal to alter boundaries, then we believe this should be considered upfront with appropriate consultation with local residents.
- 2.27 Notwithstanding these objections, the application is for outline approval for 1,500 homes and full approval for a phase 1 development which will erect 29 residential homes in the SW corner of the site. This approach is being marketed as having the advantage of:
- a. providing substantial infrastructure that would not be forthcoming from a smaller uncoordinated development plan;
  - b. providing 40% affordable housing; and
  - c. being implemented gradually in several phases over 15 year time span, as market forces permit and to minimise the immediate impact.
- 2.28 It is not at all clear how these conflicting assurances can be reconciled or what guarantees or measures will be put in place to ensure delivery of the promised public ancillary facilities and associated infrastructure. We note that the outline proposal reserves all matters relating except for means of access to the development.

- 2.29 Furthermore, development on unallocated land should comprise at least 50% affordable housing. The Council should insist that the affordable housing and infrastructure be delivered during the first and second phase.
- 2.30 The focus of attention and objection is naturally drawn to the complete unsustainability of large scale strategic development on this site. We wish also to register our objections to the proposed Phase I (29 home development). This lies at a supremely sensitive location facing Blenheim Palace. We understand that a much smaller housing development on a part of this site was refused ten years ago. In the interim Woodstock has accommodated a significant increase in housing stock. We therefore consider the application should be refused.

Sustrans (UK charity enabling people to travel by foot, bike or public transport)

2.31 1. Movement within the site -

The plans envisage the 'primary road' will be "6.75 metres wide with a 2 metre footpath and cycle links either side". This is below the 3-metre minimum for a shared use path recommended by LTN 2/08 (Cycle Infrastructure Design): "a route width of 3 metres should generally be regarded as the minimum acceptable". Indeed, in a new development without the constraints of existing building, it should be possible to achieve segregation between pedestrians and cyclists along the primary road without resorting to shared use. The draft Oxfordshire Cycling Strategy (LTP4) requires that the "site road network and junctions must be constructed with cycling in mind, including providing space for cycling on main/spine roads".

- 2.32 Although the application states "walking and cycling are given a high priority" and aspires to "provide the most direct routes", this has not been carried through to crossings within the development, where cars retain priority. Pedestrian and cycle paths should take priority when crossing the primary road (such as by means of a raised table) and at the turns where the secondary/tertiary roads branch off. This would make walking and cycling a more efficient option, improve safety – particularly for children cycling to school – and moderate vehicle speeds.

2.33 2. Access to Hanborough station –

As the plans state several times, the site is only 2 miles from Hanborough railway station. Passenger numbers have almost tripled at the station since 2005 and it is reasonable to expect high demand from residents of the development. Although Oxford Parkway will be linked to the site by bus and will take a significant part of London-bound traffic, Hanborough and its direct services will be preferred for:

- commuting to Didcot/Science Vale, Reading, Slough and Maidenhead
- commuting to the City via Crossrail at Paddington (from 2018)
- commuting via the Circle and District Lines at Paddington
- access to Heathrow (via Reading, Paddington or, from 2021, new Western Access link)
- access to the south via Reading, and to the west via Didcot

- 2.34 For these reasons, it is inevitable that the development will further increase demand at Hanborough station. This will worsen congestion on the A4095 through Bladon and put pressure on the car park (already at capacity) at Hanborough. Hanborough is also a destination in itself with a significant business park.

- 2.35 At 2 miles, Hanborough is within easy cycling distance of the site. Currently, there is no safe cycling route from Woodstock/Bladon to Hanborough: the A4095 is twisty with fast, heavy traffic, and the pavement too narrow for cycling. We therefore request that, as a condition of the development, the applicants are required to fund a cycle link from Hanborough station to the western edge of Bladon, by widening and converting the existing path to shared use; and complementary measures from there to Bladon roundabout, such as a contribution to the cost of

implementing a 20mph limit, and shared use designation for the footway approaching the roundabout.

2.36 We also note the Transport Assessment's intention to modify the A4095/Lower Road junction at Hanborough and believe that these works could be carried out at the same time to reduce costs. In any case, the junction works must not be allowed to obstruct the development of a shared use path.

2.37 3. A44 bus priority measures –

The plans envisage a series of bus priority measures along the A44 from the Bladon Roundabout to Wolvercote to enable faster and more frequent bus services. We welcome these but stress that they must not be at the expense of either the main cycle paths on either side of the road (including NCN5) or cyclists' access to Begbroke Lane and the Science Park. Instead the work should be seen as an opportunity to improve these paths such as easing side road crossings and resurfacing. In particular, the new bus lane on the approach from Cassington Road in Yarnton should include measures to facilitate cyclists turning from Yarnton onto NCN5. At present there is a short, narrow, shared use path with unclear access from the west.

#### The Marlborough Church of England School

2.38 The sizeable increase in secondary school places required would lead to necessary expansion of the school which will need to be met through a significant developer contribution. If the development were to be given consent, the following would be required.

1. A safe environment for children from reception to sixth form age.
2. Enhanced sports facilities for use by the school and the wider Woodstock community.
3. Improved facilities for community education.

#### Woodstock Town Partnership

2.39 Woodstock Town Partnership is an informal group consisting of residents, local Councillors and representatives from business, public services, the voluntary sector and Blenheim Palace. Its objective is to develop a vision for the future of the town that will sustain it and protect its values in the future.

2.40 Objection is raised on the following grounds:

1. Development beyond the built-up limits of a settlement – The development could not be considered "minor development, infilling, rounding-off or conversion" and is not on a site specifically allocated for development. Woodstock is a nucleated settlement. In common with most other market towns this implies a strong element of centrality and that its urban structure and functions are based around long radial routes converging on the town centre for maximum accessibility.
2. Undesirable precedent – We believe that this proposal, located and planned in a void of locally defined policy will create a dangerous precedent for unsuitable development elsewhere.
3. Level of affordable housing on unallocated land – The applicant is suggesting 40% affordable housing. We believe this to be inadequate and should reflect the proportion of affordable homes as clearly set out in the local plan.
4. Location of retail and the vitality and viability of the town centre – We believe that the addition of a medium sized supermarket as part of this application would harm the vitality and/or viability of existing retail premises in Woodstock Town Centre. Poor connectivity of this proposal to the existing town and the provision of an on-site local retail outlet are counter-productive to the encouragement of more households to use the town centre retail and other facilities.

5. Provision of highways, environmental and community infrastructure – We have concerns that the pedestrian network will not provide for safe or convenient movement either within the development or externally to nearby routes and facilities. Additional parking capacity in the town centre will be essential as parking is already at capacity. A substantial investment in town centre parking should be made. Insufficient time and effort has been given to establish what infrastructure the town and community needs and values. We have severe doubts that the current proposals can deliver both the physical and social integration necessary to make this a successful extension to Woodstock.
6. Housing and other noise sensitive development – There is an existing problem from Kidlington Airport that will have an adverse effect on the development in Cherwell District.
7. Design, character and historic settlement pattern – There is little evidence that the proposed development would affect the setting of the World Heritage Site of Blenheim Palace or its park. The grain of the historic centre of Woodstock has remained largely unchanged since the town's foundation and extension in the C13 and C14. Suburban extensions erode local character and distinctiveness. Unfortunately this is a pattern that the development would perpetuate. The proposed layout bears no relation to Woodstock's distinctive street pattern. The layout is unlikely to deliver the "safe, connected and efficient streets" advocated in Planning Practice Guidance. The design is inward looking with very few connections across the site boundary. It would be a separate community surrounded by landscape buffers. The layout cannot generate the physical and social integration necessary to create a successful extension to the town. Existing landscape and heritage assets appear as constraints rather than opportunities for creating distinctive structure and character for the site. The level of growth is unacceptable in a single, peripheral location. The proposal to create a retirement village is inappropriate. Extra care homes are needed. The existing recreation ground should be retained and gifted to the town.
8. Provision of public art – There appears to be no provision for this in the application although locations for works of art are indicated.
9. Other issues – If granted consent, substantial infrastructure benefits should be provided to the town.

Woodstock Action Group (local community group organised in 1998 to help conserve the local environment against unnecessary development and to preserve, maintain and enhance the historic character of Woodstock). Three letters have been received from the group –

2.41 Objection is raised on the following grounds:

1. The part of the site within WODC was rejected for housing allocation as part of the examination of the existing local plan.
2. WOLP still has effect under its saved policies. The Cherwell Local Plan 1996 also has saved policies still in effect.
3. Operations on both runways at London-Oxford Airport will impact on the development and the development will have effects on the operation of the airport. A safeguarding study will be required. There will be safety implications in terms of potential accidents and also noise and air pollution.
4. Increase in traffic and congestion. Concerns regarding highway safety and facilities for pedestrians and cyclists. Concerns about the provision of park and ride.
5. Impact of road noise.
6. Impact on wildlife and designated ecological sites.
7. Substantial harm to the immediate setting of Blenheim Palace/WHS as well as the Conservation Area of Woodstock.
8. Impact on foul sewerage capacity.
9. Adequacy of water provision and water pressure.
10. Impact on landscape character, loss of open space and urbanisation of the environment.
11. Local parish councils have objected to the development.
12. CPRE has objected to the development.

13. The development would divide Woodstock into three separate communities – Old Woodstock, Woodstock Proper and New Woodstock with their own social networks, contacts and interests.
14. Damage to existing businesses in the town centre.
15. Parking problems in the town centre.
16. Disproportionate scale of development and not a logical complement to the existing pattern of development.
17. The scheme would not be of benefit to the local community.
18. The proposal would see Woodstock gradually merging with Bladon, Yarnton and Begbroke.
19. Noise and disturbance will be caused by the location of the football pitches, clubhouse, and parking.

Comments from Parishes and Officers within CDC

Shipton on Cherwell and Thrupp Parish Council

- 2.42
1. Traffic on the A4095 – This is a very busy road already and would increase significantly in view of this development, as well as the potential developments in Bladon and Long Hanborough. There could also be an effect on traffic from further afield at Bicester and Chesterton or Witney as the A4095 is a direct route between Witney and Bicester.
  2. There is proposal to block off Shipton Road, therefore this would increase traffic on the A4095.
  3. The business area is planned to be located by the Upper Campsfield Road. Residents request that there are no outside air conditioning units, compressors or any other automated machinery as at night they could be quite noisy.
  4. The link and ride is also planned to be located by the Upper Campsfield Road. Residents request that the parking area is built in such a way as to stop anyone using the car park out of hours as a race track.
  5. The residents of Upper Campsfield Road currently have no access to a bus service. The nearest stop is at Bladon roundabout. The developer should provide the residents with a footpath down to the Bladon Roundabout.
  6. Residents have concerns about the amount of lighting for the roundabout, the link and ride and the business area.
  7. There are also issues regarding noise pollution as follows:
    - (a) Vehicles slowing down and speeding up along Upper Campsfield Road as they approach the roundabout.
    - (b) Noise from the link and ride parking area
    - (c) Noise from the business area.
  8. As the development is to be built out over 15 years residents would be susceptible to dust and dirt, building noise, and additional lorry movements.

Kirtlington Parish Council

- 2.43
- The Parish Council objects to this application and considers that its previous comments of 5th February still apply:
- “The scale of the proposal is huge and breaches current and emerging policy. The effects of the additional traffic load on the surrounding road network and rural villages would be entirely negative. The effect on the setting, amenity and character of Woodstock would be entirely negative. No thought has been given to the provision of secondary school places in the catchment area.”
  - The new information received does not appear to reduce the scale of the proposals which still seem at odds with the scale of Woodstock and in this regard the agent's Technical Response to Consultation (May 2015) appears defensive. Housing density levels are also out of character, the development is contrary to the existing settlement pattern and is too prominent at the entrance to the town.

- Notwithstanding the proposed retail space and locally led employment sites the scale of the development would have a major impact on traffic levels in the area as most residents would still be obliged to commute.
- The proposals appear to be opportunistic and are premature of the Cherwell Local Plan Part 2. The joint Oxfordshire Councils need to be given time to agree housing numbers across the whole county, and carry out a fair and fully considered allocation of sites. If this site is promoted as an allocation it need not include that part of the site within Cherwell DC boundaries. With the sterilization of land around the Roman Villa, the eastern part of the masterplan becomes isolated and detached from the existing town centre of Woodstock, making it unsustainable.
- The Parish Council hopes this application will be refused but any planning consent should stipulate the details, timing and completion of infrastructure (such as the primary school, an extension to the Marlborough School, new roads, parks and sports facilities) before the construction of any housing. The recommendations in the Kirkham Landscape Planning Ltd report for WODC (May 2015) should be followed. The depths of the tree belts to the A44 and A4095 frontages of the site as shown on the illustrative masterplan are far too narrow to form effect screens and do not complement the wooded parkland at Blenheim Park and this should be remedied.

#### Kidlington Parish Council

- 2.44 Kidlington Parish Council have reviewed the planning application detailed above and wishes to object on the grounds that that this site is not allocated for development in Part I of the Cherwell Local plan which has now been determined as 'sound' by the Planning Inspector conducting the Public Examination and is therefore a material consideration for the determination of planning applications. As the site is not allocated as a major development site in the Local Plan it is contrary to that document and should be refused.

#### Gosford and Water Eaton Parish Council

- 2.45 Object based on the amount of traffic that will be generated and use the road network through the Parish. This will cause congestion, pollution and accidents.

#### 2.46 CDC Planning Policy Officer

- The application site is not allocated for development by the saved policies of either the adopted Cherwell Local Plan 1996 or the adopted West Oxfordshire Local Plan 2011.
- At the present time, Cherwell is able to demonstrate that the district has a five year supply of deliverable housing land. There is no pressing need for additional housing land to be brought forward. West Oxfordshire also has a stated 5 year land supply position. The presumption in favour of sustainable development should therefore be applied in that context.
- Land is not allocated for the development proposed in either the Non-Statutory Cherwell Local Plan 2011 or the Cherwell Local Plan 2011 -2031. The development of land at Woodstock does not accord with the Council's proposed development strategy of focusing development at Banbury and Bicester and allowing limited development in the rural areas. However, part of the application site, known as 'land east of Woodstock' is identified in the Submission West Oxfordshire Local Plan 2031 as housing potential needed to meet West Oxfordshire's proposed housing requirements.
- Without that land the Cherwell part of the site could not be developed as a sustainable extension to Woodstock because of the lack of connectivity and poor access to services, facilities and employment opportunities within the town. Furthermore, as proposed (albeit in outline) there would be no local centre as this is proposed on the West Oxfordshire land. A standalone village within Cherwell, separate from but within close proximity to Woodstock is not required to meet housing needs, would not be in accordance with Cherwell's

development strategy, does not feature in the district's village categorisation and would potentially undermine West Oxfordshire's spatial planning objectives.

- However, should the development of the land within West Oxfordshire to the 'east of Woodstock' take place as envisaged by West Oxfordshire's Local Plan, connectivity and integration could potentially be achieved. The benefits and impacts of a larger development, fully integrated and planned as part of Woodstock, but including the land within Cherwell would need detailed consideration. This includes the benefits of providing additional housing including affordable housing and homes for an ageing population (noting that there is no current, pressing need from a 5 year land supply perspective in Cherwell), employment opportunities and whether new services and facilities would help address existing deficiencies or help maintain existing amenities. However, close consideration of the effects on Blenheim Palace, the SAMs, other heritage assets and the overall impact on the setting of the Conservation Areas and on the wider character and appearance of Woodstock would be required in addition to other detailed matters such as highway impact
- There would be a significant loss of open countryside next to Woodstock and development would bring the edge of Woodstock up to the boundary of Oxford Airport to the east and close to the northern edge of Bladon to the south. Whilst the visual quality of the countryside in this location is not striking, the openness of the area is part of the setting of Woodstock.
- Woodstock is identified as one of West Oxfordshire's most sustainable settlements, a rural service centre. However, with a population of about 3,000 the proposed development of up to 1,500 homes (involving about 3,000 residents) would represent a doubling of the size of the population. It would also result in a substantial extension to Woodstock's built-up area effectively doubling it in size in terms of land area and the number of new buildings.
- Whether Woodstock could sustain such a size and potential rate of expansion in terms of infrastructure capacity, employment opportunities, traffic generation, the impact on the setting of the Conservation Area and the wider impact on the character and appearance of the village as a whole, will in particular need detailed examination taking into account the observations of West Oxfordshire District Council.
- Woodstock has a retail centre comprising food and non-food shops aimed at both the domestic and tourism markets. It has a doctors' surgery, pharmacy, dental practice, primary school, secondary school, library, post office, swimming pool, fire station, community hall, museum, pubs and restaurants, hot food takeaways guest houses and hotels. There is no medium/large food store or larger comparison stores such as clothes shops, furniture stores, or DIY stores such as those located at Banbury, Bicester, Witney and Oxford. It is likely that most new residents would use supermarkets at Kidlington but these are not within a realistic walking or cycling distance.
- The application proposes the provision of new services and facilities as part of a mixed use development which would assist the development's 'sustainability'. Due to its location adjacent to Woodstock and the relatively small scale of the proposed retail development, it is probably not necessary for a sequential test or impact assessment to be provided in relation to Cherwell's settlements. However, whilst noting thresholds set out in the NPPF for undertaking an impact assessment, it may be appropriate for one or both to be provided in relation to Woodstock. A supermarket would remove the need for some trips out of Woodstock and provide a facility for residents and the surrounding area but would also draw trade away from central Woodstock.
- Retail, tourism and a limited number of other small companies and organisations provide employment in Woodstock but there are no significant employment/industrial estates in Woodstock itself. The Cherwell Local Plan 2011-2031 encourages jobs growth and paragraph 28 of the NPPF is in principle supportive of employment development in the rural areas. However the provision of employment opportunities on the application site is inconsistent with the Local Plan strategy which focuses employment development at Banbury and Bicester. The proposals would not make use of existing employment sites and/or previously developed land. Policy SLE1 requires that justification be provided and policy criteria met for employment proposals in the rural areas. If the proposals are implemented jobs would be



- provided which would assist in improving the sustainability of the new development, through the provision of a mix of uses, and Woodstock its self. However the vast majority of new residents would work elsewhere generating trips to other settlements and employment areas, a significant proportion of which would be by private car. The potential impacts of new employment development on the natural and historic environment and the character of the area will also need to be considered carefully including locating employment and residential development in close proximity. There are employment opportunities in relatively close proximity, approximately 2km away at Kidlington; at Langford Lane, at the airport and at Begbroke Science Park. This area is also identified for a small scale strategic review of the Green Belt for future employment uses under Cherwell Local Plan Policy Kidlington 1. These employment opportunities are within cycling distance, the landscape is flat and there is an 'off road' cycle path on the A44 making cycling a realistic option. Journeys by private car would also be short. There would be an opportunity to walk to this location from the site but distances would likely mean this would not be a likely option for most. Kidlington town centre could also provide employment where there are food shops, comparison (non-food) stores and some public/community services. These are however some distance from the site and not within reasonable walking and cycling distance for most. The number and range of employment opportunities in Kidlington is less than in Banbury, Bicester, or Oxford.
- Oxford would probably provide employment for a significant proportion of new residents and this is likely to generate a significant amount of commuting. The site is on a main highway corridor into Oxford (A44). A regular bus service (S3) connects Woodstock and Oxford City Centre. It is understood from the application that the bus takes between 24 and 43 minutes. There is also a railway station at Long Harbourgh 3km to the east. However, both the emerging Cherwell and West Oxfordshire Local Plans contain housing strategies for meeting their own needs and there is an on-going countywide process for considering the agreed unmet needs of Oxford City, which are yet to be defined, and how that need might be met. The outcome of that process will feed into the Partial Review of Local Plan Part 1. The modified Local Plan (Part 1) and the Council's Local Development Scheme commits to this review being completed within two years of adoption of Part 1.
  - The provision of the proposed transport interchange would encourage the use of alternative modes of transport to the private car from the site to Oxford and elsewhere. However, the appearance of such a facility would need detailed examination and the Non-Statutory Cherwell Local Plan (Policy TR7) states that the Council will not permit further Oxford based Park and Ride Sites in Cherwell District but notes (paragraph 6.23) that commuter trips to Oxford should transfer to public transport at or close to the source of the journey (as is the case here). The facility might encourage some travel to it from outside Woodstock. The views of the Highway Authority should be taken into account including with regard to its on-going review of the Local Transport Plan.
  - Finally, with regard to Local Plan prematurity, some weight should be given to the fact that this represents a substantial, strategic proposal in advance of the Examination of the new West Oxfordshire Local Plan, albeit one that is in part consistent with the intention to bring some land east of Woodstock forward for development.

They recommend that:

- 2.47 There is a planning policy objection to the proposed development as it does not accord with the adopted or emerging development strategies of the Local Plans of either Cherwell or West Oxfordshire. While the emerging West Oxfordshire Local Plan anticipates that some development to the east of Woodstock needs to be delivered to meet its housing requirements, the inclusion of land within Cherwell makes this a much more substantial proposal. At the present time, there is no pressing five year housing land supply need for additional homes in Cherwell and West Oxfordshire has a stated five year land supply position. There would be benefits from the provision of new homes including affordable housing and homes for an ageing population and potential benefits through the provision of employment opportunities and new services and facilities. However, there would be loss of countryside and a doubling of the size of Woodstock with potential effects on the historic environment, potential implications for the capacity of local

infrastructure and some concern over the sustainability of the proposals in relation to car based trip generation. The significance of those effects will need close consideration in collaboration with West Oxfordshire District Council alongside all other detailed matters.

CDC Waste and Recycling Manager

2.48 I am content with the developer's proposal for waste and recycling storage.

CDC Landscape Officer

2.49 Summary comments –

- The Landscape Visual Impact Assessment (LVIA) is comprehensive but raises a number of questions of public perception and the importance of Woodstock Conservation Area and Blenheim Palace World Heritage Site.
- It is obvious that visual amenity is going to be greatly harmed by this development. The human receptor, residential and walker will experience the loss of the open fields and the loss of the appreciation of the wider views of the wooded hill of Bladon Heath and High Lodge. Tourists and visitor 'receptors' have highly sensitive to their environment, especially as the Oxford Road approach to Woodstock appears to 'set the scene', heightening receptor's anticipation of the visit to Woodstock and Blenheim Palace. For this experience the historic and landscape context is important.
- With respect to the World Heritage Site, In my view the proposed development does compromise the historic and aesthetic connection between this open setting (application site) as experienced on the approach road for visitors, both pedestrian and vehicle receptors, and local people. There is obviously going to be strong emotive response for individuals and groups in respect of the importance of historical and landscape setting of Woodstock and Blenheim Palace.
- The application site is a landscape setting to the eastern urban edge of Woodstock. The openness of the site is such as to allow visual receptors to experience the openness and views contained by the woodland belt on the northern and eastern boundaries. The strong landscape characteristic being woodland containing the site on the aforementioned boundaries. The woodland associates well with the Woodland of Campsfield Wood on Oxford Road, the wooded hill of Bladon Heath and High Lodge to the south. However visual/visitor/local receptor will experience screen tree planting as major character change to the Oxford Road, contributing towards a strong feeling of enclosure, and perhaps oppressiveness, combined with their knowledge that the main function of the trees is to screen the harmful effect of the mixed use development. The assertion in the LVIA that the Parkland 'feel' reflects that of Blenheim Palace is false, given that the parkland strip will be a recent addition in historical terms and so does not portray Blenheim's real 'landscape of power'; there is no historic landscape relevance for this!
- In my opinion this development proposal will unsettle the balanced relationship of Woodstock's 'historic centre' and its urban approach (Oxford Road), the World Heritage Site, and Bladon Conservation Area. The development will obliterate the open landscape setting that is the application site, and contribute unfortunate urban encroachment onto attractive countryside. Because of this the Magnitude of Change is Very High combined with the Very High Sensitivity of the landscape receptor, which resulting in a very high Significance of Effect rating of Substantial/Adverse.
- With this development proposal the significant loss of the open setting, the loss of both the visual amenity and historic context/value to Woodstock, along with the harm to visitor/tourist receptor's memorable experience via the approach to Woodstock, this culminates in significant harm.
- Due to the experience of visual receptors time and movement (from or to) the historic landscape between Bladon and the site - refer to photo-views point 15 and 5, the visitor/tourist receptor expectation of visual amenity is high, and therefore the receptor sensitivity is, in my opinion, going to be very high. Therefore, the Magnitude of Change is very

high because of the drastic change from the open to the built environment, resulting in a notable harm to the receptor's experience of the setting that is the application site, and the approach to Woodstock's historic core and Blenheim Palace. Therefore the Significance of Effect result is obviously going to be Substantial and Adverse and harmful for visual receptors.

CDC Recreation, Health and Communities

2.50 No objections raised but the following comments re Section 106 requirements:-

- Senior and junior football pitches required – commuted sums set out
- Commuted sum for proposed woodland maintenance needed
- Play provision would be 15 LAPS, 3 combined LEAP/LAPS and 1 NEAP
- Maintenance of existing mature woodland belts, and hedgerows, and proposed informal open space; and existing ditches and proposed swales
- 1.1 hectares of allotments
- Attenuation ponds

CDC Nuisance investigation Officer

2.51 I have no objections to this application. Noise from road traffic and the airport has been adequately covered in the design statement. Planning conditions related to noise, hours of use etc. may be required at the full planning stage for the proposed B1/B2/B8 uses and controls will need to be put in place during the construction period to minimise noise and dust.

CDC Urban Design Advisor

General

- 2.52 First of all may I say that much work has taken place since the original design response to the Design and Access Statement (DAS) was set out in my note of 12 February, and the last design workshop in late May. A clear narrative has been set out. Whilst this takes as its cue the points raised by both Councils it also fills in a number of gaps that were apparent in the original D+AS and the subsequent workshops. Clearly the Applicant's team has worked hard to clarify why decisions were made and to rectify the Councils' areas of design concern. For this they are to be complimented. That said however, I am not clear what the status of this document is regarding the planning process, codes or how it relates to the DAS. I have some general concerns.
- 2.53 There have been a number of design workshops to improve the design of the scheme. There has been much improvement but still some way to go. At the May workshop comments were made on the masterplan in particular on two key areas, namely the masterplan and the relationship of formality and informality, and the nature and form of the entrance into the site.
- 2.54 The masterplan itself does not appear to have changed since the last workshop, which I would have hoped would have happened to take account of some of the points raised there. The Design Response Document therefore could be considered work in progress, and I would suggest that some further discussion should be considered if approval of the development is contemplated. The illustrative masterplan is too sketchy for such a sensitive site and generally requires more detailed work. It needs to reflect and interpret the design and development principles (which need to be clearly stated) that emerged from the exploration of the character of different parts of Woodstock that the Applicant's team has helpfully carried out. This would also help define the codes for the critical areas - see below. The concern would be that there is still too much uncertainty, and it is better to be clear at this stage of what exactly the outcomes will be, and the processes by which they will be achieved before approval is considered.
- 2.55 I will confine my comments to design issues. Policy issues I leave to CDC and WODC to consider.

## The Masterplan

- 2.56 I think it useful that the Masterplan is now annotated and is much clearer about what the proposals comprise, and the main elements that will form the basis of the detail. The principles of development are clear and whilst there is a logic, perhaps some further exploration would help. Thus more could be made of the site's relationship with the Palace and its landscape, the juxtaposition of formality with informality, and thus make the links between the Park and the site clearer and closer. Such exploration might include the glimpses into the site from Oxford Road, the nature of that gateway into the site, greater structural formality within the masterplan, and the qualities and feature of the proposed Hensington Place. The proposals for Vanburgh Square offer the opportunity to reflect the formal parterre gardens of the Palace, such as The Italian Garden; and the formal avenue and associated planting linking Hensington Place and the A4095 does not seem fully realised.
- 2.57 The proposals for the entrance to the site remain un-resolved. The workshop suggested more work was needed to consider the gateway into the site to set the scene for the rest of the site and not just remain a location for larger houses. The sequence of experience as one moves from the Oxford Road to Hensington Place - the main proposed space needs greater consideration.
- 2.58 I would have liked to have seen greater emphasis on the N/S connectivity between Park and site. I consider these could be further discussed as detail is explored. This might help provide the recognisable identity of Woodstock that is the ambition of the proposal.
- 2.59 The introduction of the object building as an art hub and community centre, is positive. It will be important that the nature and form of any public art is considered in detail. Public art is a complex issue, not just what has been called, 'plonk art' - i.e. art as a wayfinder. Therefore a Public Art strategy would be welcome. The Applicant is also right that this could be a tool as part of a Town Trail to help visitors enjoy the whole of Woodstock and benefit the whole town. The ambitions illustrated in the section on Woodstock Park would be welcome.

## Streets

- 2.60 The street sections, both existing and proposed, are very helpful in setting out and recording the characters and attributes of the main routes - and later on the implications on the new plan. Lessons have been learned and principles derived. The Codes may need to be a bit bolder - to reflect some of the principles derived from the exploration of Woodstock - though much will depend on discussions with the County's Highways Department. The prospect of the Blenheim Estate continuing to have an interest in the site long after development has been completed provides the opportunity to create the sort of environment that the proposals are aiming for ("the special place") and not the more 'municipal' quality, that could happen. These aspects of street design need to be clarified as they affect the nature and form of both masterplan and codes.
- 2.61 The Street Design section illustrations are helpful, but could be clearer on issues such as on-street parking, verges, shared surfaces and so on. The codes provide some further clarity, but would appear to be incomplete, with no clear reference to OCC Highways Department. Further work would help.

## Parameters

- 2.62 I consider the plans indicating density and heights may need some reconsideration, mainly at the gateway entrance from A44. The height of the Care Village could be raised to 3 storeys – the illustrated exemplars show up to 4. The previous masterplan indicated general suburban house-building. Whilst I recognise the developer's desire to set out the large houses in plots at the entrance, the emphasis should be on the 'processional route' from the entrance to Hensington Place. The entrance could thus be raised to 3 storeys. The vignettes on pages 55 / 99 indicate a way forward that seems to have been lost in these parameter plans and later on in the exploration of the character areas. An additional X-section is required in Section 11. The design of this entry

- route should be considered as a set piece in the context of its role. Thus there is a need for some further diagrams or 'proving plans' to show in more detail how this important area is dealt with.
- 2.63 There appear to be some minor anomalies in Parameter Plans: for instance the tertiary streets do not appear on the Movement Plan. No consolidated urban design strategy is indicated. Thus there is no indication of important frontages, landmark buildings, views / vistas and so on. It would be helpful to have two key control documents, a Townscape Regulatory Plan and a Landscape Regulatory Plan to encapsulate the main parameters.
- 2.64 I would like to see the rationale for the four Phasing Plans. Is all the land west of the Hae Straet hedgerow to be one Phase? If so how does that work? The strategy diagram is a bit clearer.
- Character and codes
- 2.65 Any coding document for this site needs to be clear. The Design Codes, which I assume are draft, helpfully set out broad design principles. What is not clear is what is mandatory and what if anything is discretionary. I think that the set of rules needs to be clear. The Response Document seems to point towards generic codes that cover the whole development, which need to be more clearly set out, and the more specific codes for particular areas - which require more work. Also helpful would be an understanding of the purpose of the codes, how the coding process will be managed / amended, what procurement procedures would be required, what sustainability and energy resource efficiency will be delivered and so on. It may be useful to set out contents of the code and to agree how they will be used, the level of detail CDC / WODC / OCC and others may require and so on. A statement on Management and Public Art strategies would help.
- 2.66 There are some characteristics that have been sketched and encapsulate clear ideas that somehow have been weakened as the details of the plan have been set out. Generally Character Areas should not be bounded by streets but encompass them, so that both sides reflect the same character attributes. Some adjustment or overlap may be necessary. In the same way the parcellation strategy should also ensure both sides of the street are developed by the same developer teams. The exception is Hensington Place where several character attributes come together. I think it would be useful to reconsider characters A and C in the light of the comments on height and density above. The illustrations in the codes show that proposals for CA1 and CA7 are very similar, though the areas appear to have different roles.
- 2.67 The codes revolve around the character areas. This is fine but could requires some context. So the role of the area, and the design objectives or performance criteria need to be set out for each area. These need to be accompanied by sketch plans that indicate clearly what the Applicant is required to do - not describe what the Applicant wants to build. For instance Character area CA1 brings into focus the entrance to the project, and the route to Hensington Place. Perhaps a more considered piece of urbanism would be appropriate, with some relaxed development as illustrated in the photos associated but not dominating the gateway. Sketch Plans would help the Council understand what the masterplan means. Where are the landmark / signal buildings, where could the treatments and typologies change? Plans and sections illustrating how the codes could be applied are needed, especially for the key areas to avoid ambiguity. Providing greater clarity would help remove some of the uncertainty for the Council.
- 2.68 I think the tabular form of the code reads well, but some classifications are missing. These could include such aspects as boundaries, thresholds, encroachments, meter and cycle storage for terraces, visitor parking, service strips, waste management, gardens etc, all of which influence the quality of development. Also some of the definitions may require tightening up. For instance there is no indication of what a high-pitched roof is. If the code said minimum 45 degrees that would be clear. Should the houses along the main routes have raised ground floors and greater adaptability to allow home-working? Are the choice of materials and the themes proposed appropriate. Will the County adopt all streets? This clarification and reduction in uncertainty applies to all the codes and definitions; but this is a good start.

- 2.69 The street design, planting and materials used needs to be incorporated so a total design code that includes architecture, UD, landscape and street design is there for one character area. These sorts of questions go through the coding section of the Response Document and need resolving. CDC and WODC may wish to do this as part of any negotiation if approval of the development is contemplated, however the sooner this takes place the greater the confidence in the scheme.
- 2.70 The continuing involvement of Blenheim Trust is a great opportunity to ensure long term benefits for the town. As we are moving towards different lifestyles, tenures, demographics and work patterns such as home-working, flexibility and adaptability increase in importance, and it is worth stating that not only has the design of the project to reflect the history of Woodstock but it has to look to its future and what the Town wants to be like in 50 years plus.

#### Resident representations and others

- 2.71 Objections have been received from a total of 970 local residents. Of these, 846 were submitted on proformas (some of which were annotated with additional comments).
- 2.72 The objections are summarised under topic headings and those submitted on proformas shown in bold to differentiate from individual comments.

#### Noise

- The business area is planned to be located by the Upper Campsfield Road. We would request that there are no outside air conditioning units, compressors or any other automated machinery as at night they could be quite noisy.
- The Link and Ride is also planned to be located by the Upper Campsfield Road. We would request that the parking area is built in such a way to stop anyone using the parking area as an out of hours race track.

#### Lighting

- We have concerns about the amount of lighting at the roundabout, the link and ride area and business area as we feel that we would be affected by light pollution.

#### Schools

- There seems to be no provision for the additional students that will attend Marlborough Secondary School.

#### Medical Facilities

- The doctor's surgery already struggles to accommodate the number of patients that is currently serves. A development of this size and the care home that is also to be included will hugely exacerbate this problem and have an adverse effect on patient care.
- There is no provision for a health centre in the plans for Woodstock East so there is no guarantee that there will be adequate healthcare facilities for another 4000 or more people, including a significant number of elderly people in the proposed retirement village.
- When people in the new development need a doctor or pharmacy, most will find it too far to walk into the centre on a regular basis.
- The new proposal will result in additional new patients. There is not an indication in the current plan showing how the additional appointments, prescriptions and other services needed can be accommodated with the existing health needs already present in and around Woodstock.

## Design

- The entire development is to be constructed by a single development. The similarity in styles of the houses that Pye Homes would construct would reduce the character of the town further.
- The scale of the development will both dwarf Woodstock and put considerable strain on the existing infrastructure that Woodstock has.
- Pye Homes are very boringly designed and do not include garages.
- The proposed housing does not take advantage of southerly aspects to maximise light and heat. Why are the gardens facing north?
- I am objecting to this proposal because of the scale of the development and the very poor quality of the masterplan design and its underlying layout. The outline masterplan shows an out-dated planning approach of zones, land uses and a very poorly designed layout that takes little account of location, landscape or the character and shape of the existing town. These concerns are borne out by the detailed application. This first development phase connects very poorly with existing and other proposed development immediately to the west, north and east, does not provide for active frontages to the primary route and does not even achieve adequate internal connection, proposing a layout with no less than 4 dead end streets for only 29 dwellings.
- **The scale of this development is excessive in comparison with the size of Woodstock and surrounding nearby villages in Cherwell District Council.**

## Archaeology

- I hope you will ensure that a proper aerial geophysical survey is undertaken to determine the extent of the known Roman Villa on the site and to investigate the existence of a Saxon settlement in the fields adjacent to Long Close. I have walked over the fields and have located pieces of ancient tile, pottery and glass and these were mainly found in the fields next to Long Close.
- The archaeological evidence from the Scheduled Ancient Monument on the proposed site warrants a greater degree of consideration and care being attracted to the area and to the impact on the World Heritage Site.

## Retail

- **SH-1 (i) There is no proven need for a new retail development or supermarket on the fringe of Woodstock**
- **SH-1 (iii) The development will harm, either directly or cumulatively, the vitality and viability of the commercial business centre of Woodstock**
- The new medium sized supermarket will undoubtedly be the death knell to the present co-op.
- There are already several supermarkets easily accessible within the local area without another one being built.
- The proposed shopping centre will draw trade from the existing town centre and will inexorably lead to the closure of shops in the town centre that serves the existing community in Woodstock.
- The existing town centre shops are accessible on foot from most parts of the existing town. This is important because car parking in the town centre is difficult.
- The town centre will be reduced to a handful of shops catering to the tourist trade.
- Residents on the new development will not walk into the town centre to shop – it is too far.

- The social implications for this small town are considerable. Given the proposals for additional retail outlets in the new development, it is arguable that those residents would need to make use of existing shops in Woodstock. At the moment small shops and businesses work hard to keep the town centre attractive and viable but it is a major challenge and town centres become desolate and unattractive places when businesses close and shops are empty.
- The creation of a small number of low paid retail/care sector jobs does not outweigh the harm and damage the building of 1,500 new homes will cause to Woodstock and the wider locality.

#### Transport

- Mention is made of a possible link to the Oxford Parkway station at Water Eaton. This is aspirational and not within the capacity of the developer to deliver.
- The A4095 is a rat-run between Bicester, Woodstock, Bladon and beyond to Witney and beyond. It is a narrow, unlit, country lane with numerous awkward bends and junctions and would become even more dangerous with any extra traffic.
- The development has not taken into account the impact this scale of houses/ business units will have on the local road system. We live on Upper Campsfield Road and daily have to contend with a heavy volume of fast moving, noisy traffic.
- The road layout of the proposed development means that traffic wishing to head to Woodstock town centre, Witney or Oxford will have to travel via the Bladon Roundabout. The Bladon roundabout is already heavily congested during rush hours. The proposals are likely to lead to another 12,000 vehicle movements a day, concentrated at peak times.
- There has been talk of providing a Park and Ride service from the development to Oxford but not everybody works in the centre of Oxford. Most of the employment opportunities are in the business parks on the ring road.
- The plans propose a shopping centre as part of the development. That will also generate additional traffic both from the existing town of Woodstock and from neighbouring villages, particularly Bladon and Begbroke.
- The A4095 from the A44 through to Hanborough and beyond is much too narrow and bendy to accommodate today's volume of traffic. The road is too narrow adjacent to Bladon Church for HGVs to pass each other and has a pavement on the Church side that cannot fit a pushchair. The road is dangerous for cyclists to use, especially at night.
- The A4095 is a feeder road for commuter traffic into North Oxford as well as providing access from Hanborough station and the Cotswold line.
- No increase in potential traffic volume should be permitted along the A4095 until such time as an enforced alternative route for heavy vehicles is in place.
- The increase in traffic will snarl communications and be detrimental to communications.
- Blenheim Palace receives over 600,000 visitors annually. Visitors to the Palace use a variety of local roads to access the Palace, predominately the A44 and A34. The vast majority of visitors leaving Blenheim Palace exit onto the A4095 through Bladon to the A44 roundabout.
- There are a number of annual events held at Blenheim Palace and impact significantly on Woodstock, Bladon, Long Hanborough and the wider road network surrounding Oxford. The CLA Game Fair alone attracts close to 150,000 visitors.
- Cars are too prioritised in the plan. A far more creative interpretation should be made of the space to encourage children to walk or cycle to school and commuters to use the bus or rail networks.



- The trip from the outer edge of the development to Woodstock centre will take at least 20 to 30 minutes to walk so safe dedicated bike and walking connections to the main town must be addressed.
- Both Woodstock Primary School and Marlborough School are situated on Shipton Road. This road is often gridlocked at the start and end of the school day and it is extremely dangerous for pedestrians and children. Siting an entrance to the new estate on Shipton Road would have serious implications for existing schools and local residents.
- **T-6 (c) The development will significantly increase the number of traffic conflicts and the potential for serious accidents. It will compound traffic on the Shipton Road, Upper Campsfield, Banbury and Hensington Roads complex and on the town's main artery, the A44**
- **T-6 (c) The development will significantly increase the number of traffic conflicts in and around Plane Tree Way, Flemings Road and Flemings Way. The potential for serious accidents due to increased vehicular activity will rise significantly especially on an already busy school route.**

#### Parking

- Parking is a recognised problem in Woodstock, made worse since the building of a small estate on the edge of the town and the new museum. There are insufficient town centre spaces at present, especially in the tourist season.
- Most local users of the local facilities within Woodstock can make use of the free central car park off Hensington Road or on the High Street and Oxford Road.
- Realistically only out of town visitors will use the proposed Park and Ride service and local residents will continue to use town centre car parks.

#### Greenbelt

- The impact of such a large development on surrounding Green Belt land will be detrimental. (Members note that the site is not in the Green Belt)
- The site in its current agricultural form contributes to the openness and sense of a gateway corridor to the town of Woodstock and neighbouring village of Bladon. The new proposal encroaches on the character and openness of the surrounding Green Belt and its Conservation Area. Further urbanisation of this area should be strongly resisted.
- There is likelihood that, if the development were to go ahead, it would be followed by the creation of an access from the other side of the A4095 southwards into the airport, something that would open up large areas of airport land in the Green Belt to further development.

#### Heritage

- A World Heritage site such as Blenheim Palace needs to have its environment protected for the future.
- The proposal, if approved, would double the size of the historic village of Woodstock, thereby adversely affecting the unique character of the village itself, Blenheim Palace World Heritage Site, Listed Structures, Parks and Gardens of Special Historic Interest and Public Rights of Way.
- The new proposal will have a notable adverse effect on the character and setting of the historic parkland, to propose a development of this inappropriate scale pays little regard and sensitivity to its scenic quality. Views of the Blenheim parkland and its listed walls can be seen from the proposed site as can the proposed site from the Green Belt around Bladon Heath.

- **C-10 The development will detrimentally affect the character, appearance, identity and setting of the World Heritage Site of Blenheim Palace's gardens on the SE approach to Woodstock on the A44.**

#### Environment

- The development leads to a loss of very valuable open space around the perimeter of Woodstock town.
- There is a very significant hedge, tree and vegetation band around the perimeter of the proposed site. This is a site that is used by a wide variety of wildlife. We have seen badgers, deer, bats, foxes, hedgehogs as well as numerous birds and small mammals. The developers state that this would be retained, however, the development plans show the site being used to the very perimeter of the plot, so it is not possible to see this happening without some impact. Any loss of the form around the site would open it up very negatively on a visual level.
- The development would destroy for all time traditional field and agricultural farm sites. It would also destroy extensive animal and plant habitats.
- C-7 The development will cause irreparable harm to highly valued farmland as well as the character of a locally prized landscape
- The development will further urbanize and encroach upon the open countryside on the south east approach to Woodstock.
- The development will fragment and harm the social, environmental, sustainability and character of Woodstock and its surrounding villages

#### Flooding and Water

- There is an ancient quarry at the corner of Shipton Road and Upper Campsfield Road, and we know for a fact that this area is sat towards the lower levels of the site. The area regularly floods in winter and last winter was literally within inches of overflowing onto the main Upper Campsfield Road carriageway.
- All of the houses on Upper Campsfield Road are sited lower than the main road, and we all have grave concerns that should the natural drainage and natural contours of the land be disturbed, our homes may in the future be subjected to both subterranean high water tables, but more importantly, direct flooding from the site.
- Without the addition of new water reservoir facilities, construction of such a large number of new houses would place water supplies under additional strain during times of drought. Furthermore a full appraisal of existing water supply and drainage infrastructure is required in order to minimise the risk of damage to supply pipework, and consequent outages as a result of building work and heavy vehicle movement.

#### Airport

- The proposed development is very close to a busy airport, with aeroplanes at their most dangerous states of flight – take offs and landings. One twin engine plane crash would undoubtedly have disastrous consequences.
- The site is close to Oxford London Airport and the new community would suffer and consequently complain about noise arising from the airport's proximity and jeopardise its dependent employers.
- There is a huge prospective danger of building so many properties in such close proximity to Oxford Airport, where air traffic is set to increase in the near future which contracts for servicing helicopters for the Police and RAF on top of normal flights.

#### Recreation

- The proposed scheme offers residents very little in the way of community and recreational facilities, particularly ones that could be used in bad weather.

#### Housing

- The questionable housing numbers identified by the SHMA have already been accommodated in the submitted Cherwell Local Plan, whilst West Oxfordshire also appears to have met its 5 year land supply.

#### Demography

- The proposal will further exacerbate the adverse demographic trend towards the disproportionate concentration of the elderly in Woodstock.

2.73 76 expressions of support have been received referring to the following:

- **I wish to register my support for the proposals for new homes and facilities at Woodstock East. The proposals include a new football pitch for Old Woodstock Town Football Club, alongside a new clubhouse and all weather training pitch which will meet current FA regulations, as well as encourage sport in Woodstock. Old Woodstock Town Football Club came second in the Hellenic Football League Division One East and would have been promoted if the ground met FA standards.**
- **The all-weather pitch and clubhouse will also be a great facility for the whole of Woodstock to use for a range of sports including hockey, basketball and other team sports.**
- **There is no comparable facility In Woodstock at the moment and there is very little in the way of sporting provision in the town, even at the secondary school.**
- **There is also a real need for a long term plan to provide new facilities, employment and affordable housing in the town. Without which, many long standing residents of Woodstock with roots in the town will be priced out.**

2.74 A petition in support of the application has been submitted on behalf of Woodstock Town Football Club.

### 3 APPLICANT'S CASE

3.1 The National Planning Policy Framework states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every decision." This application is for a sustainable development. It comprises a sensitively designed housing-led mixed use proposal. Crucially, it will deliver up to 1,200 new homes, including affordable housing.

3.2 Oxfordshire, as a whole, and Cherwell and West Oxfordshire Districts in particular, desperately require new homes to satisfy unmet demand. Importantly, by providing for a substantial extension to Woodstock, the proposal will deliver significant and sustained investment in social, economic and environmental infrastructure. It takes full advantage of Woodstock's strategic location in the north Oxfordshire growth corridor, providing a development that is not only sustainable within

itself, but which, as is demonstrated, adds to the sustainability of Woodstock, West Oxfordshire, Cherwell and the County of Oxfordshire. Furthermore, the delivery of the proposed development will safeguard the future of Blenheim Palace, the country's only privately funded World Heritage Site.

- 3.3 Our heritage assets are recognised by national policy as being irreplaceable. The proposal preserves the setting of the World Heritage Site and the Woodstock Conservation Area. It better reveals a Scheduled Monument, whilst preserving its setting. Funds from the development will safeguard the long term future of Blenheim Palace and Gardens for generations to come.
- 3.4 The proposal will be fully integrated with, and bring new appropriate development to, Woodstock. This will sustain the long term future of an importantly located Service Centre. By bringing new infrastructure, services and facilities – as well as safeguarding existing ones – the proposal will increase the sustainability of the town.
- 3.5 Existing residents will benefit from new and improved facilities and new residents will bring investment into the town's existing businesses and services.
- 3.6 The development is located outside the Oxford Green Belt and outside the Cotswolds Area of Outstanding Natural Beauty. Thus, through the development of this appropriate site, these more sensitive areas will be protected for the long term future of Oxfordshire.
- 3.7 The site is located between Woodstock and The London-Oxford Airport and is close to two railway stations with direct links to Oxford and Central London. It is immediately adjacent to the A44 – a strategic and important public transport corridor. The proposal is seeking to bring buses into the site and incorporates a new Link and Ride facility, adding greatly to connectivity and integration; and placing sustainable transport at the heart of the proposal.
- 3.8 As well as new parkland, footpaths, cycle links and significant planting, the proposal incorporates a Sustainable Urban Drainage System, a state of the art approach to street lighting, dedicated wildlife corridors and replaces a monocultural field with hundreds of new gardens in addition to new public open spaces.
- 3.9 The proposal delivers a new football ground for Old Woodstock Town FC and in so doing, safeguards the future of this historic club and provides a multi-sports facility for the wider community. It provides a new primary school, as well as major investment in the town's existing primary and secondary schools. National planning policy strongly supports economic growth. Oxfordshire is an important driver of the country's economy and there is a shortage of employment space in and around Woodstock. The proposal provides much-needed modern employment facilities, lessening the need for out-commuting and boosting economic growth in the town.
- 3.10 Woodstock town centre loses around 90% of potential expenditure to the surrounding towns, as people travel out of the town to shop. A medium sized supermarket will complement existing retail facilities, whilst reducing the need for people to leave Woodstock for their daily and weekly shopping. No other retail offer is proposed apart from the retail facilities to be provided within the Care Village, which will be accessible to the local population; to include a small chemist and hairdresser.
- 3.11 The development has been carefully planned to boost the potential for Woodstock town centre to develop its local retail offer and provide a better – and more sustainable - balance in its offer for tourists, visitors and local residents.
- 3.12 The proposal comprises a sustainable development and with it, brings tremendous benefits. It should go ahead, without delay.

## 4 PLANNING POLICIES

### 4.1 West Oxfordshire Local Plan 2011

BE1 Environmental and Community Infrastructure.  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
BE5 Conservation Areas  
BE8 Development affecting the Setting of a Listed Building  
BE11 Historic Parks and Gardens  
BE12 Archaeological Monuments  
BE13 Archaeological Assessments  
BE18 Pollution  
BE19 Noise  
BE20 Protection for hazardous substances, installations and airfields  
BE21 Light Pollution  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
NE6 Retention of Trees, Woodlands and Hedgerows  
NE13 Biodiversity Conservation  
NE15 Protected Species  
T1 Traffic Generation  
T2 Pedestrian and Cycle Facilities  
T3 Public Transport Infrastructure  
T6 Traffic Management  
H2 General residential development standards  
H3 Range and type of residential accommodation  
H7 Service centres  
H11 Affordable housing on allocated and previously unidentified sites  
E2 New Employment Sites in Towns and Larger Villages (Group C)  
SH1 New Retail Development  
TLC1 New Tourism, Leisure and Community Facilities  
TLC5 Existing Outdoor Recreational Space  
TLC7 Provision for Public Art  
TLC8 Public Rights of Way

### 4.2 Emerging West Oxfordshire Local Plan 2031

OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS3NEW Prudent use of natural resources  
OS4NEW High quality design  
OS5NEW Supporting infrastructure  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
H4NEW Type and mix of new homes  
E1NEW Land for employment  
E5NEW Local services and community facilities  
E6NEW Town centres  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH1NEW Landscape character  
EH2NEW Biodiversity

EH3NEW Public realm and green infrastructure  
EH4NEW Decentralised and renewable or low carbon energy development  
EH5NEW Flood risk  
EH6NEW Environmental protection  
EH7NEW Historic Environment  
EW1NEW Blenheim World Heritage Site  
EW2NEW Eynsham-Woodstock sub-area

#### 4.3 Cherwell Local Plan 2011-2031 (July 2015)

Policy PSD1 (Presumption in Favour of Sustainable Development)  
Policy SLE1 (Employment Development)  
Policy SLE2 (Securing Dynamic Town Centres)  
Policy SLE4 (Improved Transport and Connections)  
Policy BSC1 (District Wide Housing Distribution)  
Policy BSC2 (Effective and Efficient use of Land)  
Policy BSC3 (Affordable Housing)  
Policy BSC4 (Housing Mix)  
Policy BSC7 (Meeting Education Needs)  
Policy BSC10 (Open Space, Outdoor Sport and Recreation Provision)  
Policy BSC11 (Local Standards of Provision – Outdoor Recreation)  
Policy BSC12 (Indoor Sport, Recreation and Community facilities)  
Policy ESD1 (Climate Change Mitigation and Adaptation)  
Policy ESD2 (Energy Hierarchy)  
Policy ESD3 (Sustainable Construction)  
Policy ESD4 (Decentralised Energy Systems)  
Policy ESD5 (Renewable Energy)  
Policy ESD6 (Sustainable Flood Risk Management)  
Policy ESD7 (Sustainable Drainage Systems)  
Policy ESD8 (Water Resources)  
Policy ESD10 (Protection & Enhancement of Biodiversity & the Natural Environment)  
Policy ESD13 (Local Landscape Protection and Enhancement)  
Policy ESD15 (The Character of the Built and Historic Environment)  
Policy ESD18 (Green Infrastructure)  
Policy Villages 1 (Village Categorisation)  
Policy Villages 2 (Distributing Growth across the Rural Areas)  
Policy Villages 4 (Meeting the Need for Open Space, Sport and Recreation)  
The Spatial Strategy for Cherwell District is set out at paragraph A.11

#### 4.4 Cherwell Local Plan 1996 – Saved Policies (policies not replaced by Local Plan 2011-2031)

Policy H18 (New dwellings in the countryside)  
Policy S28 (Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington shopping centres)  
Policy TR1 (Transportation funding)  
Policy TR7 (Minor Roads)  
Policy TR22 (Roads in the Countryside)  
Policy C8 (Sporadic development in the countryside)  
Policy C18 (Listed buildings)  
Policy C25 (Scheduled Ancient Monuments)  
Policy C28 (Layout, design and external appearance of new development)  
Policy C30 (Design of new residential development)  
Policy C31 (Incompatible uses in residential areas)  
Policy C33 (Protection of Important Gaps)

- 4.5 Woodstock by-pass is identified in the adopted Local Plan (Policy TR22). The bypass is identified as a 'Scheme Protected by Oxfordshire County Council'.
- 4.6 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance are also material planning considerations. Other relevant documents will be referred to where appropriate throughout the report.

## 5 PLANNING ASSESSMENT

### The Application

- 5.1 The proposal is an outline application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to a 120 unit care village (C2) with associated publicly accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publicly accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.
- 5.2 The proposal represents development requiring an Environmental Statement and this has been provided with a large volume of supporting information and documentation. Illustrative masterplans and design documents have been submitted and it is understood that the applicant intends to broadly adhere to the masterplan should permission be granted.
- 5.3 The application was registered on 08/01/2015 and subsequently amended on 22/05/2015. The amendments removed a detailed element of the proposal for 29 dwellings which was to be the first phase of the scheme, reduced the number of dwellings from 1,500 to 1,200 and increased the employment provision from 7,500sqm to 13,800sqm. Consequential amendments and updates to supporting information have also been provided.
- 5.4 The site is partly in West Oxfordshire District (WODC) and partly in Cherwell District (CDC). The whole application is being considered by both Councils who will determine the whole application separately. CDC will give separate consideration to the application under their reference 14/02004/HYBRID.

### Site Description

- 5.5 The site as a whole is approximately 74.7ha in size. The portion in West Oxfordshire is approximately 20.5ha in size and lies between the eastern edge of the existing settlement of Woodstock and a mature hedgerow boundary running in a north-south alignment between Shipton Road and the A44.
- 5.6 The area within WODC is divided into 3 parts with hedgerows running east-west. The most northern section is an existing school playing field. The portions to the south are arable fields. The larger parcel of land within CDC is one large arable field with hedgerow boundaries, and tree belts to the north and east edges.
- 5.7 The site has roads on three sides – Shipton Road to the north, the A4095 to the east and the A44 to the south. The fourth side is formed by the existing edge of Woodstock.
- 5.8 There is an existing dwelling within the site at the Pest Houses which is accessed down a track from the Shipton Road. Littlecote is a detached house in separate ownership that lies approximately midway along the southern edge of the site at the A44. A cattery is located on the eastern edge of the site on the A4095 and this is also in separate ownership. There are residential properties abutting the length of the western boundary of the site. To the north, on the opposite side of the Shipton Road, is the Marlborough School and Perdiswell Farm. There are some

residential properties on the east side of the A4095 and beyond this is the London Oxford Airport. To the south of the A44 is Grade I registered parkland to Blenheim Palace, converted listed buildings in commercial use at the Cowyards, a caravan site and woodland.

- 5.9 The application site as a whole is not within the AONB, or Green Belt, and is outside the Woodstock and Bladon Conservation Areas. It is not covered by any landscape or nature conservation designation. However, there is a Scheduled Ancient Monument (SAM) within the site which is below ground remains of a Roman villa. The site is located close to the Blenheim Palace World Heritage Site.

#### Planning History

- 5.10 08/0090/P/CD3 – County matter - Demolition of existing horsa building and two temporary classroom buildings and erection of two storey science block; reconfiguration of existing front car parking area and creation of new car parking areas (one to be used for a temporary period during construction works); alterations to existing vehicular access arrangements; erection of new security fencing and gates and associated landscaping works. – No objection was raised by WODC.
- 5.11 W88/0245 – County matter - Construction of hard playing surface and installation of 6 floodlights to existing tennis courts. – No objection was raised by WODC.
- 5.12 The part of the site in WODC was promoted by a developer under the WODC Local Plan 2011. However, the Inspector's Report recommended that "Notwithstanding the existing and proposed landscaping, the Proposal would constitute a significant incursion into open countryside to the east of the town. I also consider that the size of the development is excessive when measured against the scale of this small, attractive market town". The proposed allocation was not taken forward.

#### Local Plan Status

- 5.13 The West Oxfordshire Local Plan 2011 (WOLP) is time expired and subject to a saving direction. Nonetheless, its policies continue to apply, depending in their consistency with the National Planning Policy Framework (NPPF). The emerging review West Oxfordshire Local Plan 2031 (EWOLP) has been prepared in the light of the NPPF and represents the up-to-date policy position of WODC. It has been submitted for examination and the examination proceedings are timetabled to start at the beginning of October 2015. It is therefore at an advanced stage of preparation and is a material consideration in determining planning applications.
- 5.14 The Cherwell Local Plan 2011-2031 (CLP) was adopted on 20/07/2015 it therefore has full statutory weight. Alongside the new plan some of the policies of the previous plan remain saved.
- 5.15 The WOLP, EWOLP and CLP will be referred to throughout this report, as well as other material considerations, including the NPPF.

#### Key Considerations

- 5.16 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Highways/Transport  
Heritage  
Trees and landscape impact  
Siting, design and form



Ecology  
Employment  
Retail  
Social Infrastructure, Sport and Leisure  
Drainage  
Residential amenity  
Pollution  
Energy/Sustainable Homes  
Affordable housing  
S106 Contributions

Principle

- 5.17 Woodstock is identified under the WOLP and the EWOLP as a service centre. It is a town that benefits from a range of services and facilities including primary school, secondary school, library, post office, doctors' surgery, places of worship, shopping, pubs/restaurants, leisure facilities and employment. It also has a regular bus service linking to Witney and Oxford.
- 5.18 Woodstock is recognised as an appropriate place for some new development under WOLP Policy H7, although this would be limited to infilling, rounding off within the existing built-up area, conversion of appropriate existing buildings, and on sites specifically allocated for housing development. The development proposed does not meet these criteria and is therefore not in accordance with the policy.
- 5.19 The extent to which the policies for the control of the supply of land for housing can be considered up to date in the WOLP is open to question in two respects: The plan is time expired and subject to a saving direction; and the Council's 5 year housing land supply and annual housing requirement are the subject of debate in relation to the provisions of paragraphs 47 to 49 of the NPPF. The Council is continuing to advance a housing target that is lower than the Strategic Housing Market Assessment (SHMA), drawing on information and guidance published since the SHMA was completed. The local plan Inspector will, through the examination process, determine whether or not the Council's approach is sound. The merits of the proposal in the context of the EWOLP, which takes account of the NPPF, are assessed as follows in relation to housing land supply.
- 5.20 Policy OS1 of the EWOLP establishes a presumption in favour of sustainable development in accordance with the National Planning Policy Framework (NPPF). The District is divided into sub-areas, with Woodstock identified as a service centre within the Eynsham-Woodstock sub area.
- 5.21 Policy OS2 of the EWOLP refers to service centres being suitable for development of an appropriate scale and type that would help to reinforce their existing service centre role. A number of general principles apply to all development, and these will be addressed under the relevant headings for the main considerations.
- 5.22 Policy HI of the EWOLP sets out the amount and distribution of housing over the new plan period. The sub-area of Eynsham-Woodstock is expected to contribute 1,600 dwellings to the housing supply over the plan period to 2031 as set out in Table 9.4 of the plan. At paragraph 9.5.32 of the EWOLP it is noted that – "At Woodstock whilst there is some scope for limited development within and on the fringe of the town, the potential impact on the historic fabric of the town and in particular the Blenheim World Heritage Site is a key consideration."
- 5.23 Aside from committed sites, the WODC Strategic Housing Land Availability Assessment 2014 (SHLAA) provides an indication of where some of this housing is likely to be developed. The part of the site that is within WODC and south of the school playing field is identified as site number 162 and assessed as suitable for housing development for the following reason – "The site is relatively close to the town centre, access can be achieved from the A44 and development would

relate well to the existing built form. It would not have a significant landscape impact and there are no significant constraints to development.” This is based on a projected site capacity of 150 to 180 dwellings.

- 5.24 In the light of the SHLAA, it is acknowledged that this portion of the application site could contribute to housing supply in principle. However, the SHLAA is a high level document that does not refer to specific development proposals, nor seek to establish any particular development parameters. It does not prescribe an appropriate form of development or imply that any particular form of development will be acceptable. Officers remain of the view that the land identified as site 162 could contribute to housing land supply, subject to appropriate access, layout, design, density and landscaping.
- 5.25 CDC Strategic Housing Land Availability Assessment (SHLAA) 2014 rejects that part of the site within CDC (Ref SC001). The reason for rejection is set out in Appendix E which states - “This is a cross boundary site between Cherwell and West Oxfordshire Districts. The part of the site in Cherwell is not considered suitable for residential development due to it being in a less sustainable location, and due to adverse impacts on the historic environment and countryside”.
- 5.26 In Woodstock, EWOLP Policy H2 would allow for housing on undeveloped land within or adjoining the built up area, where the proposed development is necessary to meet identified housing needs and is consistent with a number of criteria, as well as other policies in the plan. Detailed considerations expressed in the policy will be assessed elsewhere in this report. However, it is acknowledged that the red edge of the site does adjoin the existing settlement edge.
- 5.27 Concern has been expressed by objectors that this scheme would represent an unacceptable increase in the size of the town. WODC shares these concerns. The 2011 Census indicated that at that time there were 1,418 households in Woodstock. The proposal for 1,200 dwellings would represent an 84% increase in households. This would be a very significant change. Having regard to WOLP Policy BE2 (a) the proposal would not respect the existing scale and pattern of development in this area. With reference to EWOLP Policy H2 bullet point 1 the proposal the level of housing proposed is considered disproportionate and inappropriate in scale to its context.
- 5.28 The masterplan shows the general arrangement of development on the site. The presence of the SAM precludes building within a large portion of the central area of the site and this, combined with the necessary retention of the hedgerow that forms the District boundary, effectively produces two physically and visually separate blocks of development. This would not create a satisfactory relationship with existing development, nor respect its scale, pattern and character, contrary to WOLP Policy BE2. With regard to EWOLP Policy OS2 bullet point 1 and the fifth bullet point of EWOLP Policy H2, the development would not form a logical complement to the existing scale and pattern of development in this area. In addition, the site would effectively close the gap between Woodstock and Bladon, thereby adversely affecting the identity of these settlements contrary to EWOLP Policy H2 bullet point 3, and CLP Policy ESD15.
- 5.29 The CLP is adopted and its conclusions on housing land supply have therefore been accepted following public examination. Policy BSC1 sets out the overall housing requirement of 22,840 units and how this will be met across CDC. The bulk of the supply is to be provided by sites with planning permission and allocations in Banbury, Bicester and Upper Heyford. A relatively small windfall allowance of 754 units elsewhere in the district over the plan period up to 2031 is allowed for.
- 5.30 The portion of the application site that lies within CDC represents the greater part of the land area, and it is strategic in scale given the potential development illustrated on the submitted plans and the overall total of development quantified in the proposal description. It lies in open countryside remote from any significant settlement in CDC and is not identified as necessary to

meet Cherwell's housing requirements. The windfall allowance is envisaged to be made up of small unidentified sites, not large sites that would properly be considered under the allocations process.

- 5.31 The CLP acknowledges the "Duty to Co-operate" with all other Oxfordshire Local Authorities on an on-going basis to address the objectively assessed need for housing across the Oxfordshire Housing Market Area and to meet joint commitments such as the Oxford and Oxfordshire City Deal (2014). As a first step CDC has sought to accommodate the housing need for Cherwell District in full in the local plan. It is recognised that Oxford may not be able to accommodate the whole of its new housing requirement for the 2011-2031 period within its administrative boundary and the urban capacity of Oxford is as yet unconfirmed. CDC will continue to work jointly and proactively with the Oxfordshire local authorities and through the Oxfordshire Growth Board to assess all reasonable spatial options, including the release of brownfield land, the potential for a new settlement and a full strategic review of the boundaries of the Oxford Green Belt. These issues are not for Cherwell to consider in isolation. WODC will embark on the examination of the EWOLP in October 2015. This plan does not contemplate a large scale extension to Woodstock or a strategic allocation in this location. If joint work reveals that Cherwell, WODC, and other districts need to meet additional need for Oxford, this will trigger a partial review of the Local Plan in both CDC and WODC. It is considered that such a review would be the appropriate juncture to assess whether the application site represents an acceptable and necessary strategic addition to housing land supply.
- 5.32 Given the stage of the EWOLP, and an intended countywide early review of housing requirements, bringing forward the scale of housing and employment proposed would be premature. The NPPG advises that refusal on the grounds of prematurity will be warranted when "the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan".
- 5.33 In summary, as regards the principle of development in this case, the part of the site that lies within WODC and adjacent to the existing settlement edge, could be appropriate for some housing development and is counted towards the anticipated housing delivery in the Eynsham-Woodstock sub-area under the SHLAA category. However, the part of the site that lies within CDC is not identified as necessary to meet CDC housing requirements and would not represent a small scale windfall site envisaged to contribute to the modest windfall allowance in CLP Policy BSC1. Bringing forward the scale of housing and employment proposed would be premature to the consideration of the EWOLP and a countywide review of housing requirements. The scale and layout of the site as a whole in relation to Woodstock would represent a disproportionate and inappropriate addition to the town. The proposal therefore fails to accord with WOLP Policy BE2, EWOLP Policies OS2 and H2, CLP Policies BSC1, Policy Villages 1, ESD15, saved CLP Policy H18, and the NPPG.

#### Highways

- 5.34 The proposed layout would involve the introduction of three new points of access to the highway. The main access would be off a new roundabout on the A4095, approximately half way along the eastern boundary of the site. This would link via a sinuous main route through the site (spine road) to a new access on the A44, approximately half way between the existing edge of the town and Littlecote. A third access would link the main route through the site with Shipton Road to the north.
- 5.35 The applicant's responses to the Oxfordshire County Council (OCC) concerns raised in its response to the original planning application are set out in the Transport Assessment Addendum (TAA) that presents the revised impact of the development in the light of the changes to the site masterplan, most notably a reduction in the number of dwellings from 1,500 to 1,200 and an increase in the amount of employment from 7,500sqm to 13,800sqm. The TAA explains how these main changes to the proposals result in a reduction in the overall scale of impact of the

likely travel demand arising from the development. Overall, there are 73 fewer vehicle trips in the am peak and 98 fewer in the pm peak.

- 5.36 The majority of the responses in the TAA have been the subject of detailed discussions between OCC and the applicant's planning and transport consultants. It is the view of OCC that overall, the technical concerns have been addressed satisfactorily or can be addressed through the application of conditions and appropriate legal agreements. The TAA demonstrates that the traffic from new development can be accommodated safely and efficiently on the transport network assuming the mitigation that is proposed by the developer has been implemented. This includes the site access junctions proposed for the A4095, A44 and Shipton Road.

#### Site Accesses

- 5.37 The access from the A4095 has been repositioned 70m to the south, but in all other respects the junctions are the same. The Road Safety Audit of the A44 junction carried out by the applicants demonstrates that this can operate safely and is therefore now considered to be acceptable by OCC.
- 5.38 In order for the site accesses on the A44 and A4095 to operate safely it is proposed to reduce the speed limit on these roads to 40mph on the A44 from Bladon Roundabout to the 30mph limit and on the A4095, from Bladon Roundabout to the existing 60mph limit north of Shipton Road.
- 5.39 The new site access on the A44 will need to include refuge island crossings for cyclists and pedestrians north and south of the junction with appropriate links to them from within the site. All of this site access infrastructure will be delivered by means of a S278 agreement.

#### Link and Ride

- 5.40 OCC objects to the revised proposals on the grounds that the 300 space transport interchange (formerly Link and Ride) car park does not fit with the long term strategy for "Park and Ride" on the A4260 and A44 corridors as set out in its emerging Local Transport Plan 4 (LTP4). The developer suggests that as many as 130 vehicle movements could be removed from the A44 corridor in the morning peak hour as a result of people switching from driving to Oxford to parking at the site and catching the S3 bus instead (in addition to this, the developer assumes that a further 120 car journeys on the A44 would switch to travel by bus as a result of bus priority improvements along the A44 - some introduced by the developer, some by OCC). This would help mitigate the impact of the new vehicle trips generated by the development. However, OCC objects to the transport interchange car park because it is contrary to transport policy as set out in Connecting Oxfordshire: Local Transport Plan 2015-2031; and for the following specific reasons:

- (i) Scale of Car Parking Capacity – The proposed 300 space car park is too small (the Oxford Transport Strategy requires 1100 on the A44 and A4260 corridor).
- (ii) Limitations of the Site – There is no scope to expand the site in future based on the masterplan layout. The proposed transport interchange/link and ride is part of a wider residential and employment land based development and offers no room for contiguous expansion of the site to the meet the 1,100 car parking space size listed in the Oxford Transport Strategy.
- (iii) Operational Limitations – There are many unanswered questions about how the site would operate which cast doubt on its viability as a Park and Ride. It is not known who would operate the car park element of the facility. It is assumed the existing Stagecoach bus service would serve the facility.  
Running a successful Park and Ride is dependent upon balancing a number of factors including:
  - Charge to users of car parking
  - Charge to users of the bus service
  - Frequency of bus service and average user wait time before boarding a bus service

- Journey time from user parking their car to arriving at their destination – this includes the time the passenger waits for the bus; bus journey time which is influenced by number of bus stops served and bus priority measures
- Certainty of securing a car parking space
- Certainty of bus having adequate capacity to accommodate all waiting passengers – the frequency of the bus service coupled with the number of passengers who board before the service arrives at the facility will determine the available space to accommodate Park and Ride passengers.

(iv) Undermining the successful implementation of the Oxford Transport Strategy – The provision of the transport interchange car park would make it harder for OCC to deliver the full 1100-space Park and Ride in the future; provision of a sub-standard offer could undermine the credibility of present and future Park and Ride offer into the city. There is concern that if the transport interchange facility progressed it could in the short term harm both the perception of the existing Oxford Park and Ride system, as the transport interchange could be perceived as a Park and Ride, yet does not meet the high service standard expected of the Oxford Park and Ride system. Additionally, there is concern that the 300 space facility would restrict County Council opportunities to secure the full 1100 site at an optimum location, as it could be perceived that the Council has supported the 300 space site. This may stunt the implementation of the Oxford Transport Strategy which would impact on growth aspirations in the area. This concern would not be adequately addressed by the developer's suggestion that the car park "could be reviewed and released for development if appropriate". This does not give anywhere near enough certainty and control for the purposes of the delivery of the transport strategy.

- 5.41 Oxford's Park and Ride sites have been hugely successful in reducing traffic in the city centre by providing an easy and attractive option for visitors entering the city. However, in order to reduce congestion on the approaches to the city it is now necessary to 'intercept' car trips further away from the city. Substantial link and junction delays occur on all approaches to the ring road, with particular hotspots located to the west (A420, A40), north-west (A44) and south (A34, A4074).
- 5.42 Facilities at the Park and Ride sites will fulfil the criteria required at high quality interchange hubs, and include significant provision for those wishing to cycle for part of the journey, whether that is from their point of origin to the bus service (Cycle and Ride), or from the Park and Ride site to their destination (Park and Cycle).
- 5.43 Information supplied outlines that the current S3 bus service could be altered to create two bus services on the route. The first serving Woodstock, routing through the proposed development site, thus serving the eastern part of the transport interchange/link and ride and Yarnton village; the second bus service operating as an express service that runs on the A44 and doesn't divert into the proposed site, or Yarnton. The express service would serve bus stops on the A44 to the west of the transport interchange/link and ride. Operationally, for users to ensure they catch the next available bus service reliable high quality real time information would need to be available to inform users to go to the eastern bus stops or the western bus stops.
- 5.44 In order to attract users, the operation of the transport interchange/link and ride would need to be more attractive than other methods of travel comparable for the same journey. Criteria to assess this could include financial cost of travel, total journey time including waiting for the bus. The Transport Assessment does not contain any assessment of the proposed transport interchange/link and ride site against other travel options in order to provide any clarity about the likely market it would serve.
- 5.45 These concerns about the Transport interchange (Link and Ride) car park were raised at the earliest stage of discussions with the planning and transport consultants. Specifically, OCC expressed doubt that the transport interchange car park would attract as much usage as had been assumed in the Transport Assessment work accompanying the planning application e.g. the removal of 130 vehicles from the A44 in the am peak hour. OCC officers also raised doubts that

the measures proposed along the A44 corridor to be delivered by the development would separately shift as many as the 120 car trips to bus trips that the developer was predicting. This is not least because some of the shift was assumed to be as a result of improvements at Peartree and Frieze Way roundabouts which are unfunded schemes (the developer's Frieze Way scheme would have a minor effect compared to the scheme that OCC wants to develop as part of the North Oxford strategic link road scheme). The result would be fewer car trips on the A44 being transferred to the bus and so the impact of the development being worse than originally predicted.

- 5.46 At the request of OCC, the transport consultant agreed to carry out a sensitivity test that assumed no take up of the Link and Ride and no mode shift from car to bus on the A44 as a result of bus priority aspects of junction improvements. This was considered to be an extreme worst case scenario. It was agreed that this test would constitute a supplement to the TAA which took into account the changes to the site masterplan.
- 5.47 OCC has assessed this supplementary work and is satisfied that even without any reduction in the number of car trips on the A44 as a result of the Link and Ride and bus priority junction improvements, the traffic generated by the development would not cause any severe impacts on the A44 corridor and its key junctions. As such the development proposals would be compliant with the NPPF. However, the modelling of the Langford Lane junction shows that the amount of queuing traffic turning right into Langford Lane could extend beyond the dedicated right turn lane. The developer will develop and deliver a scheme to extend the right turn lane to prevent this from being a capacity and road safety concern. This would be delivered by the S278 agreement.
- 5.48 In response to concerns from OCC the applicant has expressed a willingness to accept a condition or legal agreement that would limit the operation of the link and ride to a period of 10 years, which would allow monitoring and review. Alternatively, if the provision of the link and ride remains contentious the applicant would be willing to remove it from the scheme. At the time of writing it had not been removed from the scheme.

#### Local Centre

- 5.49 OCC officers do not agree with the response to the concern that as many as 90% of the retail trips generated are from within the site itself. This figure is likely to be much lower even if the store is relatively small. However, the number of the additional trips that would result even if, say, 50% were assumed to be from outside of the development would be very small. The impact of the externally generated trips would be further reduced as a result of some of them being pass-by trips, i.e. people already driving on the nearby network on their way to work or home. No further change is needed to the assessment.

#### Cycling and Walking Infrastructure

- 5.50 The masterplan shows a number of cycle and pedestrian accesses to the A44, A4095, Shipton Road and the existing residential area to the north west (The Covet). There is also a proposal for a traffic island crossing of the A44 north west of the Bladon roundabout. Together with the proposed walking and cycling infrastructure proposed within the site. These will help to encourage as many people as possible to walk or cycle for short local trips and to catch the bus running along the A44. Any non-highway cycling and walking infrastructure should have long term/permanent management measures put in place to ensure their continued condition and availability.
- 5.51 On the A44 from Bladon roundabout, there is a shared use footway cycleway into Woodstock. The first section from Bladon roundabout to the junction of the road that leads to The Chains caravan site is very narrow and therefore requires widening to at least 2.5m to comfortably accommodate the increased flows of pedestrians and cyclists as a result of the development. This widening would be delivered as part of the S278 agreement.

### A4095 Junctions

- 5.52 The TA and TAA show that improvements are needed at the Bladon roundabout and the Lower Road and A4260 junctions on the A4095 to accommodate traffic generated by the development. These will be delivered by means of a S278.

### A44 Junctions

- 5.53 The TA and TAA highlighted that improvements at the Spring Hill/Fern Hill and Rutten Lane/Sandy Lane roundabouts for bus priority and the Cassington Lane and Frieze Way roundabouts for bus priority and traffic flow would be needed to mitigate the impact of the traffic generated by the development.
- 5.54 The TA tested the impact of the development on the Peartree interchange on the basis that the North Oxford Transport Strategy scheme for that junction had been delivered by 2031, but that scheme is neither funded nor programmed. However, further assessment by the developer of the Peartree Interchange, bearing in mind the future development traffic and improvements to Frieze Way and Wolvercote roundabouts, show that the development will not have a detrimental impact on the junction's operation as it is currently laid out.

### Car and Cycle Parking

- 5.55 The levels of car and cycle parking will need to be set according to the OCC adopted standards. A particular concern is that people driving to the employment without somewhere to park will overspill onto Shipton Road (there is a pedestrian link from Shipton Road into the development) or onto the spine road, or even into the nearby residential areas. Furthermore, if more of the residents own cars than there are parking spaces provided in the housing area, inappropriate parking on landscaping, footways, close to junctions and along the spine road could result. A contribution of £20,000 via S106 agreement is sought to promote Traffic Regulation Orders (TRO) to tackle these parking problems if they occur.
- 5.56 Should permission be granted, and the masterplan is developed, the number, location and design of cycle parking for the different uses on the site will need to be agreed with the local planning authority in consultation with OCC. It is important that cycle parking is conveniently located and secure to encourage as many people to use cycles as possible.

### Shipton Road

- 5.57 Previously, it was not clear to OCC whether Shipton Road would remain open in the event of the development going ahead. It didn't seem necessary to have both Shipton Road and the new development spine road as they would serve similar functions. The spine road would be designed and built to a specification that would better deal with the traffic that might otherwise use Shipton Road e.g. school coaches serving the Marlborough School. A contribution of £5,000 via a S106 agreement is sought so that OCC can promote and deliver a TRO for Shipton Road which restricts access if found to be necessary once the development has started, i.e. that too many large vehicles are continuing to use Shipton Road rather than the spine road.

### Public Transport

- 5.58 A44 Woodstock to Oxford - Currently, the S3 Chipping Norton-Woodstock-Oxford Premium Route bus service operates three times per off-peak hour south of Woodstock, at least four times per hour in the peak period, twice per hour on Sunday daytimes and hourly on weekday evenings. There is no Sunday evening service. The proposed funding towards bus priorities along the A44 towards Oxford is welcomed, as there is currently significantly additional running time required for buses in the morning peak. This additional running time leads to a requirement for more

vehicles to provide any given frequency. Conversely, a reduction in the required peak running time from Woodstock to Oxford would result in a re-investment of current operating resources into a higher bus frequency, which would fulfil part of the Bus Strategy for this corridor. The bus strategy envisages enhancing the Woodstock-Oxford daytime bus service (via the proposed Northern Gateway site) from three to four buses per hour, whilst improvements should also be made to the evening and Sunday bus service.

5.59 A4095 Woodstock to Long Hanborough and Witney - Bus service 233 currently operates once per hour from Woodstock to Hanborough and Witney on weekday daytimes. There is currently no evening or Sunday service. The bus strategy envisages the enhancement of the Woodstock-Witney bus service from one to two buses per hour and the introduction of a new Woodstock-Kidlington-Water Eaton bus service also operating at two buses per hour, with this service being capable of extension to Oxford's 'Eastern Arc' via the John Radcliffe hospital, at a frequency of two buses per hour. These services would give the new residents good access to rail services, also to a wide range of employment opportunities.

5.60 It is therefore proposed to focus the bus service enhancements required of the developer onto an increase in the level of service from Woodstock to Hanborough and Witney, and also on an introduction (or an increase, if a service be provided before the S106 agreement can be enacted) of a bus service from Woodstock to Kidlington and to Water Eaton/Oxford Parkway. It is expected that the developer will procure directly up to 2 additional vehicles to deliver improvements to bus routes on the following sections of route:

\* Development site to Witney via Hanborough station

\* Development site to Water Eaton/Oxford Parkway via Kidlington.

It may be the case that these improvements trigger other enhancements to the strategic bus network.

#### Bus Stop Infrastructure

5.61 The developer proposes future bus services will be capable of operating along the A44, or through the development site. The development site is quite extensive, so a large number of bus stop locations will be required to give the new residents access to the existing and improved bus services and also to offer flexibility in future bus routing. OCC considers that nine new bus stops will be required:

- (a) Three bus stops adjacent to the junction of the A44 with the planned spine road, each downstream of the junction.
- (b) A pair of stops on the A44, about 450 metres to the south-east of the spine-road/A44 junction and 150 metres to the north-west of Bladon roundabout
- (c) A pair of stops immediately to the east of the proposed District Centre.
- (d) A pair of stops on the spine road about 125 metres to the west of the junction of the Spine Road and the A4095.

5.62 The applicant has proposed a spine road suitable for buses, with a width of between 6.5m and 6.75m. Detailed designs of the spine road would need to show they can safely accommodate buses. The available road width should be clear of parked cars and other possible obstructions. It should also avoid vertical deflection. The road must also be designed to safely and comfortably accommodate cyclists. These essential design principles should be carried forward into an agreed Design Code.

#### Travel Planning

5.63 The size of the development requires that a framework travel plans is agreed prior to the first occupation, and a review programme for the duration of the build programme to keep it up to



date and in line with any changes in regulations. Depending on the size, each of the individual elements will require a travel plan and monitoring fee or a travel plan statement in line with the thresholds set out in OCC's adopted guidance.

- 5.64 To help reduce the need for second car ownership and reduce the level of car trips off the development the developer should work with the local community and new residents to set up a car club on their site and within Woodstock.

#### Public Rights of Way

- 5.65 The public footpath on the edge of the site (Woodstock Footpath 8) needs protecting and improving for year round use. The size of the development will make this area more urban so the path needs to remain as a green corridor but also made safe and convenient for year round use and fully integrated with the development. This could be agreed at the reserved matters stage.
- 5.66 The development will affect existing rights of way in the proximity of the site due to the amount and frequency of increased use, e.g. Footpath 36, Footpath 24, Footpath 5. The development should provide a financial contribution to improve these rights of way to make them safer, and more convenient for year round commuting and recreational use.

#### Woodstock Bypass

- 5.67 Historically, there have been aspirations to provide a bypass for Woodstock. In 1983 the County Council included a bypass in its 10 year Capital Highway Programme and began a review of the historic routes for the road. In 1992 a Public Inquiry took place into the County Council's preferred route. The Secretary of State for Transport's conclusion was that the scheme was economically sound and would bring a number of benefits to the town. However, in 1993 the County Council decided to delete the proposed Woodstock Bypass from its Capital Road Programme.
- 5.68 In light of changes to traffic patterns as a result of the opening of the M40, the County Council began considering proposals for 'on-line' measures to improve safety within the town. The West Oxfordshire Local Plan 2011 Revised Deposit (Feb 2003) included in Policy T4 a list of major highway schemes, the land for which would be safeguarded. Included in this list was the A44 Woodstock Bypass. The bypass route continued to be protected as a 'retained' line and was shown on the Woodstock Inset Map of the Revised Deposit Plan. The Local Plan Inspector, however, recommended in 2005 that a number of the highway schemes were deleted from Policy T4, including the Woodstock Bypass, on the grounds that they were not firm proposals and did not have a reasonable chance of proceeding within the plan period. Including them would have conflicted with the advice of PPG12. The Inspector's recommendation was accepted and the Woodstock Bypass was deleted from the Plan.
- 5.69 In CDC the Woodstock Bypass is referred to in Policy TR22 and its route shown on the proposals map of the 1996 Local Plan. TR22 is a saved policy which has not yet been superseded by the next stage of CDC's plan review process. However, the bypass is not included in the County Council's Local Transport Plan review (LTP4) and it is unlikely that the scheme will be taken forward in the future.

#### Bike Sharing

- 5.70 The applicant has recently advised WODC that as part of the proposal, they intend to provide a bike sharing scheme similar to that that exists in London (known as "Boris Bikes"). Bike docking stations would be installed throughout the site and close to the Palace, i.e. near the transport interchange/employment area, the proposed market square, Blenheim Park and possibly in the Town Centre. Anyone could hire a bike from any docking station, and then return it to any docking station. This would improve the connectivity of the site, and will also provide

opportunities for sustainable travel. The applicant suggests that such a scheme could be conditioned.

- 5.71 Officers acknowledge that the idea has merit, but this does not affect the overall assessment of the proposal as regards highways and movement. The practicalities of delivering such as scheme and its predicted take up are not known. It would be appropriate for the details of this scheme to be provided as part of any reserved matters application.

#### Summary on Highways Matters

- 5.72 The new points of access to the highway, provision of pedestrian and cycle linkages, ability to access public transport, and predicted vehicle movements are acceptable in highways terms and no objection on these matters is raised by OCC Highways. However, a S278 agreement will be required to secure the highways improvements that are necessary to facilitate the scheme. In addition, S106 financial contributions are requested to off-set or mitigate the highways impacts of the development and improve public transport. A number of conditions are also recommended to address highways matters. Subject to compliance with such agreements and conditions the proposal, insofar as those elements listed, would comply with WOLP Policies BE3, T1, T2, and T3, EWOLP Policies T1, T2, and T3, and CLP Policy ESD15. However, for reasons expressed elsewhere in this report the laying out of the accesses, signage, road markings, pedestrian refuge islands, and other highway features would be detrimental to the character of the area.
- 5.73 OCC Highways raise objection to the link and ride facility as this is not in accordance with the Connecting Oxfordshire: Local Transport Plan 2015-2031 (LTP4). On this basis, this element of the scheme would not comply with strategic transport objectives at County level.

#### Heritage

- 5.74 This section will deal with the impact of the proposal on heritage assets and the historic environment. In this case the main heritage assets affected are considered to be: Blenheim Palace (Grade I listed building, Grade I registered park and garden, and World Heritage Site, including the Grade II listed park walls), Woodstock Conservation Area, Bladon Conservation Area, The Cowyards, Scheduled Ancient Monument (Blenheim Villa), unlisted Pest House, and "Heh Straet" (medieval ridgeway). It should also be noted that there are a number of individually listed buildings, monuments and structures within the Palace grounds that contribute to the special interest of the Park as a whole.
- 5.75 The SAM, Pest House and Heh Straet all lie within the site, whilst the other identified heritage assets are all outside the site, although in fairly close proximity. The impacts on the assets outside the site are primarily concerned with issues such as setting, visual impact, perception and experience, all of which are capable of profound effects.

#### Policy

- 5.76 WOLP Policy BE5 requires that every effort is made to ensure that the character and appearance of Conservation Areas is not eroded by the introduction of unsympathetic development proposals either within or affecting the setting of the designated area.
- 5.77 WOLP Policy BE8 states that development should not detract from the setting of a listed building.
- 5.78 WOLP Policy BE11 precludes development that adversely affects the character, setting, amenities, historical context or views within, into or from a Park and Garden of Historic Interest.
- 5.79 WOLP Policy BE12 states that development proposals that adversely affect the site or setting of nationally important archaeological monuments and monuments of local importance, whether scheduled or not will not be permitted.

- 5.80 EWOLP Policy EH7 requires that all development proposals should conserve or enhance the special character and distinctiveness of West Oxfordshire's historic environment, and preserve or enhance the District's heritage assets, and their significance and settings.
- 5.81 EWOLP Policy EW1 recognises the exceptional cultural significance (Outstanding Universal Value - OUV) of the WHS. The policy reflects the requirements of the NPPF as regards heritage assets. When assessing the impact of a proposed development on the OUV, great weight will be given to the conservation and enhancement of the OUV and to the integrity and authenticity of the WHS, as well as its setting.
- 5.82 CLP Policy ESD15 contains a number of criteria in relation to character of the built and historic environment, including a requirement to conserve, sustain and enhance designated and non-designated heritage assets in accordance with NPPF. Saved CLP Policy C25 would also be relevant in dealing with scheduled ancient monuments.
- 5.83 Section 12 of the NPPF deals with the conservation and enhancement of the historic environment. Paragraph 132 states – "When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."
- 5.84 Historic England has produced a number of good practice advice notes. Note 3 deals with "The Setting of Heritage Assets". Paragraph 4 reads - "All of the following matters may affect the understanding or extent of setting:
- \* While setting can be mapped in the context of an individual application or proposal, it does not have a fixed boundary and cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset because what comprises a heritage asset's setting may change as the asset and its surroundings evolve or as the asset becomes better understood or due to the varying impacts of different proposals; for instance, new understanding of the relationship between neighbouring heritage assets may extend what might previously have been understood to comprise setting.
  - \* Extensive heritage assets, such as landscapes and townscapes, can include many heritage assets and their nested and overlapping settings, as well as having a setting of their own. A conservation area will include the settings of listed buildings and have its own setting, as will the village or urban area in which it is situated (explicitly recognised in green belt designations).
  - \* The setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated, or be quite distinct from it, whether fortuitously or by design (e.g. a quiet garden around a historic almshouse located within the bustle of the urban street-scene).
  - \* Setting in urban areas, given the potential numbers and proximity of heritage assets, is therefore intimately linked to considerations of townscape and urban design and of the character and appearance of conservation areas. The character of the conservation area, and of the surrounding area, and the cumulative impact of proposed development adjacent, would suggest how much impact on the setting should be taken into account."
- 5.85 The advice note advocates a staged approach to decision taking.
- (i) Identify which heritage assets and their settings are affected;
  - (ii) Assess whether, how and to what degree these settings make a contribution to the significance of the asset(s).
  - (iii) Assess the effects of the proposed development, whether beneficial or harmful on that significance;
  - (iv) Explore the way to maximise enhancement and avoid or minimise harm;

- (v) Make and document the decision and monitor outcomes.
- 5.86 At paragraph 21 a number of attributes are listed which are likely to be important in relation to any single asset. These include physical considerations such as topography, landscape, openness, boundaries and vegetation. There are also a number of experiential aspects, for example: views; inter-visibility; tranquillity; sense of enclosure; and associative relationships between heritage assets.
- 5.87 Paragraph 25 assists with the assessment of the effect of development under the following headings: Location and siting of development; the form and appearance of the development; other effects of the development (such as noise, lighting, changes to general character); permanence of the development; and longer term consequential effects.
- 5.88 In relation to listed buildings, the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66(1) states that the local planning authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Therefore, aside from local planning policy and the NPPF, listed buildings and their settings attract statutory protection and great weight needs to be attached to them in planning decisions.

#### Blenheim Palace and Park

- 5.89 Blenheim Palace and its Park are statutorily designated as a Grade I listed building (listed 27/08/57) and Grade I registered park and garden (registered 01/06/84). In addition, the Palace and Park were inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) as a World Heritage Site (WHS) in 1987. There are therefore 3 overlapping nationally and internationally important designations that need to be considered. The boundaries of the registered Park and WHS are not identical, but this is not considered material to the overall assessment. Throughout the report the three designations will be referred to collectively as the "Park", although particular considerations apply to the individual assets. The Palace, for example, affords views at a high level.
- 5.90 Henry I (1100-35) appears to have first enclosed the park at Woodstock at the beginning of the C12, it subsequently becoming an important royal hunting park. The park was focused on Woodstock Palace, a medieval hunting lodge of C12 origin, occupied by many monarchs and their spouses, who developed the buildings and surrounding gardens.
- 5.91 John Churchill, first Duke of Marlborough, was rewarded by Queen Anne in 1705 for his services in defeating the French in Europe, by the grant of the Royal Manor of Woodstock, given with the understanding that she would build him, at her own expense, a house to be called Blenheim (named after the 1704 victory at the battle of Blindheim, close to the Danube). The former royal hunting park was probably then in poor condition, and the remains of Woodstock Palace were pulled down (despite a letter from Sir John Vanbrugh (1709) to the Duchess pleading for its retention, on grounds of historical association, as an eyecatcher) and its gardens removed.
- 5.92 The new palace, built 1705-22, was designed, together with the monumental Grand Bridge over the little River Glyme, by Sir John Vanbrugh (assisted by Nicholas Hawksmoor), and was set within a great formal garden designed by Henry Wise (1653-1738), Queen Anne's Royal Gardener. Following the Duke's death in 1722, a formal canal scheme designed by Colonel Armstrong, his chief engineer, was implemented by the Duchess along the course of the River Glyme. In 1764 Lancelot Brown (1716-83) was called in, producing a plan to landscape the central core of the park which included flooding the river valley to produce a large lake, and landscaping the surrounds, with new belt plantings around the park boundary. In the early C19 the fifth Duke created a substantial rock garden and series of flower gardens (mostly gone) south of Brown's lake. In the late C19/early C20 the ninth Duke carried out much restoration and replanting within the park, and created formal gardens to the west and east of the house, designed 1908-30 by

- Achille Duchene. Restoration of park planting has continued during the C20, and the estate remains in private ownership.
- 5.93 The Palace was inscribed as a World Heritage Site in 1987. The statement of significance reads as follows: "Blenheim Palace near Oxford was inscribed as a World Heritage Site in 1987 for its architectural importance, as the design and building of the Palace between 1705 and 1722 represented the beginning of a new style of architecture and for its landscaped Park designed by Lancelot 'Capability' Brown which is considered as "a naturalistic Versailles". In tangible form Blenheim is an outstanding example of the work of John Vanbrugh and Nicholas Hawksmoor, two of England's most notable architects. Blenheim represents a unique architectural achievement celebrating the triumph of the English armies over the French. Blenheim and its associated Park has exerted great influence on the English Romantic movement which was characterised by the eclecticism of its inspiration, its return to national sources and its love of nature. The original landscape set out by John Vanbrugh who regulated the course of the River Glyme was later modified by Lancelot 'Capability' Brown who created two lakes seen as one of the greatest examples of naturalistic landscape design. Blenheim Palace was built by the nation to honour one of its heroes the first Duke of Marlborough and is also closely associated with Sir Winston Churchill. By their refusal of the French models of classicism, the Palace and Park illustrate the beginnings of the English Romantic movement which was characterised by the eclecticism of its inspiration, its return to national sources and its love of nature. The influence of Blenheim on the architecture and organisation of space in the 18th and 19th centuries was greatly felt in both England and abroad. Built by the nation to honour one of its heroes, Blenheim is, above all, the home of an English aristocrat, the 1st Duke of Marlborough, who was also Prince of the Germanic Holy Roman Empire, as we are reminded in the decoration of the Great Drawing Room by Louis Laguerre (1719-20). In virtue of this criterion, just like the Residence of Wurzburg (included in 1981) and the Castles of Augustusburg and Falkenlust in Bruhl (included in 1984), Blenheim is typical of 18th century European princely residences, a category which is still under-represented on the World Heritage List."
- 5.94 At its closest point on the southern boundary of the site, the Park is approximately 35m away on the south side of the A44, and whilst the Palace itself is approximately 1,000m away, and although acknowledged to be some distance from the site, it was nonetheless designed to sit in a wide landscape commanding extensive views, and thus the surrounding landscape over a wide area contributes to its setting. The site is therefore considered to be located within the setting of the 3 designations associated with the Palace.
- 5.95 The International Council on Monuments Sites (ICOMOS) has a special role as official advisor to UNESCO on Heritage Sites. The maintenance of the Outstanding Universal Value (OUV) of the UK WHS and their settings is a key objective.
- 5.96 ICOMOS has objected as they consider that the replacement of open farmland with the major development proposed would have a negative impact on the tranquility of the closest part of the WHS from increased traffic flows and from lighting, particularly the floodlit sports pitches. Even with additional planting they consider that the setting would still be affected. They argue that doubling the size of the town and providing an alternative focus to the historic centre would significantly alter the balance of this relationship and thus the context of the WHS and historic town. The whole of the WHS and its setting needs to be seen as a sustainable unit that has the potential to deliver considerable benefits if its assets are sensitively nurtured and developed. These views are unaffected by the revised proposals and submissions.
- 5.97 English Heritage (now Historic England) expressed a view that further information should be submitted in the form of visualisations to assess the impact of the proposal on the WHS, Palace and Park. They contended that there was not sufficient clarity either on possible effects, or on whether the heritage benefits claimed for the application lead to the need to cause these effects. Their updated advice on the revised submissions still expresses concern that the matter of views from the Park and the Palace itself is not fully resolved and may require assessment when the

- leaves are off the trees. However, they state that they “have not taken a prima facie view that there would be a substantial, or in most cases perceptible, effect on the World Heritage Site’s Outstanding Universal Value”. This advice appears contradictory, since it is difficult to reconcile the position of no substantial effect with a requirement for additional visualisations and further assessment when the leaves are off the trees.
- 5.98 The topography of this part of Woodstock is relatively flat. The site is made up of large open fields with some sub-division with hedgerow, and some tree cover, primarily at the north and east edges. Part of the site was occupied in the distant past by a Roman villa, but in more recent history, since the construction of the Palace and laying out of its grounds, there has been little development in this location and it retains an agricultural character.
- 5.99 The presence of main roads on three sides of the site, footways, a public footpath through part of the south west of the site, and public access to the Park allows public views across the landscape in this location and inter-visibility of the site and Park. The development would impose itself very strongly in this very visible location which provides an approach to the Park and Palace for existing residents of Woodstock and large numbers of visitors.
- 5.100 It is notable that one of the most important approaches to the Park is along the A44, from the south east, and that whilst there is more recent development on the north side of the road, this is relatively low key, and relatively near to the historic core of the settlement. This means that the Park is perceived early, and first seen in the context of undeveloped land, not modern development. There is no doubt that the massive scale of the proposed development would subvert this, however well handled, and that there would be significant disruption of the original form. The proposal seeks to introduce substantial planting along the frontage with the A44 and around the southern corner of the site adjacent to the A44/A4095 roundabout. This is located and designed to screen the development rather than simply be incidental landscaping, and signals a recognition on the part of the applicant that the development would need to be obscured or removed from view. The presence of such planting would dramatically alter the openness of this part of the landscape and create a strong sense of enclosure along the A44. The inter-visibility and visual permeability of the area between the site and the Park would be significantly reduced and the visual relationship of the Park and agricultural landscape beyond would be lost. As referred to in paragraph 29 of “The Setting of Heritage Assets”, “screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate”. Officers concur with this advice and consider that the proposed landscaping would not overcome the inherent harm of placing such large scale development within the setting of the Park. The screening would be intrusive and fail to respond sympathetically to the character of this location, which currently reveals the undeveloped and sweeping nature of the setting of the assets. Where such screening is absolutely essential to mitigation, as it would be here should development proceed, there are also strong concern about the maintenance of such cover in perpetuity.
- 5.101 Notwithstanding the intention to screen the development, its siting and scale would still be perceived, as a result of the height and layout of built form (up to 3 storeys), physical features and sensory factors. It would create light pollution, noise, substantial numbers of vehicle movements, general activity from a large resident population and additional street furniture/signage/road markings, all of which are cues as to an urban environment. It is notable that the main access to the A44 is directly opposite the park. The urbanising effect and influence of the scheme on the character and appearance of the area, and how it is experienced, would be substantially damaging to the setting of the Park. Such harm would not be temporary or reversible.
- 5.102 WODC has acknowledged that subject to appropriate access, layout, design, density and landscaping the portion of the site that lies within WODC could accommodate some development. However, for the reasons expressed above, the location, layout, development density, and landscaping proposed across the site as whole would lead to substantial harm to the

setting of the Grade I Registered Park and Garden and the outstanding universal value of the World Heritage Site. The harm to the setting of the Grade I Listed Palace itself arises by association with its Park, although Officers do have concerns about views from the upper floors of the Palace. The Palace is of course the focus and *raison d'être* of the heritage designations and the destination reached by moving through the area affected by the proposal. It is therefore important to note that because of the rich physical and historical relationships it is not possible to fully disassociate the assets here.

- 5.103 Paragraph 133 of the NPPF establishes that such harm identified would warrant refusal “unless it can be demonstrated that the substantial harm .... is necessary to achieve substantial public benefits that outweigh that harm”. The applicant has suggested that such a public benefit arises from a requirement to fund restoration works at the Palace, although a document to support this assertion has only recently been submitted. This is entitled “Blenheim Palace World Heritage Site - Securing the Future of One of the Nation’s Greatest Heritage Assets” dated July 2015.
- 5.104 The document cross references to the World Heritage Site Management Plan and the significant restoration projects that it includes. It summarises that the restoration costs identified are £40m. On-going maintenance and repair amounts to approximately £700k annually and is paid for out of the business surplus. The applicant states that “If granted consent, the Woodstock East development will enable Blenheim Palace World Heritage Site to become fully funded for the foreseeable future. 100% of the net relevant proceeds from the sale of the consented site will be donated by the landowner to the Blenheim Heritage Foundation (a charity set up for the express purpose of maintaining and restoring the fabric of the WHS) allowing the establishment of an endowment to ensure the long-term sustainability of the WHS”.
- 5.105 Notwithstanding this submission, throughout the determination of the application, the applicant has resisted making an argument that the scheme would constitute “enabling development” in connection with works to the Palace. This is defined by Historic England in its document “Enabling Development and the Conservation of Significant Places” as “development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. While normally a last resort, it is an established and useful planning tool by which a community may be able to secure the long term future of a place of heritage significance, and sometimes other public benefits, provided it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to land as a result of the granting of planning permission for its development”. Paragraph 140 of the NPPF requires local planning authorities to assess “whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation status of a heritage asset, outweigh the disbenefits of departing from those policies”.
- 5.106 Advancing a case for enabling development would require compliance with the national advice and methodology, and a rigorous assessment process. The applicant does not wish to follow this path and it is necessary to determine what weight to attach to their assertions outside of this process. The proposed scheme would generate substantial land value, likely to be well in excess of the funds predicted to be required to achieve the programme of restoration. It is not clear what the minimum scale of development would be to achieve the objective, nor what other alternative developments could release the funds required, whilst also avoiding harm to the heritage assets. Historic England’s advice (10/09/15) on this matter is that were this to be a full enabling case there would be a significant number of issues to be resolved, such as whether the money could be raised in other ways. The objective “is not fully supported by evidence for the need to provide this development”. On this basis, therefore, whilst Officers acknowledge that the intentions of the applicant as regards works to the Palace are a material consideration, it is considered that the case for the proposed development as an appropriate means to fund these works is not adequately made out and the harm to the heritage assets as a whole is not outweighed by this consideration.

- 5.107 Elsewhere in this report, the various constraints, benefits and disbenefits of the scheme are addressed under separate topic headings. However, it is considered that any benefits that are identified are not so substantial as to outweigh the harm caused. Therefore, in accordance with paragraph 132 and 133 of the NPPF, WOLP Policies BE8 and BE11, EWOLP Policies EH7 and EW1, and CLP Policy ESC15 this harm is not considered necessary to achieve substantial public benefits.

#### Scheduled Ancient Monument/Archaeology

- 5.108 This section will draw extensively on the advice of Historic England as regards the impact on the SAM.
- 5.109 Romano-British villas were extensive rural estates the focus of which were groups of domestic, agricultural and occasionally industrial buildings. The term "villa" is now commonly used to describe either the estate or the buildings themselves. The buildings usually include a well-appointed dwelling house, the design of which varies considerably according to the needs, taste and prosperity of the occupier. Villa buildings were constructed throughout the period of Roman occupation, from the first to the fourth centuries AD. Roman villa buildings are widespread, with between 400 and 1000 examples recorded nationally. As a very diverse and often long-lived type of monument, a significant proportion of the known population are identified as nationally important.
- 5.110 The villa was built on the low lying land between the Thames tributaries, the Rivers Glyme and Cherwell, about 2km from both, and about 6km north of the Thames. It was first identified by aerial photography in the summer of 1971, when the buried stone walls and surrounding enclosure ditches showed clearly as crop marks. The outline and internal arrangement of rooms were clearly visible, and the plan and dimensions were subsequently confirmed by limited excavation in 1985, when the walls were traced by trial trenching.
- 5.111 The remains of the villa are buried, and although their position can be inferred from the topography, nothing is visible of them above ground. The applicant has undertaken a geophysical survey and archaeological evaluation to provide a clearer indication of what remains and this has informed the layout of the scheme, to the extent that no buildings, roads or other infrastructure would be sited on those parts of the site where below ground remains are known to exist. English Heritage (now Historic England) provided comments in relation to the initial submission which are reflected below.
- 5.112 The Setting of Heritage Assets paragraph 9 makes clear that buried remains can have a setting, and the submitted Environmental Statement (ES) acknowledges this. It is stated in the ES (12.1.102), however, that the buried Roman villa is not 'experienced' and so its surroundings (i.e. its setting) can make no positive contribution to the 'experiential' element of its significance. In effect, the argument is that, while the asset may have a setting, any change in that setting can have no impact upon a buried archaeological asset. This is at odds with the published advice in paragraph 9 - "...Buried archaeological remains may also be appreciated ... in relation to their surrounding topography or other heritage assets or through the long-term continuity in the use of land that surrounds them. Whilst the form of survival of an asset may influence the degree to which its setting contributes to significance and the weight placed on it, it does not necessarily follow that the contribution is nullified if the asset is obscured or not readily visible."
- 5.113 The guidance is therefore clear that a buried historic asset can: have a setting; that this setting can contribute to the significance of a historic asset; that this setting can be affected; and that the effect upon this setting can impact upon the significance of the historic asset.
- 5.114 Notwithstanding the argument that the setting can make no contribution to the significance of the monument, the ES then goes on to address the question of the impact upon the setting. The principal arguments set out are that we do not know what the setting of the villa might have been



in Roman times and that it would have been different to what it is now. The latter point is summarised at 12.1.118 – “Current land-use does not reflect the original setting of the villa except in the most superficial sense that it was agricultural”.

- 5.115 Roman villas were a predominantly rural phenomenon, and this villa falls into that category. The word ‘villa’ itself is often taken as synonymous with ‘farm’, but perhaps ‘Romanised farmstead’ would be a better definition. As an economic entity, the villa drew its wealth from agricultural activity in the countryside which surrounded it, from its estate. Villas represented a rural lifestyle to which wealthier Romans, and those who wished to be associated with Rome, aspired.
- 5.116 The precise use of the surrounding countryside during the period of occupation cannot now be determined (although it is highly unlikely to have been woodland, as suggested in 12.1.121); it probably changed over time, perhaps alternating from arable to pasture as the demands of the Roman-period economy changed. However, we can be sure it was countryside, specifically farmland, and that it would have held some combination of crops and animals. The absence of archaeological finds in the area east of the monument is just that, an absence; it could simply indicate that this area was used for the extensive grazing that would have been the major land-use in the Cotswolds until relatively recent times. Even with modern intrusions, the setting remains farmland today, and this must contribute to the significance of the villa site, allowing some appreciation of its fundamentally rural character.
- 5.117 At 12.1.129 the ES states that the villa was aligned NNE - SSW, with either a portico or a closed corridor along the eastern long side. This conforms with almost all other villa plan forms, where the portico or corridor runs along the principal façade, which usually faced somewhere in an arc between south and east.
- 5.118 An argument with respect to the aspect of the villa is offered within the ES at 12.1.151 which seems particularly contrived, and appears to run as follows: the presence of a ditch to the south-east of the villa is indicative of a hedge; this hedge must have been high; the view was thus blocked, and so the main aspect cannot be to the south-east. This is entirely contradicted by the straightforward evidence of the ground plan of the villa building given above, and even if there was a hedge here there is no reason why it could not be trimmed to maintain a view. This argument therefore does not carry any significant weight. It is also notable that if there was indeed a hedge here it could well have dated from long after the villa was abandoned.
- 5.119 The buried archaeological remains have a setting which is currently rural, and that contributes to the significance of the monument. To the extent that this rurality would be lost by any development within the setting of the villa, the contribution would be diminished and significance harmed. While some limited views to open ground would be retained to the south-west, the overwhelming effect would be that the villa has been retained as an island in an area of development, and there would be no sense that this was a location deliberately chosen by its builders for the enjoyment of the rural surroundings. Further, the villa was clearly designed to enjoy an aspect over the surrounding countryside. The updated advice from Historic England makes clear that in their view, the chief aspect of the villa was ESE and therefore the revised development layout would still cut across the main aspect of the villa in this direction. Any attempt at screening by hedge and trees would block the view and remove the appreciation of this element of design. Therefore, the significance of the historic asset would be harmed. There is no doubt that in the middle of the proposed development it would require considerable imagination to visualise what was once here and its surrounding landscape context.
- 5.120 The level of harm needs to be considered against the fact that the site is indeed buried. As the setting advice notes, the form of survival of the asset needs to be taken into account. Were the villa still standing as a visible ruin, Historic England would have no hesitation in advising that the harm would be substantial. As a buried site, they believe the harm to be less than substantial but nonetheless serious. Despite the arguments offered against any harm to the monument through the impact upon the setting, the conclusion within the ES itself (table 12.1.12, p306) is that the

significance of the effect upon the setting of the monument would be major and negative, (it is there stated to be 'reversible', but that concept does not apply, given that the proposal involves the construction of a large number of new dwellings).

- 5.121 In terms of specifically heritage-linked public benefits, the removal of the site from ploughing and the provision of an interpretation board are clearly positive. The ES, however, concludes that the major negative effect it identifies can be outweighed by these benefits. Historic England do not believe that the heritage-linked benefits offer any significant weight against the harm caused, and in any case both benefits could be achieved without the construction of the development. There therefore remains significant and serious residual harm in this proposal which is not sufficiently ameliorated by the revised layout. In their updated advice Historic England suggest that the harm is "less than substantial, but nonetheless serious". Officers disagree and consider that substantial harm is caused, contrary to paragraphs 132 and 133 of the NPPF, WOLP Policy BE12, EWOLP Policy EH7, and CLP Policy ESD15 and saved CLP Policy C25.

#### Conservation Areas

- 5.122 Woodstock is a market town, within which a Conservation Area was designated in 1975. The historic core around the Market Place, Park Street and High Street is predominantly made up of listed buildings fronting the streets. The west and south edges of the town adjoin the registered park around Blenheim Palace which is marked by a substantial stone wall. This wall forms part of an extensive length of wall around the Park (approximately 14.5km) that is separately Grade II listed.
- 5.123 The site is located approximately 600m from the Woodstock Conservation Area along the A44. It is considered that the development would not have a direct impact on the immediate setting of the Conservation Area, given the distance between the two and the intervening development to the north side of the A44. The Bladon Conservation Area is approximately 740m away along the A4095. Likewise, is not considered that there would be a direct impact on this Conservation Area. However, the development has the potential to have a significant adverse impact on the approach to, and wider setting of, both Woodstock and Bladon Conservation Areas.
- 5.124 Travelling along the A4095 in an easterly direction, leaving Long Hanborough, a real perception of the Blenheim Park becomes apparent around the Hanborough Bridge over the River Evenlode. A few yards beyond this an estate wall then begins and continues into the village of Bladon. On passing through the village, the presence of the more formal part of the park is announced by the wide landscaped verge and gatehouse at Eagle Lodge on the west side of the road. The listed wall then continues around to the left and past the caravan site on to beside the A44 and then proceeds to the Hensington Gate to the park on the edge of the Woodstock Conservation Area. In this regard the park provides a continuous visual and physical link between Bladon and Woodstock and connects the Conservation Areas of both. The perception and experience of these heritage assets along this route would clearly be negatively impacted by new development of the scale and layout envisaged.
- 5.125 The land around the route between Bladon and Woodstock has been subject to limited development, and an agricultural setting for both settlements is retained. The development proposed would impose itself very substantially into the landscape in this location and the character of the area would be altered significantly. The perception of a transition from one historic settlement to another, through an agricultural landscape which is clearly influenced by the presence of the Park and its setting would be lost.
- 5.126 The wider setting of Bladon and Woodstock Conservation Areas would be harmed, although this harm would be less than substantial. For reasons expressed elsewhere in this report the public benefits of this scheme would not outweigh the harm caused. The proposal is therefore contrary to paragraphs 132 and 134 of the NPPF, WOLP Policy BE5, EWOLP Policy EH7, and CLP Policy ESD15.

### Cowyards

- 5.127 The Cowyards and Cowyards Cottage are Grade II listed and lie to the south of the A44 opposite the application site. They were designated in 27/07/88 and comprise a range of buildings c.1860 in date consisting of natural stone, former agricultural buildings with slate roofs. The cottage is of similar materials.
- 5.128 The buildings lie within the registered park and garden and the WHS and represent part of the evolution of the estate. Being on the edge of the park and close to the agricultural land beyond it, they have an affinity with the wider rural landscape. The site is considered to be within the setting of these buildings and the masterplan indicates that buildings would be sited along the southern edge of the site albeit somewhat set back behind landscaping.
- 5.129 The listed buildings are readily visible from the A44 and from within the park and there is intervisibility between the listed buildings and the site, albeit that the view is significantly filtered by existing hedgerow and trees in the summer.
- 5.130 This group of buildings forms part of the Park and WHS and therefore an impact on one would necessarily suggest an impact on the other. The findings on the setting of the Park and WHS are expressed above. However, since the Cowyards is separately listed, it is reasonable and necessary to reach a separate conclusion about the effect of the development in relation to these buildings.
- 5.131 The Cowyards are unusual in this context, being buildings of a more utilitarian nature, although it is notable that this is a model farm group, and that considerable care was nonetheless taken with the architecture, which is of some quality, and which even included a cottage for the cowman, in addition to the animal ranges. The buildings were converted for office use in 1999, although the original form was carefully preserved. It is important to note that these were agricultural buildings, for stock, and that they were deliberately set in a less manicured part of the Park, hard by the eastern boundary, in fairly open countryside, well away from other development, and in a setting which survives to this day. Apart from the general proximity of the application site, the proposed access from the A44 is only approximately 100m from the Cowyards. It is clear that the development would completely transform their setting, and make a substantial and deleterious impact upon their significance. The proposal would therefore be contrary to paragraph 132 and 133 of the NPPF, WOLP Policy BE8, EWOLP Policies EH7, and CLP Policy ESC15 this harm is not considered necessary to achieve substantial public benefits.

### Pest House

- 5.132 A small building is shown on historic maps from at least 1750 on the border between WODC and CDC. On historic maps from the 1880s onwards it is identified as a "Pest House" (a colloquial term for infectious diseases). There is a building on the site still in existence which is constructed in local vernacular style and materials. It is unclear how rare this form of structure was nor how many such buildings remain.
- 5.133 The house is considered to be an undesignated heritage asset and the setting of this asset will need to be carefully considered, should planning permission be forthcoming. As currently illustrated, the building would remain but it would be surrounded on three sides by new development and the fourth side would be the retained boundary hedge.
- 5.134 At this stage not enough is known about the house, and ultimately how it will relate to the scheme which is currently in outline. It is therefore not possible to fully assess the extent of harm to this asset, but there are strong concerns that the isolated nature of the building, set so far away from the historic core of the settlement, may well be a very important part of its special interest.

### Heh Straet

- 5.135 The ancient routeway of the ridgeway appears to survive through the site. This is identified on the Historic Environment Record as "Witney Branch Ridgeway" and is identified as early medieval to medieval in date. The route is aligned along the boundary between WODC and CDC and also runs alongside the villa site.
- 5.136 The alignment is shown on historic OS maps as being a defined earthwork. The route incorporates part of the Shipton Road and passes alongside the Pest House. The masterplan shows that the route would be retained as part of the layout and would fall within the landscaped area across the central part of the site. Details of the precise alignment and treatment of this route would be necessary at the reserved matters stage. However, there are strong concerns as to how the historic integrity and setting of this asset could be satisfactorily accommodated within the scheme.

### Summary of Heritage Matters

- 5.137 The location, layout, development density, landscaping and overall scale of development proposed would lead to substantial harm to the setting of the Grade I Registered Park and Garden, the outstanding universal value of the World Heritage Site, and the Palace itself. Paragraph 133 of the NPPF establishes that such harm identified would warrant refusal "unless it can be demonstrated that the substantial harm .... is necessary to achieve substantial public benefits that outweigh that harm". The applicant has suggested that such a public benefit arises from a requirement to fund restoration works at the Palace. It is acknowledged that the delivery of such works is a material consideration. However, it has not been demonstrated that the scale and nature of development proposed is the only means of securing such public benefits.
- 5.138 With regard to the setting of the Cowyards, which are separately listed, is judged that there is clear harm. The development would completely transform their setting, and make a substantial and deleterious impact upon their significance. The proposal would therefore be contrary to paragraph 132 and 133 of the NPPF, WOLP Policy BE8, EWOLP Policies EH7, and CLP Policy ESC15 this harm is not considered necessary achieve substantial public benefits.
- 5.139 In terms of specifically heritage-linked public benefits, the removal of the site from ploughing and the provision of an interpretation board in relation to the SAM are clearly positive. The ES, however, concludes that the major negative effect it identifies can be outweighed by these benefits. Historic England does not believe that the heritage-linked benefits offer any significant weight against the harm caused, and in any case both benefits could be achieved without the construction of the development. There therefore remains significant and serious residual harm in this proposal which is not sufficiently ameliorated by the revised layout.
- 5.140 The land around the route between Bladon and Woodstock has been subject to limited development, and an agricultural setting for both settlements is retained. The development proposed would impose itself very substantially into the landscape in this location and the character of the area would be altered significantly. The perception of a transition from one historic settlement to another, through an agricultural landscape which is clearly influenced by the presence of the Park and its setting would be lost. Therefore the wider setting of Bladon and Woodstock Conservation Areas would be harmed, although this harm would be less than substantial.
- 5.141 Accordingly, in relation to the impact on Blenheim Palace (Grade I listed building, Grade I registered park and garden, World Heritage Site and listed walls), Woodstock Conservation Area, Bladon Conservation Area, The Cowyards, and Scheduled Ancient Monument (Blenheim Villa), the proposal is contrary to WOLP Policies BE5, BE8, BE11 and BE12, EWOLP Policies EH7 and EW1, CLP Policy ESD15, saved CLP Policy C25, and paragraphs 132, 133 and 134 of the NPPF.

- 5.142 As paragraph 133 of the NPPF allows local planning authorities to “refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary ...”, the presumption in favour of sustainable development expressed in paragraph 14 of the NPPF is therefore disengaged with reference to specific policies in the Framework indicating development should be restricted and footnote 9.

#### Trees/ Landscape Impact

- 5.143 The applicant has submitted a Landscape Visual Impact Assessment (LVIA) together with the assessment of additional viewpoints as part of the revised submission. An Arboricultural Impact Statement has also been provided. The submissions have been assessed by the CDC Landscape Officer and his detailed comments are incorporated below.
- 5.144 Aside from the existing school playing field at the north west corner of the site. The application site is agricultural land in open countryside to the east of Woodstock. The boundaries to the site are predominantly marked with hedgerow and trees.
- 5.145 Some loss of trees and hedgerow will be required to provide the main points of access from the highway and pedestrian/cycle connections within the site, and to the highway network around it. However, taking the site as a whole, trees and hedgerow would be substantially retained and development would be set back from these features, allowing appropriate tree protection measures to be employed.
- 5.146 Around the periphery of the site, it is proposed to introduce new planting, particularly on the southern corner adjacent to the A44/A4095 roundabout and along the southern boundary with the A44. A detailed planting plan would need to be provided at the reserved matters stage to show tree species, size and planting density.
- 5.147 The following local plan policies are of relevance to the consideration of landscape impact:

#### WOLP

Policy BE2 – New development should respect and, where possible, improve the character and quality of its surroundings....Proposals will only be permitted if .... (a) the proposal is well designed and respects the existing scale, pattern and character of the surrounding area...(d) existing features of importance in the local environment are protected and/or enhanced... (e) the landscape surrounding and providing a setting for existing towns and villages is not adversely affected... (f) in the open countryside, any appropriate development will be easily assimilated into the landscape and wherever possible, be sited close to an existing group of buildings.

Policy BE4 – Proposals for development within or adjoining the built up area should not result in the loss or erosion of (a) an open area which makes an important contribution to: (i) the distinctiveness of a settlement; and/or (ii) the visual amenity or character of the locality.

BE1 I – Development will not be permitted that adversely affects the character, setting, amenities, historical context or views within, into or from a Park and Garden of Historic Interest.

NE1 –Proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake: its beauty, its local character and distinctiveness.

NE3 – Development will not be permitted if it would harm the local landscape character of the District. Proposals should respect and where possible enhance the intrinsic character, quality and distinctive features of the individual landscape types.

H2 – Proposals ... should not (a) erode the character and appearance of the surrounding area, including important buildings and public and private open space; (b) adversely affect features of

historical, architectural ... importance and their setting; ... (f) set an undesirable precedent for other sites where in equity development would be difficult to resist and where cumulatively the resultant scale of development would erode the character and environment of the area.

#### EWOLP-

OS2 – All development should be located where: It forms a logical complement to the existing scale and character of development and/or the character of the area...; it protects or enhances the local landscape and the setting of the settlement/s...; it does not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area.

H2 – Where acceptable in principle, all residential development will be expected to: Where applicable form a logical complement to the existing scale and pattern of development and/or the character of the area; ... protect and where possible enhance the local landscape and setting of the settlement; ... not involve the loss of an area of open space or any other feature that makes an important contribution to the character and appearance of the area.

EHI – The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, ... [and] countryside.... will be conserved and enhanced... New development should respect and where possible enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape.

#### CLP –

Policy ESD 13 Local Landscape Protection and Enhancement - Proposals will not be permitted if they would:

- \* Cause undue visual intrusion into the open countryside
- \* Cause undue harm to important natural landscape features and topography
- \* Be inconsistent with local character
- \* Impact on areas judged to have a high level of tranquillity
- \* Harm the setting of settlements, buildings, structures or other landmark features, or
- \* Harm the historic value of the landscape.

- 5.148 Visual amenity would be greatly harmed by the proposed development. The human receptor, residential and walker, will experience the loss of the open fields and the loss of the appreciation of the wider views of the wooded hill of Bladon Heath and High Lodge. Tourists and visitor 'receptors' are highly sensitive to their environment, especially as the Oxford Road approach to Woodstock appears to 'set the scene', heightening the receptor's anticipation of the visit to Woodstock and Blenheim Palace. For this experience, the historic and landscape context is important.
- 5.149 Historic Parks and Gardens are an essential part of the nation's heritage. The proposed development compromises the historic and aesthetic connection between this open setting (application site) and the Park, as experienced on the approach road for visitors (both pedestrian and vehicle receptors), and local people.
- 5.150 The openness of the site allows visual receptors to experience this openness and views contained by the woodland belt on the northern and eastern boundaries. The strong landscape characteristic being woodland containing the site on the aforementioned boundaries. The woodland associates well with the Woodland of Campsfield Wood on Oxford Road, the wooded hill of Bladon Heath and High Lodge to the south. However, the visual/visitor/local receptor will experience screen tree planting as major character change to the Oxford Road, contributing towards a strong feeling of enclosure, and perhaps oppressiveness, combined with their knowledge that the main function of the trees is to screen and mitigate the visual impact of the mixed use development beyond. The

assertion in the LVIA that the Parkland 'feel' reflects that of Blenheim Palace is questioned since the planting belt will be a recent addition in historical terms, and so does not reflect or enhance Blenheim's formal landscape layout and its historic relevance.

- 5.151 The proposed development would imbalance the relationship between Woodstock's historic centre (including its Conservation Area), its approach, the Park and Bladon. It would replace open agricultural land with substantial and extensive built form and introduce significant new screening. The open landscape setting of Woodstock and Bladon, and the Park, would be largely removed, leading to an urbanisation of the area and loss of attractive countryside.
- 5.152 With reference to LVIA methodology, the magnitude of change is classified as Very High combined with the Very High Sensitivity of the landscape receptor, which results in a very high Significance of Effect rating of "Substantial/Adverse".
- 5.153 From the public right of way accessed from the western site boundary the walker receptor will experience intervening mixed use development to views of the wooded hill of Bladon Heath and High Lodge, compromising the landscape setting and the overall visual receptor experience of movement along the route and across the Oxford Road into the Parkland landscape and on to Bladon. Alternatively, they may divert west along Oxford Road, to historic Woodstock and on to Blenheim. These distinct landscape and urban characters: the site the approach road corridor to the centre of Woodstock and the entrance to Blenheim and its Parkland are a journey of memorable experiences.
- 5.154 With this development proposal the significant loss of the open setting, the loss of both the visual amenity and historic context/value to Woodstock, along with the harm to visitor/tourist receptor's memorable experience via the approach to Woodstock, this culminates in significant harm. Due to the experience of visual receptors time and movement (from or to) the historic landscape between Bladon and the site the visitor/tourist receptor expectation of visual amenity is high, and therefore the receptor sensitivity is going to be very high. Therefore, the magnitude of change is very high because of the drastic change from the open to the built environment, resulting in notable harm to the receptor's experience of the setting that is the application site, and the approach to Woodstock's historic core and the Palace. Therefore the significance of effect result is obviously going to be Substantial and Adverse and harmful for visual receptors.
- 5.155 The layout, scale and extent of development proposed, together with substantial new landscaping, would unacceptably alter the character and appearance of the landscape in this location. The tranquillity and rural nature of the area would be lost and replaced by an urban environment with its attendant visual presence, light pollution, activity and noise. The proposal would therefore be contrary to the policy criteria expressed in paragraph 5.9.5 above, and bring considerable disbenefits under the social and environmental components of the NPPF's three dimensions of sustainable development.

#### Layout, Siting, Design and Form

- 5.156 The application is in outline with only access to be considered at this stage. It is acknowledged that the existing landscape features to be retained, such as hedges, and the SAM and ridgeway present constraints to be worked with in developing a scheme here. The layout is to some extent also contingent on the position of the main vehicular accesses into the site, and the spine road between the A4095 and the A44 would be a key feature of any subsequent reserved matters scheme.
- 5.157 Since the pre-application phase and the latest revision of the plans submitted in May 2015, there have been a number of versions of the masterplan, each seeking to create a layout that appropriately incorporates the desired elements whilst also accommodating existing features. It is important to have a clear understanding of the layout and design concepts involved as, should

permission be forthcoming, it will be necessary to condition conformity with the masterplan and agreed design parameters as a means of underpinning and informing a detailed proposal.

- 5.158 The revised submissions include a detailed "Design Response Document". This addresses some of the deficiencies in the original Design and Access Statement and provides much more information about the rationale for the evolution of the scheme, the influences on its design, and a vision for the future development. The applicant is to be commended for responding positively to the criticisms and comments made by both Councils in respect to these considerations. The masterplan is now annotated and much clearer about what the proposals comprise, and the main elements that will form the basis of the detail. This section will incorporate the advice of CDC's Urban Design advisor.
- 5.159 Whilst significant progress on design matters has been made, there is still no clear vision that demonstrates a meaningful conceptual link between the Palace, its park, the site and the wider agricultural landscape beyond. The juxtaposition between the formality and informality of different spaces which is very evident in the Park is not effectively explored.
- 5.160 The nature of the entrance into the site from the A44 and the qualities and features of the proposed Hensington Place are fundamentally important to creating a coherent and legible main approach into the development. This part of the site is in closest proximity to the Park and the town, and the main route tourists take into Woodstock. It will set the scene for the whole scheme and needs to be sympathetic to its context. It is insufficiently described and illustrated to give any comfort and certainty that development in this location will be appropriate.
- 5.161 The proposals for Vanbrugh Square offer the opportunity to reflect the formal parterre gardens of the Palace, and the formal avenues of the Park. The opportunities to link the formal spaces and major routes with structured landscaping are not fully realised.
- 5.162 The introduction of the object building in Hensington Place as community space is positive. It will, however, be important that the nature and form of any public art as part of the fabric of this building, or within the public space, is carefully considered in detail. Public art and installations incorporating interpretive material and signage is envisaged across the whole site. Subject to appropriate design and carefully considered locations, this could be of real benefit in creating a sense of place and animating public spaces. The applicant has suggested that public art could form part of a Town Trail to help residents and visitors enjoy the whole of Woodstock and assist in integrating old and new development. The ambitions illustrated in the Design Response Document have merit.
- 5.163 Although the Design Response Document provides many examples of precedents for different building forms in the area, there remains no clear expression, albeit indicative at this stage, of the scale and appearance of buildings around the main gateways to the site, along the main routes and around the main focal points of Hensington Place and Vanbrugh Square. The street sections, both existing and proposed, that are provided are helpful to some degree, but it is still not possible to derive any meaningful understanding of what the most visually prominent places and spaces would look like.
- 5.164 The prospect of the Blenheim Estate continuing to have an interest in the site long after development has been completed provides the opportunity to create the sort of environment that the proposals are aiming for, i.e. a "special place", and not the more mundane or municipal quality that could take place. Discussions about design have frequently returned to the idea of a Design Code for the site and it would be necessary to condition that this is agreed and implemented should permission be granted.
- 5.165 As part of developing a Design Code, matters of detail such as roof pitches, window design, porches, a palette of materials, means of enclosure, street furniture, the design and surfacing of parking areas, bin storage, verges, shared surfaces, and so on would need to be addressed. It may



- also be necessary to address even finer detail such as the location of meter boxes so that the quality of street frontages is the best it can be. At Appendix I of the Design Response Document the applicant has provided an indication of what a Design Code for the site may look like. Certain elements could be mandatory and others discretionary, with variation in requirements depending on the location on the site and phase of development. Ultimately this would be the subject of a condition and possibly a legal agreement to ensure that the same high standards of construction and design are maintained for the lifetime of the development phase and thereafter.
- 5.166 The relative heights of buildings on different parts of the site would need careful consideration at the reserved matters stage should outline consent be granted. It is indicated that development would be a maximum of 3 storey.
- 5.167 The phasing of development would be important in ensuring that the main areas of landscaping are planted early and given the optimum time to become established, as well as essential infrastructure, such as the new primary school. This would be the subject of a legal agreement.
- 5.168 It is understood that the applicant would maintain a long term interest in the site and its management. Should permission be forthcoming, an open space/public realm management strategy would need to be agreed.
- 5.169 It is recognised that there are elements of the submission that point to a desire and intention on the part of the applicant to create a quality development with well-conceived spaces and a high standard of design and use of materials. However, in addressing the masterplan and general layout and scale, it is considered that the proposal fails to respond appropriately to its context and would represent inappropriate development.
- 5.170 The provision of footpath/cycle links to the existing road network and into the adjoining residential area make efforts to integrate the development with the existing town, but overall the scheme would read as a physically and visually separate entity. The necessary avoidance of development in the central portion, because of the location of the SAM, compounds the sense of separation and the impression would be of two distinct housing estates with no meaningful relationship with each other or the existing town. Any benefits of the large open space in the centre of the site that could create a physical and visual link with the landscape beyond is lost in siting the football facilities at its northern end. There would be no affinity or sympathetic relationship with the countryside into which the development would be imposed. Given the location and extent of proposed boundary planting, it would appear insular and lack integration with the landscape character in this location. Accordingly the proposal is contrary to WOLP Policies BE2 criteria (a), (e) and (f), H2 criteria (a) and (f), EWOLP Policies OS2 bullet points 1, 3, and 5, and H2 bullet points 1, 5, 6, and 8, OS4, and CLP Policy ESD15.

#### Ecology

- 5.171 The bulk of the site is made up of arable land under cultivation. The existing school playing field is amenity grassland. The margins of the parcels of land that make up the site are categorised as semi-improved grassland and the boundaries are largely marked with hedges and woodland belts.
- 5.172 Surveys have been carried out in relation to great crested newts, bats, badgers, dormice, reptiles, Roman snails and birds. The assessment and mitigation is very comprehensive for each of the habitats and the identified protected species. The mitigation is well thought out and includes provision for replacement skylark plots off site as well as designing arboreal bridges and sensitive lighting plans as well as several small blocks of broadleaved woodland to be established and a large area of conservation species rich grassland.
- 5.173 The Pest House has potential for use by individual bats, but as there is no proposal to demolish or alter this building at present, these surveys have not been carried out.

- 5.174 The vehicular and pedestrian routes proposed will necessitate the removal of some hedgerow and trees, but it is considered that this loss would be compensated for by the introduction of significant new planting and extensive areas of landscaped open space. The network of green spaces envisaged, combined with mitigation measures, should result in overall gains for biodiversity which would be policy compliant. However, as landscaping is a reserved matter the precise extent and nature of habitat creation and mitigation as regards green infrastructure is for future consideration.
- 5.175 The pressures that all the retained habitats and created habitats will be under as a result of the proposed land uses and their scale is noted. An on-going Management Plan would be required which would detail appropriate future management of planting and open spaces to ensure that their habitat value is maintained.
- 5.176 No objection in relation to ecology matters is raised by the OCC Ecologist, the WODC Biodiversity Advisor or Natural England. Subject to condition, further details as part of a reserved matters application and implementation of the mitigation and enhancement measures envisaged, the proposal would comply with WOLP Policies NE13 and NE15, EWOLP Policy EH2, CLP Policy ESD10, and the NPPF, in particular paragraphs 117 to 119.

#### Employment

- 5.177 Woodstock is a thriving town with a population at the last census of 3,100. It has a good mix of commercial uses that provide employment opportunities.
- 5.178 It is understood that the main employer is Owen Mumford which manufactures medical products, although Woodstock does not have an industrial area or business park. Other significant employers in the area are located at Long Hanborough, London-Oxford Airport, and Begbroke Estate. The area has low unemployment.
- 5.179 The provision of employment land within the scheme has been increased from 7,500sqm as first submitted, to 13,800sqm in the revised proposal. As part of a large mixed use scheme such provision would be expected and the increase in the proportion of employment land of itself is welcomed. The masterplan shows this located on the eastern edge of the site adjacent to the A4095, and therefore entirely within CDC.
- 5.180 WOLP Policy E2 allows for new employment sites within or adjoining the larger settlements in the district up to a maximum of 1ha where there is a lack of land available for employment purposes in the immediate area and where the development would not jeopardise the overall policies of restraint contained in the plan. The CLP encourages jobs growth and paragraph 28 of the NPPF is in principle supportive of employment development in rural areas. However, the provision of employment opportunities on the application site is inconsistent with the CLP strategy which focuses employment development at Banbury, Bicester and Kidlington.
- 5.181 CLP Policy SLE1 states that "unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A." The application site is not located in any such area. New employment proposals on non-allocated sites in rural areas are expected to meet a number of criteria, which will be addressed in turn as follows:
- \* They will be outside of the Green Belt, unless very special circumstances can be demonstrated – In this regard the site is not within the Green Belt.
  - \* Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site – Given the overall scale of the development proposed it is accepted that a mix of land uses would be appropriate to promote sustainability and provide employment opportunities to future residents were the principle of development

here to be accepted. However, as expressed earlier in this report, the principle is not accepted and therefore employment uses here are not sufficiently justified.

- \* They will be designed to very high standards using sustainable construction, and be of an appropriate scale and respect the character of villages and the surroundings – As this is an outline application, no details of the design, scale and method of construction area available at this stage.
- \* They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment – The floor space of 13,800sqm is not considered to be small scale. The impacts on the character of the surroundings have been addressed in other sections above and found to be detrimental.
- \* The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance) - The impacts on the character of the surroundings and environment have been addressed in other sections and found to be detrimental. The location of the employment uses on the site would be relatively close to dwellings on the east side of the A4095 and there could be detriment to residential amenity depending on specific uses within the B1, B2 and B8 categories, hours of operation, noise mitigation, etc. However, at this stage not enough is known about this potential impact to reach a clear view.
- \* The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car – The proposal has not generated an objection from OCC as regards vehicle movements and the applicant has given consideration to accessibility by modes other than the car.
- \* There are no suitable available plots or premises within existing nearby employment sites in the rural areas – It is accepted that there is buoyant demand for business space in this part of Oxfordshire and Woodstock does not benefit from significant existing commercial premises. However, it has not been demonstrated that no other suitable plots could be brought forward to meet this demand.

- 5.182 An overall view in relation to Policy SLE1 suggests that the proposal would not comply with its requirements.
- 5.183 If the proposals were implemented jobs would be provided which would assist in improving the sustainability of the new development (through the provision of a mix of uses), and Woodstock itself. However, the vast majority of new residents would work elsewhere generating trips to other settlements and employment areas, a significant proportion of which would be by private car, thereby affecting the sustainability credentials of the scheme as a whole.
- 5.184 One significant shortcoming of the layout as set out is that the employment land would be constrained within the confines of other development and the A4095. There is therefore no room for future expansion should the employment offer prove to be successful.

#### Retail

- 5.185 The outline proposal includes 930sqm of retail space, envisaged to be located at Hensington Place within WODC. Given the intention to create a community hub and the relationship with the existing development on this side of Woodstock the location appears logical.
- 5.186 The retail element will comprise up to 930sqm net sales area taking the form of a single convenience store with associated car parking.
- 5.187 The report carried out by the applicant concludes that the impact of the development would be to enhance Woodstock Town Centre's vitality and viability and result in an all-round improvement to the sustainability of the Town.

- 5.188 Woodstock is a small market town with a town centre that provides services for the existing local population of around 3,000 and the nearby villages, together with the high number of visitors that are attracted to the area, in particular the Blenheim World Heritage Site.
- 5.189 Whilst Woodstock Town Centre can be considered "healthy," this is heavily influenced by the town's heritage and leisure role. It is suggested that only £1 in every £10 of convenience (food) expenditure that arises in Woodstock is spent locally. Around 90% of food shopping trips that originate in Woodstock go to food-shops elsewhere.
- 5.190 WODC identifies Witney as the principal town centre in the District and Bicester is similarly described as the nearby equivalent in Cherwell District. Oxford is the regional shopping centre, which lies only some 8 miles from Woodstock. Woodstock is identified as a secondary order service centre.
- 5.191 Woodstock Town Centre has the twin functions of local service centre, and heritage and leisure destination. Servicing and catering for the tourist and leisure trade is a key role and the Town Centre includes a number of hotels and a range of restaurants, cafes and pubs. It also meets the day to day needs of the local population, providing a small Co-op convenience store (approximately 100sq m net sales), a bank, post office, chemist, dry cleaners, hardware store and a newsagents. The other convenience retail offering in the centre includes an artisan bakers, cake shop/tea room and delicatessen.
- 5.192 The town centre health check in relation to vitality and viability carried out by the applicant concludes that the centre is healthy, albeit that it does not perform the local service function particularly well. Vacancies are low and the trade in the centre is orientated towards tourist and visitor business. There has been a recent decline in the number and range of comparison shopping outlets in the town and several shops and businesses have recently been converted into residential properties.
- 5.193 The proposed development will deliver a new convenience store that will cater for the day to day needs of both the existing population and the increased population driven by the additional housing provision. This will enable a significant improvement in expenditure retention in Woodstock and make the community more sustainable. At present the nearest supermarket is in Kidlington.
- 5.194 The increase in population as a result of the proposed development could make other types of convenience and comparison retail and service provision more sustainable by providing a larger background population to support independent retailers and by growing the expenditure catchment for the Town Centre for service and day to day shopping. However, at the same time, it is possible that the provision of a food store at the site would provide for most day to day needs and new residents would not necessarily visit the town centre on a regular basis.
- 5.195 NPPF paragraph 24 refers to a sequential test in relation to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date local plan. Main town centre uses should be in town centres, then in edge of centre locations and only if suitable sites are not available, should out of centre sites be considered.
- 5.196 NPPF paragraph 26 advises that outside town centres local planning authorities can require an impact assessment if the development is over a proportionate, locally set floor space threshold. In WODC at present, a threshold of 500sqm is referred to in EWOLP Policy E6, and WODC Policy Officers have advised that an impact assessment should be submitted in this regard. The rationale as set out in paragraph 6.79 of the EWOLP is that the WODC retail study identified that the centres in West Oxfordshire are small and this threshold will help to protect the town centres from medium and large out of centre food stores. However, this is not an adopted policy and will be subject to scrutiny by the Inspector in the forthcoming local plan examination. WOLP Policy SH1 refers to a sequential test and impact on vitality and viability, but is out of date in relation to

the NPPF. The default threshold in the NPPF is 2,500sqm which is far greater than the 930sqm proposed. Against this background, the applicant has submitted an impact assessment as part of the Environmental Statement.

- 5.197 CDC Policy Officers have taken the view that given the site's location adjacent to Woodstock and the relatively small scale of the proposed retail element, it is probably not necessary for a sequential test or impact assessment to be provided in relation to Cherwell's settlements. However, CLP Policy SLE2 contains a requirement for proposals for over 350sqm of floor space outside Bicester and Banbury to provide an impact assessment. It also says that the Council will support the provision of new local centres containing a small number of shops of a limited size within the strategic housing allocations on strategic sites set out in the CLP. Since the proposal is considered strategic in scale, the threshold is considered to be overridden in this case by the potential need for local shopping within large scale developments.
- 5.198 It is acknowledged that the close grained nature of Woodstock and the constraints arising from a large number of listed buildings and the Conservation Area at its centre effectively preclude the development of a retail store of the scale envisaged either in the town centre or on its edge. Therefore there do not appear to be any sequentially preferable sites that could come forward.
- 5.199 The functioning of the town centre is made a more complex issue by the shortage of car parking, and the fact that public car parks and on street parking in the town are free of charge. If local shoppers or visitors cannot park they will be forced to return at other times or shop somewhere else entirely. This effect is compounded by the limited range of goods that can be accommodated in the existing Co-op store given its restricted floor space.
- 5.200 The concerns regarding retail impact are understood. Nevertheless, on balance, it is considered that there would be likely to be substantial demand for local shopping provision should the development proceed as envisaged. The 1,200 dwellings proposed would result in a number of households of similar scale to the settlements of Charlbury and Hanborough, both of which support recently developed small supermarkets, albeit that in these settlements the stores are more centrally located.
- 5.201 Should permission be granted it would be necessary to agree phasing of the retail element, and potentially impose limits on floor space and the nature of goods sold under A1 use class.

#### Social Infrastructure, Sport and Leisure

##### Education

- 5.202 The proposal includes the provision of a primary school, new football ground for Woodstock football club, mixed use games area, formal sports areas, community building and large areas of open space.
- 5.203 Based on the information available, it is estimated that housing development on this scale is likely to generate up to 358 primary pupils, which is on a scale broadly equivalent to a 2 form entry primary school. The requirement would be reviewed when a confirmed housing mix is provided.
- 5.204 Under current government school organisation regulations, there are a number of ways in which this school could be operated:
- \* A new school, managed separately from the existing schools;
  - \* A second site for the existing primary school, which is currently rated by Ofsted as Outstanding;
  - \* A second site for the existing secondary school, which is currently rated by Ofsted as Good, to allow it to extend its age range to include primary pupils.

- 5.205 The County Council, as part of its statutory responsibility to secure sufficient school places, would conduct a local consultation in due course to inform the model of school provision. If a new academy provider is the preferred model, the County Council would manage the process of securing such a sponsor. The model of provision may have implications for the precise design and cost of the new school buildings, but at this stage it should be assumed that accommodation equivalent to a new 2 form entry primary school will be required.
- 5.206 OCC generic requirements for new primary school sites include:
- \* All roads around school sites should have no dead end or layouts that might generate any need for engaging reverse gear – It is noted that the masterplan shows the new school at the end of a cul-de-sac which would not be consistent with this requirement. However it would be possible to redesign the layout at the reserved matters stage.
  - \* OCC would argue against any suggestion that school buildings are located on the corner of sites close to the boundary as it would not be conducive to an economical layout or be able to be designed to meet educational, safeguarding and management requirements – In this respect, a siting solution could be agreed as part of a reserved matters application.
  - \* The site will require the ability to create two 6m wide site access routes from the highway. They will need to be positioned at opposite ends of the school frontage in order to ensure that maintenance vehicles or construction vehicles do not need to cross from one side of the site to another. This is required to ensure the safety of the pupils and ensure continuity of education during maintenance work to the school buildings, external surfaces and playing fields. An additional 6m wide access from the highway will be required to the playing field. This is required to ensure the safety of the pupils whilst playing field maintenance is undertaken – The masterplan makes no such provision, with only one point of access illustrated. However, as above this could be resolved as a detailed layout emerges.
- 5.207 Based on the information available, it is estimated that housing development on this scale is likely to generate 265 secondary pupils. The area is served by The Marlborough CE School (a secondary academy), which has a capacity of 1138 places for 11-19 year olds. The school is expected to fill as a result of rising pupil numbers from the existing population, and would need to expand to make local housing development acceptable in planning terms. Developer contributions would be required towards the capital cost of this expansion.
- 5.208 The SEN pupil generation of this application is estimated to be 6.7 pupils, based on pupil census data on pupils attending Oxfordshire mainstream and SEN schools which indicates that 1.11% of school pupils attend SEN schools. SEN provision for this area is included within a specialist resource base within The Marlborough CE School, which is operating at capacity. There is insufficient capacity for SEN provision to meet the needs of this development, and expansion of capacity will be necessary.
- 5.209 Additional education provision would be necessary in connection with the development proposed. Subject to the observations above, it is considered that the site is capable of accommodating the required primary school. This and contributions to off-site education provision can be secured by legal agreement.

#### Sports

- 5.210 The proposal includes the relocation of Woodstock Football Club to the site. The club is currently located at Recreation Road where the ground is of limited size and constrained by other development around it. The characteristics of the site and facilities available mean that the club has not been able to progress to a higher league.
- 5.211 There is significant support locally for the relocation of the football club and the intention to provide a purpose built facility on the site would be appropriate as part of a mixed use scheme.

- 5.212 Sport England has queried the provision as regards the football ground and adjacent multi-use games area. The football ground would have its own grass playing pitch and a requirement for a practice pitch. However, in terms of the playing surface, there is a difference between an artificial grass pitch suitable for football and one designed for a range of other sports. This issue has not been resolved to date. WODC Leisure and Communities Officer notes that the football ground and all weather pitch will both need floodlights. However, no details have been provided as to the location scale and appearance of floodlighting. Football Association standards for the construction of the pavilion should feature within the detailed design to enable the club to access facility grant funding from the Football Foundation in the future. The number of changing rooms provided will need to be sufficient to serve the natural turf pitches and the all-weather pitch while operating in tandem.
- 5.213 An area to the south east of the football ground is indicated to provide a number of courts/pitches, but their specific sports use is not defined. It is also unclear whether it is intended for changing rooms, pavilions, or other facilities to be provided in connection with these sports/recreational areas. One pitch is separated from the others by a road which could present practical and highway safety issues.
- 5.214 The masterplan indicates that the existing school playing field at the north west corner of the site would remain as a playing field and there are no proposals to develop this part of the site under the indicative arrangements. Nonetheless, as it is included within the red line, this could change. If so, details would need to be provided as to equivalent or better provision to off-set the loss of existing provision.
- 5.215 Phasing of sports provision would need to be agreed, although it is noted that the applicant intends to develop the football ground and adjacent all weather pitch early in the construction programme. It is not clear how community use will be secured for the various sports facilities and this would need to be agreed and established via a formal community use agreement.
- 5.216 Whilst the intentions of the applicant as regards the overall amount of formal sports provision are welcomed, Sport England maintains its objection in relation to concerns about the future of the school playing field, the intended use of the pitch to the west of the football ground, and the further sports facilities shown elsewhere on the site. It is necessary to establish that all the sports facilities will be fit for purpose and sustainable in the longer term.
- 5.217 Given the outstanding objection the proposal would not comply with WOLP Policy TLC1, EWOLP Policy OS2 bullet point 11, Policy H2 bullet point 14, Policy E5, and NPPF Section 8.

#### Leisure

- 5.218 The masterplan shows a large area of parkland to be created in the central part of the site, along with other smaller areas of open space. The overall quantum of open space is welcomed, as well as landscaping and greening of the development that is envisaged.
- 5.219 The submission refers to a community building at Hensington Place and the possibility of shared leisure facilities to be introduced as part of the care village. This is a desirable outcome, but the details of how this is achieved would need to be agreed.
- 5.220 The specification, type and locations of on-site play provision will need to be agreed with both Councils relevant departments as part of a detailed proposal. The intention of the applicant to retain a long term interest in the site may result in a private management arrangement for open space and this would need to be confirmed. Otherwise, on-site play areas/public open space (within WODC geographical boundary) would normally be transferred to the ownership of Woodstock Town Council (subject to their agreement). Commuted sums for maintenance would be required should public management be required.

- 5.221 Woodstock Outdoor Swimming Pool is located at the Marlborough School and provides a community facility to the existing residents of Woodstock and surrounding villages. It is anticipated that the development would lead to increased use of the pool as a result of a large increase in population. The pool is in need of refurbishment, and a condition survey commissioned by the Council has identified the need for £286,000 of investment. A contribution to this, arising from the development, would be in the sum of £137,721.60. The calculation for this is set out in section 5.20 below.
- 5.222 The concerns of objectors regarding capacity at the Doctors' surgery in Woodstock are noted. However, at the time of writing no representations had been made by the surgery. It is understood that they have plans for a new surgery in the town and any capacity issue arising from the proposed development should be factored into their plans.

#### Drainage

- 5.223 A Flood Risk Assessment has been provided and identifies that the site is in Flood Zone 1 and therefore at low risk of flooding. It also states that it is not at high risk from any other kind of flooding.
- 5.224 The applicant has taken account of Environment Agency advice as regards the applying surface water flood risk principles. The following requirements have been met:
- \* Surface water run-off from the development will not increase flood risk to the development or third parties.
  - \* Sustainable drainage systems have been explored and will be used to attenuate to at least pre-development discharge rates and volumes.
  - \* An allowance for climate change has been incorporated which means adding an extra amount to peak rainfall which relates to the lifetime of the development.
  - \* The residual risk of flooding has been addressed should failure or exceedence of the drainage system occur. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.
- 5.225 No objection is raised by the Environment Agency.
- 5.226 As regards foul drainage, no objection is raised by Thames Water.
- 5.227 Officers are satisfied that, based on the information provided, the advice of consultees, and provided that a detailed sustainable drainage scheme is approved by condition, that the development can comply with EWOLP Policy EH5, CLP Policy ESD6 and the NPPF.

#### Residential Amenity

- 5.228 The proposed buildings, as shown on the indicative layout, would not be sited in close proximity to any existing neighbouring dwellings. Although the layout may be subject to change at the reserved matters stage, there is no reason to believe that an appropriate privacy distance could not be achieved in relation to all existing dwellings. Loss of private views is not a material planning consideration.
- 5.229 The distance between the development and nearby buildings is such that there would be no loss of light. This matter would be assessed in full at the reserved matters stage.
- 5.230 There could be some disturbance during construction as a result of construction traffic movements, construction noise, dust and general activity on the site. The development is expected to be on-going for at least 15 years and therefore existing residents could be affected by construction for an extended period. In this regard, should permission be forthcoming, it would be necessary to impose a condition requiring a full construction method statement and



construction management plan. This would address matters such as: construction vehicle routing; the location of site compounds, storage areas and operatives' parking; the erection and maintenance of hoardings; wheel washing facilities; measures to control dust; and hours of operation.

- 5.231 The proposed employment uses could give rise to a conflict with nearby existing dwellings and those proposed, particularly uses in the B2 industrial category which could have noisy operations. It would be necessary to consider the proximity of neighbouring uses and their appropriateness at the reserved matters stage.

#### Pollution

#### Noise

- 5.232 The applicant has provided a Noise Assessment Report which focuses on the following sources of noise: the A44; the A4095; and London Oxford Airport. This has been revisited as part of the revised submissions.
- 5.233 The dominant noise source is likely to be road noise. Although it is noted that there may be significant noise when aircraft are taking off and landing using runway 11/29 (although this is understood to be rare). In terms of the pattern of general operations, departures and arrivals on the main runway 10/19 would not be expected to overfly the site. General helicopter arrivals and departures from the airport should not overfly the site as the proposed paths set out in the airport manual are intended to avoid overflying the existing residents of Woodstock and therefore would avoid the site.
- 5.234 Road noise was assessed to determine the required glazing and ventilation specification to ensure suitable internal noise levels for future residents. Based on the data collected, with windows closed the glazing and building elements would not need to have an enhanced acoustic performance. With regard to external noise, the orientation of buildings and provision of close boarded timber fences close to nearby roads should avoid unacceptable levels of external noise.
- 5.235 Based on the level of activity at the airport, none of the site is located in an area that is exposed to Significant Observable Adverse Effect Level and there is not necessity to avoid noise sensitive development as a result of airborne aircraft noise. For the sensitivity contours prepared on the basis of up-scaled activity at the airport, approximately 25% of the total site area to the north east quadrant would be expected to be exposed to Lowest Observable Adverse Effect Level range that requires mitigation. Under none of the assessed operating scenarios is any part of the site exposed to noise levels that would be classified in the Significant Observable Adverse Effect Level. There is only a small narrow wedge in the eastern segment of the site that is expected to be exposed to higher noise levels, but this is the location for the proposed employment land on the masterplan.
- 5.236 Ground running of aircraft is limited and overall it is stated that no part of the site is exposed to noise levels that would be classified in the Significant Observable Adverse Effect Level where development should be avoided.
- 5.237 In relation to the proposed location of the primary school, based on predicted noise levels, standard thermal double glazing and a scheme for suitable ventilation would be adequate to control internal noise levels.
- 5.238 WODC Environmental Health Officer has assessed the submitted information and considers that mitigation of noise can be adequately addressed by condition. No objection is raised and therefore specifically in relation to noise, it is considered that the development proposals would comply with national and local policy expressed in WODC Policies BE2, H2, BE19, EWOLP Policy EH6, CLP Saved Policy C31 and the NPPF .

### Air Quality

- 5.239 Both WODC and CDC have designated AQMAs due to risk of exceedence of the annual mean NO<sub>2</sub> objective within their Districts. However, the proposed development site is not located within a designated AQMA, or near to one.
- 5.240 The proposed development site is located in an area where air quality is mainly influenced by emissions from road transport using:
- A44 Oxford Road;
  - A44 Woodstock Road;
  - A4095 Upper Campsfield Road; and
  - A4095 Grove Road.
- 5.241 There are no industrial pollution sources in the immediate vicinity of the site that will influence the local air quality.
- 5.242 A qualitative assessment of the potential impacts on local air quality from construction activities has been carried out for this phase of the proposed development using the IAQM methodology. This assessment identified that the proposed development is considered to be a High to Medium Risk Site for dust deposition and a Low Risk Site for Particulate Matter 10 (PM<sub>10</sub>) concentrations and ecological effects. However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and PM<sub>10</sub> releases would be significantly reduced. The residual effects of dust and PM<sub>10</sub> generated by construction activities on air quality are therefore considered to be negligible. The residual effects of emissions to air from construction vehicles and plant on local air quality is considered to be negligible.
- 5.243 In addition, a quantitative assessment of the potential impacts during the operational phase was undertaken using ADMS Roads to predict the changes in NO<sub>x</sub>, NO<sub>2</sub> and PM<sub>10</sub> concentrations that would occur due to traffic generated by the Proposed Development. The results show that the proposed development would cause imperceptible to small increases in NO<sub>2</sub> concentrations and an imperceptible increase in PM<sub>10</sub> concentrations, but would not cause any new exceedences of the statutory objectives.
- 5.244 According to the assessment significance criteria, the residual effects of the proposed development are considered to range from negligible to slight adverse for NO<sub>2</sub> and negligible for PM<sub>10</sub>.
- 5.245 The results for the two designated ecological sites considered in this assessment show that there is the potential for current levels of nitrogen deposition to be having an adverse impact on the integrity of the Blenheim Park SSSI and Oxford Meadows SAC, however the actual change in the rate of nitrogen deposition as a result of the proposed development is relatively small. Consequently, it is unlikely that the operation of the development would significantly exacerbate any impacts and therefore the impact of the development on Blenheim Park SSSI and Oxford Meadows SAC is considered to be negligible.
- 5.246 Overall, specifically in relation to air quality, it is considered that the development proposals would comply with national and local policy expressed in WODC Policies BE2, H2, BE18, EWOLP Policy EH6, and the NPPF .

### Lighting

- 5.247 The scheme would undoubtedly produce a very large number of buildings, each providing sources of light pollution, as well as street lighting and other light sources in the public realm, such as bollard lighting to car parks and footpaths. The football ground and adjoining all weather pitch

would be floodlit. This would transform what is currently a dark area of landscape into a well-lit suburban environment.

- 5.248 A Lighting Assessment has been carried out by the applicant. The baseline condition of the site has been assessed as "Dim" and the brightness of the proposed scheme post-construction assessed as "Bright". Therefore the magnitude of the change is considered to be "High" and the lighting impacts "Significant".
- 5.249 Electric lighting installations throughout the site would therefore require mitigation during the detailed design stages of the project to mitigate impacts. There are a number of design solutions that can vary the level of light desired depending on location, and also reduce light spill into surrounding areas. It would also be possible to control light intensities on any given installation depending on the time of day.
- 5.250 During the night it could be that significant areas of the site could be free of artificial external light sources where there would be no significant detriment to health and safety.
- 5.251 The existing mature landscape around the perimeter of the site provides some screening for lighting installations on the site, and additional planting is proposed. On particularly sensitive parts of the site, such as bat foraging routes, potential light spill could be appropriately avoided or reduced.
- 5.252 Although advances in lighting technology are acknowledged, as well as the potential for a full lighting scheme to be secured by condition, it is considered that the presence of such extensive artificially lit development in this location would be inappropriate for the reasons expressed elsewhere in this report in relation to heritage and landscape, and would have an unacceptable urbanising effect. Therefore, specifically in relation to light pollution, it is considered that the development proposals would not comply with national and local policy expressed in WODC Policies BE2, H2, BE21, EWOLP Policy EH6, and the NPPF .

#### Contamination

- 5.253 Long term groundwater and gas monitoring recorded negligible levels of carbon dioxide and methane in the ground from the one on-site and two off-site sources indicated in the desk study. As such there is considered to be no elevated risk and no need for on-going mitigation measures.
- 5.254 With regard to contaminated land investigation, the desk study indicated three potential (but unlikely) sources of on-site contamination. All three were investigated, along with a spread of other holes and samples across the site. Contaminant levels were all below relevant environmental quality standards. As such, there was no elevated risk encountered on this site for all possible Human Health or Controlled Waters receptors, therefore, no further investigation or remedial measures are recommended. A standard condition in relation to unexpected contamination could be applied to any permission granted.

#### Energy/Sustainable Homes

- 5.255 The applicant submitted an Energy Strategy and District Heating Network Assessment and Code for Sustainable Homes Strategy. These seek to explore the techniques that could be used on the site to achieve a sustainable development in terms of energy use and climate change.
- 5.256 The main objective, as set out, is to achieve Code for Sustainable Homes Level 4 for residential elements and a British Research Establishment Environmental Assessment Method (BREEAM) "good" rating for non-domestic elements.
- 5.257 The Code for Sustainable Homes refers to achieving certain standards in relation to: energy and CO2 emissions; water use; materials; surface water run-off; waste; pollution; health and wellbeing;

and ecology. BREEAM sets the standard for best practice in sustainable building design, construction and operation and has become one of the most comprehensive and widely recognised measures of a building's environmental performance.

- 5.258 The Code for Sustainable Homes was withdrawn by the Government earlier this year after the application was submitted and an updated statement from the applicant on this subject reads as follows: "The applicant fully recognises the opportunity to provide a highly sustainable development and has every intention to provide energy efficiency measures and reduce the carbon footprint of the development proposals. The applicant is currently committed to meeting the policy requirements for energy efficiency and will investigate ways of improving this through detailed design".
- 5.259 WODC would expect the applicant to achieve the highest possible standards in sustainable design and construction and this could form part of any conditions in relation to design codes and construction standards.

#### Affordable Housing

- 5.260 WOLP Policy H11 requires contributions to affordable housing at a rate of up to 50% on unallocated sites. The emerging review plan Policy H3 introduces an approach on large scale schemes whereby the district is divided into zones where different proportions of affordable housing will be sought. In the case of Woodstock the expectation would still be for 50%. The Council's Housing Enabling Officer has advised that there are currently 157 households on WODC's housing waiting list who would qualify for affordable housing in Woodstock were it available today. Of these 30+ households are older people who would benefit from the opportunity to move to extra care housing in use class C3. However, institutional care under use class C2 is not, in the opinion of the Council's Housing Enabling Officer, the most sustainable solution for locally identified need. In terms of the remaining 120+ households, WODC would as a guide seek unit types of 65% for smaller households, e.g. 1 and 2 bedroom homes, 30% 3 bedroom family homes and no more than 5% larger 4 bedroom family homes.
- 5.261 It is considered that a legal agreement delivering the proportion, mix and range of housing suggested would make a policy compliant contribution to affordable housing needs in this area.

#### Summary of S106 Contributions Requested

#### OCC Highways

- 5.262 Financial contributions for works to the highway to be delivered by the county council:

#### 44 Junction improvements

- The developer's Transport Assessment (TA) shows that improvements are needed to mitigate the impact of additional traffic generated by the proposed development at the A44 junctions with Cassington Road and Frieze Way. As such the developer is required to provide a contribution towards future schemes at these junctions in line with the impact that the development will have. This amounts to a cost of in the region of £1.1m.
- The TA states that the 2 A44 junctions with Spring Hill Road and Rutten Lane need bus priority improvements. This amounts to a cost in the region of £100k
- Bus service improvements
- The developer would procure directly an agreed list of bus service improvements, up to a maximum value of £1.2 million to help ensure the development is as sustainable as possible and to mitigate the impact of the development on the local highway network.
- Bus stop improvements

- The developer would provide up to £90,000 for the provision of fixed infrastructure for nine bus stops, inclusive of nine Premium Route pole/flag/information case units and up to nine shelters. The actual number of shelters to be provided is subject to the developer confirming in writing future maintenance arrangements with the relevant Parish or Town Councils.
- The developer would also provide £4,100 per each of up to 5 real time information displays (all of the Oxford bound shelters)

#### Traffic Regulation Orders

- A £20k contribution is required to cover the cost of promoting and implementing TROs to tackle overspill parking problems in and close to the development. In particular, there could be overspill employment parking on Shipton Road, on the spine road and in residential areas.
- A £5k contribution is required to cover the cost of promoting and delivering a TRO to restrict the use of Shipton Road if after the development is occupied it is the view of the county council that this is needed.

#### Public Rights of Way

A S106 contribution of £65,000 is required to manage impacts on public rights of way in vicinity of the development by improving routes. Primarily this is to improve the surface of routes to take account of the likely increase in use by residents of the development. This may also include short linking routes, new or replacement structures like gates, bridges and seating; sub-surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers.

#### Travel planning

A total of £10,280 for Travel Plan monitoring fees would be required made up of the following:  
 £6,200 for the employment uses (based on the assumption of there being 5 businesses - £1,240ea)  
 £2,040 for the 1,200 dwellings  
 £2,040 for the Primary School

A S106 financial contribution would also be needed towards the setting up and running of a car club - £78,500 made up of:

- To provide 3 vehicle for the development - £4,500 per car per year for three years (£40,500)
- Membership Contribution per household for membership for 3 years - £5 x 1200 x 3 (£18,000)
- Marketing, First year £10,000 and then £5,000 per for three years (£20,000)

Improvements to the A44 Bladon roundabout that are needed to accommodate the increased traffic from the development will be delivered as part of the S278 agreement (see below).

Section 278 Highways Act – Works in the Highway

Site accesses on the A44, A4095 and Shipton Road

Improvements to The Bladon Roundabout

Reduction in the speed limit to 40mph on the A44 and A4095 adjacent to the development site

Junctions of the A4095 with Lower Road and the A4260

Basic bus stop infrastructure at the agreed nine locations (hard standings, bus stop cages, highway widening if required, any connecting footpaths and informal pedestrian crossing arrangements).

Improvements to the corner of Shipton Road in the vicinity of Randolph Avenue to better accommodate school coaches and allow them to safely access the proposed new coach parking area. Also proposed traffic calming features on Shipton Road between the development site access and the corner near Randolph Avenue

Widening of existing shared footway/cycleway to a minimum of 2.5m on the south west side of the A44 between Bladon Roundabout and the road leading to The Chains caravan site

Lengthening of the right turn lane at the A44 Langford lane junction to prevent predicted increases in traffic queuing to turn right from impacting negatively on junction capacity and road safety

### OCC Education

5.263 The scale of the proposed housing would require a new primary school site and buildings to be provided. Section 106 developer contributions totalling £8,068,000 would be required.

- £3,979,740 Section 106 required for necessary expansion of permanent secondary school capacity in the area. This site lies within the current Marlborough CE School's designated catchment area (an academy).
- £205,395 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision serving the development's area. SEN provision for this area is provided by a Special Resourced Unit at The Marlborough CE School, as well as by those schools serving the whole county.

Legal Agreement required to secure:

- Developer contributions to fund new primary school buildings of an appropriate size in line with expected pupil generation. For the proposed scale of housing this is expected to be equivalent to a 2 form entry primary school. Contributions are sought based on Department for Education (DfE) advice for new schools weighted for Oxfordshire. Based on a requirement for a 2 form entry school we would therefore require a contribution of £8,068,000 (index linked from 1st Quarter 2012 using PUBSEC Tender Price Index) to primary school infrastructure for these homes.
- A satisfactory primary school site of 2.22ha would be required, fully serviced and at no cost to the county council. Sufficient information would need to be provided to the OCC property consultants to allow a judgement to be made on the suitability of the proposed school site and surrounding layout of the development.
- £3,979,740 Section 106 developer contributions towards the expansion of permanent secondary school capacity serving the area by a total of 265 pupil places (including 37 sixth form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.
- £205,395 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 6.7 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised by the county council's property consultants Turner & Townsend to allow £30,656 per pupil place to expand capacity in special educational needs provision.

### OCC Property

Library £59,400

Central Library £50,935.50

Waste Management £190,080.00

Adult Day Care £255,200.00

Total\* £555,615.5

\*Total to be Index-linked using PUBSEC Tender Price Index

- Administration & Monitoring £17,500

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

### OCC Waste

5.264 Contributions are sought towards HWRC infrastructure to meet the demand generated by the proposed development based on the following calculation.

A HWRC designed with capacity for 17,650 households has an estimated project build cost of £3,400,000 (@1Q 14 prices)

This equates to a capital cost per household of £193

The HWRC requires a site area of 16,000m<sup>2</sup>(equating to 0.91m<sup>2</sup> per household)

Using an estimated land value of £300,000/acre =£74.14/m<sup>2</sup>

This equates to land cost per household of £67 (£74.14\*0.91)

Total m<sup>2</sup> cost/household – £193+£67= £260

Total m<sup>2</sup> cost/person (based on 2.4 average occupancy) – £260/2.4 = £108.33

Total contribution from 14/02004/HYBRID-2

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£260 x 1,200 dwellings = £312,000

2. This cost takes in to account the infrastructure required to deliver a modern HWRC with adequate facilities to maximise reuse and recycling. This ensures that OCC will comply with the EU Waste Framework Directive 2008, enacted through the Waste Regulations (England and Wales) 2011 (as amended) which demands that:

“An establishment or undertaking which imports, produces, collects, transports, recovers or disposes of waste, or which as a dealer or broker has control of waste must, on the transfer of waste, take all such measures available to it as are reasonable in the circumstances to apply the following waste hierarchy as a priority order—

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery (for example energy recovery);
- (e) disposal

3. A modern facility with reuse area and extensive recycling facilities also ensures we meet our commitments in the Oxfordshire Joint Municipal Waste Management Strategy (JMWMS) which sets out the vision for managing waste across the county. The strategy has been adopted by all councils and commits to:

Policy 3: help households and individuals to reduce and manage their waste in order to ensure zero growth or better of municipal waste per person per annum

Policy 4: provide an integrated system of collection and processing of household waste which will achieve, as a minimum:

By 31st March 2020: recycle or compost at least 65% of household waste

#### Leisure

- 5.265 1,200 homes will result in 2,880 residents (based upon an average of 2.4 per dwelling). These residents would be living in close proximity to the Council run outdoor swimming pool at the Marlborough School. To cater for this increased demand contributions are sought to enhance and refurbish the facility. A condition survey commissioned by the Council has identified the need for £286,000 of investment.

Woodstock current population = 3,100 (2011 census)

Increase from new development = 2,880

Total = 5,980

Formula

£286,000 / 5,980 = £47.82 per person.

£47.82 x 2,880 (increase from the development) = £137,721.60

Capital contributions sought for the refurbishment/enhancement of Woodstock Outdoor Swimming Pool = £137,721.60

#### Public Art

- 5.266 The scheme would trigger a contribution for public art.

1. The developer would be required to come up with a public art plan for the site. This must accompany any subsequent application. This would need to show how the developer will incorporate public art within the development to enhance its design quality and legibility.
2. A contribution towards temporary public art in the form of community led activity post-occupation should be set aside. This will focus on supporting the new residents to build community activity and a sense of identity.
3. Public meeting spaces should be provided.

#### Thames Valley Police

- 5.267 Financial contributions are sought based on an increase in population of 2.4 people per new household. These contributions would be towards staff, vehicles, mobile IT, radio coverage/airwave capacity, ANPR cameras, premises, and control room and Police national database capacity. The calculations are covered in their representation but these would need to be updated in relation to the revised scheme.

#### WODC Environmental Services

- 5.268 Environmental Services would like a contribution from the developers towards the maintenance of woodland on Brook Hill and Westland Way, Woodstock. £10,000 would pay for a full tree survey in these locations and for tree maintenance as required.

#### Affordable Housing

- 5.269 Delivery of affordable housing consistent with Section 5.19 above would be expected.

#### Other Matters

##### Land classification

- 5.270 The 1:250,000 scales Provisional Land Classification Map of the area shows the site as Grade 3. These maps are only accurate to about 80ha. The detailed fieldwork undertaken for this study has shown that the Provisional Maps are correct and the site is classified as Subgrade 3b. There is no 'best and most versatile land' on this site and as such the land is afforded little protection through the planning system by virtue of its agricultural land quality.
- 5.271 The loss of subgrade 3b land will not have a significant effect on either regional or national agricultural production.

#### Conclusions

##### Principle

- 5.272 The part of the site that lies within WODC and adjacent to the existing settlement edge, could be appropriate for some housing development and is counted towards the anticipated housing delivery in the Eynsham-Woodstock sub-area under the SHLAA category, with an anticipated capacity of 150 to 180 dwellings. This would be subject to appropriate layout and landscaping. However, the part of the site that lies within CDC is not identified as necessary to meet CDC housing requirements and would not represent a small scale windfall site envisaged to contribute to the modest windfall allowance in CLP Policy BSC1. The scale and layout of the site as a whole in relation to Woodstock would represent a disproportionate and inappropriate addition to the town. The proposal therefore fails to accord with WOLP Policies BE2 criterion (a) and H2 criterion (a) and (f), EWOLP Policies OS2 bullet points 1, 3 and 5, H2 bullet points 1 and 5, and CLP Policy BSC1, Policy Villages 1, and ESD15, in particular bullet point 1, and saved CLP Policy H18.



## Highways/Transport

- 5.273 The new points of access to the highway, provision of pedestrian and cycle linkages, ability to access public transport, and predicted vehicle movements are acceptable and no objection on these matters is raised by OCC Highways. However, a S278 agreement will be required to secure the highways improvements that are necessary to facilitate the scheme. In addition, S106 financial contributions are requested to off-set or mitigate the highways impacts of the development and improve public transport. A number of conditions are also recommended to address highways matters. Subject to compliance with such agreements and conditions the proposal, insofar as those elements listed, would comply with WOLP Policies BE3, T1, T2, and T3, EWOLP Policies T1, T2, and T3, and CLP Policy ESD15. However, OCC Highways raise objection to the link and ride facility as this is not in accordance with the Connecting Oxfordshire: Local Transport Plan 2015-2031 (LTP4). On this basis, this element of the scheme would not comply with strategic transport objectives at County level.

## Heritage

- 5.274 The location, layout, development density, landscaping and overall scale of development proposed would lead to substantial harm to the setting of the Grade I Registered Park and Garden, the outstanding universal value of the World Heritage Site, and the Palace itself. Paragraph 133 of the NPPF establishes that such harm identified would warrant refusal "unless it can be demonstrated that the substantial harm .... is necessary to achieve substantial public benefits that outweigh that harm". The applicant has suggested that such a public benefit arises from a requirement to fund restoration works at the Palace. It is acknowledged that the delivery of such works would attract considerable weight. However, it has not been demonstrated that the scale and nature of development proposed is the only means of securing such public benefits.
- 5.275 With regard to the setting of the Cowyards, which are separately listed, is judged that there is clear harm. The development would completely transform their setting, and make a substantial and deleterious impact upon their significance. The proposal would therefore be contrary to paragraph 132 and 133 of the NPPF, WOLP Policy BE8, EWOLP Policies EH7, and CLP Policy ESC15 this harm is not considered necessary to achieve substantial public benefits.
- 5.276 In terms of specifically heritage-linked public benefits, the removal of the site from ploughing and the provision of an interpretation board are clearly positive. The ES, however, concludes that the major negative effect it identifies can be outweighed by these benefits. Historic England do not believe that the heritage-linked benefits offer any significant weight against the harm caused, and in any case both benefits could be achieved without the construction of the development. There therefore remains significant and serious residual harm in this proposal which is not sufficiently ameliorated by the revised layout.
- 5.277 The land around the route between Bladon and Woodstock has been subject to limited development, and an agricultural setting for both settlements is retained. The development proposed would impose itself very substantially into the landscape in this location and the character of the area would be altered significantly. The perception of a transition from one historic settlement to another, through an agricultural landscape which is clearly influenced by the presence of the Park and its setting would be lost. Therefore the wider setting of Bladon and Woodstock Conservation Areas would be harmed, although this harm would be less than substantial.
- 5.278 Accordingly, in relation to the impact on Blenheim Palace (Grade I listed building, Grade I registered park and garden, and World Heritage Site), Woodstock Conservation Area, Bladon Conservation Area, The Cowyards, and Scheduled Ancient Monument (Blenheim Villa), the proposal is contrary to WOLP Policies BE5, BE8, BE11 and BE12, EWOLP Policies EH7 and EW1, CLP Policy ESD15, saved CLP Policy C25, and paragraphs 132, 133 and 134 of the NPPF.

- 5.279 As paragraph 133 of the NPPF allows local planning authorities to “refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary ...”, the presumption in favour of sustainable development expressed in paragraph 14 of the NPPF is therefore disengaged with reference to specific policies in the Framework indicating development should be restricted and footnote 9.

#### Trees and Landscape Impact

- 5.280 The layout, scale and extent of development proposed, together with substantial new landscaping, would unacceptably alter the character and appearance of the landscape in this location. The tranquillity and rural nature of the area would be lost and replaced by an urban environment with its attendant visual presence, light pollution, activity and noise. The proposal would therefore be contrary to the policy criteria expressed in WOLP Policies BE2 criteria (a), (d), (e) and (f), BE4 criterion (a), BE11, NE1, NE3, and H2 criteria a, b, and f. It would be contrary to EWOLP Policies OS2 bullet points 1, 3 and 5, H2 bullet points 5, 6 and 8, and EH1. It would also be contrary to CLP Policy ESD13. The proposal would result in considerable disbenefits under the social and environmental components of the NPPF’s three dimensions of sustainable development.

#### Layout, Siting, Design and Form

- 5.281 It is acknowledged that detailed matters related to layout, scale of built form, external appearance of buildings, and landscaping would form part of a reserved matters application. Nonetheless, as part of an outline proposal, it is appropriate for the local planning authority to consider the approximate location of buildings, routes and open spaces, and the upper and lower limits for the scale of buildings. The submitted details, including the masterplan, seek to establish parameters for the scheme and a considerable amount of work in this regard has been carried out by the applicant. Should permission be forthcoming it would be necessary to require adherence to particular criteria and elements of the proposal by condition, and possibly also by legal agreement. Therefore, a judgement as to the acceptability in principle of layout, siting, and form is legitimate at this stage.
- 5.282 The provision of footpath/cycle links to the existing road network and into the adjoining residential area make efforts to integrate the development with the existing town, but overall the scheme would read as a physically and visually separate entity. The necessary avoidance of development in the central portion, because of the location of the SAM, compounds the sense of separation and the impression would be of two distinct housing estates with no meaningful relationship with each other, or the existing town. There would also be no affinity or sympathetic relationship with the countryside into which the development would be imposed. Rather, given the location and extent of proposed boundary planting, it would appear insular and lack integration with the landscape character in this location. The development would not form a logical complement to the existing scale and pattern of development in this area. In addition, the site would effectively close the gap between Woodstock and Bladon, thereby adversely affecting the identity of these settlements. Accordingly, the proposal is contrary to WOLP Policies BE2 criteria (a), (e) and (f), H2 criteria (a) and (f), EWOLP Policies OS2 bullet points 1, 3, and 5, and H2 bullet points 1, 3, 5, 6, and 8, and CLP Policy ESD15.

#### Ecology

- 5.283 No objection in relation to ecology matters is raised by the OCC Ecologist, the WODC Biodiversity Advisor or Natural England. Subject to condition, further details as part of a reserved matters application and implementation of the mitigation and enhancement measures envisaged, the proposal would comply with WOLP Policies NE13 and NE15, EWOLP Policy EH2, CLP Policy ESD10, and the NPPF, in particular paragraphs 117 to 119.

#### Employment

- 5.284 WOLP Policy E2 allows for new employment sites within or adjoining the larger settlements in the district up to a maximum of 1ha where there is a lack of land available for employment purposes in the immediate area and where the development would not jeopardise the overall policies of restraint contained in the plan. The proposal for 13,800sqm of employment exceeds the 1ha threshold and therefore would be contrary to this policy. The CLP encourages jobs growth and paragraph 28 of the NPPF is in principle supportive of employment development in rural areas. However, the provision of employment opportunities on the application site is inconsistent with the CLP strategy which focuses employment development at Banbury, Bicester and Kidlington. The proposal would therefore be contrary to CLP Policy SLE1.

#### Retail

- 5.285 The concerns regarding retail impact are understood. Nevertheless, on balance, it is considered that there would be likely to be substantial demand for local shopping provision should the development proceed as envisaged. The 1,200 dwellings proposed would result in a number of households of similar scale to the settlements of Charlbury and Hanborough, both of which support recently developed small supermarkets, albeit that in these settlements the stores are more centrally located.

#### Social Infrastructure, Sport and Leisure

- 5.286 Whilst the intentions of the applicant as regards the overall amount of formal sports provision are welcomed, Sport England maintains its objection in relation to concerns about the future of the school playing field, the intended use of the pitch to the west of the football ground, and the further sports facilities shown elsewhere on the site. It is necessary to establish that all the sports facilities will be fit for purpose and sustainable in the longer term. Given the outstanding objection the proposal would not comply with WOLP Policy TLC1, EWOLP Policy OS2 bullet point 11, Policy H2 bullet point 14, Policy E5, and NPPF Section 8.
- 5.287 The provision of a new primary school, open space, recreation and other community uses is indicated in the application and subject to necessary details and legal agreements is likely to comply with objectives as regards community facilities.
- 5.288 The increased pressure on primary health care is recognised, but this would not constitute a reason for refusal.

#### Drainage

- 5.289 No objection is raised by the Environment Agency. As regards foul drainage, no objection is raised by Thames Water. Officers are satisfied that, based on the information provided, the advice of consultees, and provided that a detailed sustainable drainage scheme is approved by condition, that the development can comply with EWOLP Policy EH5, CLP Policy ESD6 and the NPPF.

#### Residential amenity

- 5.290 The proposed buildings, as shown on the indicative layout, would not be sited in close proximity to any existing neighbouring dwellings. There is no reason to believe that an appropriate privacy distance could not be achieved in relation to all existing dwellings. Loss of private views is not a material planning consideration. The distance between the development and nearby buildings is such that there would be no loss of light. This matter would be assessed in full at the reserved matters stage.
- 5.291 There could be some disturbance during construction as a result of construction traffic movements, construction noise, dust and general activity on the site. The development is expected to be on-going for at least 15 years and therefore existing residents could be affected by

construction for an extended period. In this regard, should permission be forthcoming, it would be necessary to impose a condition requiring a full construction method statement and construction management plan.

- 5.292 The proposed employment uses could give rise to a conflict with nearby existing dwellings and those proposed, particularly uses in the B2 industrial category which could have noisy operations. It would therefore be necessary to give further consideration to the proximity of neighbouring uses and their appropriateness at part of a reserved matters application.
- 5.293 Overall it is considered that acceptable residential amenity could be achieved by appropriate layout and conditions at the reserved matters stage.

#### Pollution

- 5.294 WODC Environmental Health Officer has assessed the submitted information and considers that mitigation of noise can be adequately addressed by condition. No objection is raised and therefore specifically in relation to noise, it is considered that the development proposals would comply with national and local policy expressed in WODC Policies BE2, H2, BE19, EWOLP Policy EH6, CLP Saved Policy C31 and the NPPF .
- 5.295 Overall, specifically in relation to air quality, it is considered that the development proposals would comply with national and local policy expressed in WODC Policies BE2, H2, BE18, EWOLP Policy EH6, and the NPPF.
- 5.296 Although advances in lighting technology are acknowledged, as well as the potential for a full lighting scheme to be secured by condition, it is considered that the presence of such extensive artificially lit development in this location would be inappropriate for the reasons expressed elsewhere in this report in relation to heritage and landscape. Therefore, specifically in relation to light pollution, it is considered that the development proposals would not comply with national and local policy expressed in WODC Policies BE2 criteria (c) and (e), H2 criteria (a) and (d), BE21, EWOLP Policy EH6, and the NPPF .
- 5.297 As regards potential contamination, the applicant has carried out appropriate assessments and no further investigation or remedial measures are recommended prior to decision. However, a standard condition in relation to unexpected contamination could be applied to any permission granted.

#### Energy/Sustainable Homes

- 5.298 WODC would expect the applicant to achieve the highest possible standards in sustainable design and construction and this could form part of any conditions or legal agreements in relation to design codes and construction standards.

#### Affordable Housing

- 5.299 It is considered that a legal agreement delivering the proportion, mix and range of housing suggested by the Housing Enabling Officer would make a policy compliant contribution to affordable housing needs in this area.

#### SI06 Contributions

- 5.300 If Members were to resolve to approve the application against Officer advice, it would be necessary for Officers to negotiate the terms of legal agreements to secure the financial contributions, provisions and works necessary to off-set the impacts of the scheme, ensure an appropriate form of development is delivered, and ensure public benefits are realised.

## 6 RECOMMENDATION

Refuse for the following reasons:

### Principle

1. The part of the site that lies within WODC and adjacent to the existing settlement edge, could be appropriate for some housing development and is counted towards the anticipated housing delivery in the Eynsham-Woodstock sub-area under the SHLAA category, with an anticipated capacity of 150 to 180 dwellings. This would be subject to appropriate layout and landscaping. The proposed development would be likely to deliver well in excess of the 150 – 180 dwellings accounted for in the WODC housing land supply calculation. That part of the site that lies within CDC is not identified as necessary to meet CDC housing requirements and would not represent a small scale windfall site envisaged to contribute to the modest windfall allowance in CLP Policy BSC1. Bringing forward the scale of housing and employment proposed would be premature to the consideration of the EWOLP and the countywide review of housing requirements to meet Oxford's unmet need. The scale and layout of the site as a whole in relation to Woodstock would represent a disproportionate and inappropriate addition to the town. Appropriate consideration of a scheme of this scale and strategic nature would be through early review of policies for housing delivery intended to be carried out jointly by all Oxfordshire authorities. The proposal therefore fails to accord with WOLP Policies BE2 criterion (a) and H2 criterion (a) and (f), EWOLP Policies OS2 bullet points 1, 3 and 5, H2 bullet points 1 and 5, and CLP Policy BSC1, Policy Villages1, and ESD15, in particular bullet point 1, saved CLP Policy H18, paragraphs 17, 47, and 49 of the NPPF, and the NPPG.

### Highways/Transport

2. The link and ride facility is not in accordance with the Connecting Oxfordshire: Local Transport Plan 2015-2031 (LTP4). On this basis, this element of the scheme would not comply with strategic transport objectives at County level.

### Heritage

3. The location, layout, development density, landscaping, highways works and overall scale of development proposed would lead to substantial harm to the setting and significance of the Grade I Registered Blenheim Park and Garden, the Blenheim World Heritage Site, Grade I Listed Blenheim Palace, Grade II Listed Cowyards, Grade II Listed Park Wall, and Blenheim Villa Scheduled Ancient Monument. The proposal is therefore contrary to WOLP Policies BE5, BE8, BE11 and BE12, EWOLP Policies EH7 and EW1, CLP Policy ESD15, saved CLP Policy C25, and paragraphs 65, 132 and 133 of the NPPF. The harm caused is not considered to be demonstrably outweighed by substantial public benefit or any other material consideration, including the applicant's intended works to Blenheim Palace.
4. The land around the route between Bladon and Woodstock has been subject to limited development, and an agricultural setting for both settlements is retained. The development proposed would impose itself very substantially into the landscape in this location and the character of the area would be altered significantly. The perception of a transition from one historic settlement to another, through an agricultural landscape which is clearly influenced by the presence of the Park and its setting would be lost. Therefore the wider setting of Bladon and Woodstock Conservation Areas would be harmed, although this harm would be less than substantial. The proposal is therefore contrary to WOLP Policy BE5, EWOLP Policy EH7, CLP Policy ESD15, and paragraphs 65,

132 and 134 of the NPPF. The harm caused is not considered to be outweighed by any public benefit or any other material consideration.

#### Trees and landscape impact

5. The layout, scale and extent of development proposed, together with substantial new landscaping, would unacceptably alter the character and appearance of the landscape in this location. The open, attractive and unspoilt rural nature of the site and wider area would be lost and replaced by an urban environment with its attendant visual presence, light pollution, activity and noise. The proposal would therefore be contrary to the policy criteria expressed in WOLP Policies BE2 criteria (a), (d), (e) and (f), BE4 criterion (a), BE11, NE1, NE3, and H2 criteria a, b, and f. It would be contrary to EWOLP Policies OS2 bullet points 1, 3 and 5, H2 bullet points 5, 6 and 8, and EH1. It would also be contrary to CLP Policy ESD13. The proposal would result in considerable disbenefits under the social and environmental components of the NPPF's three dimensions of sustainable development.

#### Layout, Siting, design and form

6. The layout, scale and extent of development proposed, together with substantial new landscaping, would unacceptably alter the character and appearance of the locality. The proposed scheme would read as a physically and visually separate entity from Woodstock. The necessary avoidance of development in the central portion, because of the location of the Scheduled Ancient Monument compounds the sense of separation and the impression would be of two distinct housing estates with no meaningful relationship with each other, or the existing town. There would also be no affinity or sympathetic relationship with the historic environment, and the countryside into which the development would be imposed. It would have an unacceptably urbanising effect. Given the location and extent of proposed boundary planting, it would appear insular and lack integration with the landscape character in this location. Notwithstanding the provision of footpath linkages, the scheme would lack connectivity with the existing town. The development would not form a logical complement to the existing scale and pattern of development in this area. In addition, the site would significantly close the gap between Woodstock and Bladon, thereby adversely affecting the identity of these settlements. Accordingly, the proposal is contrary to WOLP Policies BE2 criteria (a), (e) and (f), H2 criteria (a) and (f), EWOLP Policies OS2 bullet points 1, 3, and 5, and H2 bullet points 1, 3, 5, 6, and 8, OS4, CLP Policy ESD15, and paragraphs 17, 56, 57, 58, 59, 61, 64 and 65 of the NPPF.

#### Employment

7. The CLP encourages jobs growth and paragraph 28 of the NPPF is in principle supportive of appropriate employment development in rural areas. However, the provision of employment opportunities of this scale on the application site would be inconsistent with the CLP strategy which focuses employment development at Banbury, Bicester and Kidlington. The proposal would therefore be contrary to CLP Policy SLE1. The proposal would also be inconsistent with paragraph 21 of the NPPF.

#### Social Infrastructure, Sport and Leisure

8. The applicant has not demonstrated that all the proposed sports facilities would be fit for purpose, accessible, and sustainable in the long term. The proposal would therefore fail to comply with WOLP Policy TLC1, EWOLP Policy OS2 bullet point 11, Policy H2 bullet point 14, Policy E5, and paragraphs 17, 69, and 70 of the NPPF.

## Pollution

9. The presence of such extensive artificially lit development in this location would visually intrusive and harmful in this agricultural landscape. In particular, the lighting that would necessarily be required in connection with the sports facilities would be especially dominant and harmful. Specifically in relation to light pollution, it is considered that the development proposals would not comply with national and local policy expressed in WODC Policies BE2 criteria (c) and (e), H2 criteria (a) and (d), BE21, EWOLP Policy EH6, and paragraph 120 of the NPPF.

## S106 Contributions and legal agreements.

10. The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, will represent an appropriate form of development in terms of phasing, design parameters and future stewardship of the development, and ensures the stated public benefits as regards the works to Blenheim Palace are appropriately planned, secured and delivered in connection with funds arising from the development. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently the proposals conflict with WOLP Policy BE1 and H11, EWOLP Policies H2 bullet point 14 and H3, CLP Policies BSC3 and INFI, and paragraph 17 bullet point 3, paragraph 59, and paragraph 203 of the NPPF.

The following is a summary of the main comments received in respect of planning application 14/02004/HYBRID.

Pro forma comments are highlighted in red.

### Objections

- Noise
  - The business area is planned to be located by the Upper Campsfield Road. We would request that there are no outside air conditioning units, compressors or any other automated machinery as at night they could be quite noisy.
  - The Link and Ride is also planned to be located by the Upper Campsfield Road. We would request that the parking area is built in such a way to stop anyone using the parking area as an out of hours race track.
- Lighting
  - We have concerns about the amount of lighting at the roundabout, the link and ride area and business area as we feel that we would be affected by light pollution.
- Schools
  - There seems to be no provision for the additional students that will attend Marlborough Secondary School.
- Medical Facilities
  - The doctor's surgery already struggles to accommodate the number of patients that is currently serves. A development of this size and the care home that is also to be included will hugely exacerbate this problem and have an adverse effect on patient care.
  - There is no provision for a health centre in the plans for Woodstock East so there is no guarantee that there will be adequate healthcare facilities for another 4000 or more people, including a significant number of elderly people in the proposed retirement village.
  - When people in the new development need a doctor or pharmacy, most will find it too far to walk into the centre on a regular basis.
  - The new proposal will result in additional new patients. There is not an indication in the current plan showing how the additional appointments, prescriptions and other services needed can be accommodated with the existing health needs already present in and around Woodstock.
- Design
  - The entire development is to be constructed by a single development. The similarity in styles of the houses that Pye Homes would construct would reduce the character of the town further.
  - The scale of the development will both dwarf Woodstock and put considerable strain of the existing infrastructure that Woodstock has.
  - Pye Homes are very boringly designed and do not include garages.
  - The proposed housing does not take advantage of southerly aspects to maximise light and heat. Why are the gardens facing north?
  - I am objecting to this proposal because of the scale of the development and the very poor quality of the masterplan design and its underlying layout. The outline



masterplan shows an out-dated planning approach of zones land uses and a very poorly designed layout that takes little account of location, landscape or the character and shape of the existing town. These concerns are borne out by the detailed application. This first development phase connects very poorly with existing and other proposed development immediately to the west, north and east, does not provide for active frontages to the primary rout and does not even achieve adequate internal connection, proposing a layout with no less than 4 dead end streets for only 29 dwellings.

- **The scale of this development is excessive in comparison with the size of Woodstock and surround nearby villages in Cherwell District Council**
- Archaeology
  - I hope you will ensure that a proper aerial geophysical survey is undertaken to determine the extent of the known Roman Villa on the site and to investigate the existence of a Saxon settlement sin the fields adjacent to Long Close. I have walked over the fields and have located pieces of ancient tile, pottery and glass and these were mainly found in the fields next to Long Close.
  - The archaeological evidence from the Scheduled Ancient Monument on the proposed site warrants a greater degree of consideration and car being attracted to the area and to the impact on the World Heritage Site.
- Retail
  - **SH-1 (i) There is no proven need for a new retail development or supermarket on the fringe of Woodstock**
  - **SH-1 (iii) The development will harm, either directly or cumulatively, the vitality and viability of the commercial business centre of Woodstock**
  - The new medium sized supermarket will undoubtedly be the death knell to the present co-op.
  - There are already several supermarkets easily accessible within the local area without another one being built.
  - The proposed shopping centre will draw trade from the existing town centre and will inexorable lead to the closure of shops in the town centre that serves the existing community in Woodstock.
  - The existing town centre shops are accessible on foot from most parts of the existing town. This is important because car parking in the town centre is difficult.
  - The town centre will be reduced to a handful of shops catering to the tourist trade.
  - Residents on the new development will not walk into the town centre to shop – it is too far.
  - The social implications for this small town are considerable. Given the proposals or additional retail outlets in the new development, it is arguable that those residents would need to make use of existing shops in Woodstock. At the moment small shops and businesses work hard to keep the town centre attractive and viable but it is a major challenge and town centres become desolate and unattractive places when businesses close and shops are empty.
  - The creation of a small number of low paid retail/care sector jobs does not outweigh the harm and damage the building of 1,500 new homes will cause to Woodstock and the wider locality.

- Transport
  - Mention is made of a possible link to the Oxford Parkway station at Water Eaton. This is aspirational and not within the capacity of the developer to deliver.
  - The A4095 is a rat-run between Bicester, Woodstock, Bladon and beyond to Witney and beyond. It is a narrow, unlit, country lane with numerous awkward bends and junctions and would become even more dangerous with any extra traffic.
  - The development has not taken into account the impact this scale of houses/business units will have on the local road system. We live on Upper Campsfield Road and daily have to contend with a heavy volume of fast moving, noisy traffic.
  - The road layout of the proposed development means that traffic wishing to head to Woodstock town centre, Witney or Oxford will have to travel via the Bladon Roundabout. The Bladon roundabout is already heavily congested during rush hours. The proposals are likely to lead to another 12,000 vehicle movements a day, concentrated at peak times.
  - There has been talk of providing a Park and Ride service from the development to Oxford but not everybody works in the centre of Oxford. Most of the employment opportunities are in the business parks on the ring road.
  - The plans propose a shopping centre as part of the development. That will also generate additional traffic both from the existing town of Woodstock and from neighbouring villages, particularly Bladon and Begbroke.
  - The A4095 from the A44 through to Hanborough and beyond is much too narrow and bendy to accommodate today's volume of traffic. The road is too narrow adjacent to Bladon Church for HGVs to pass each other and has a pavement on the Church side that cannot fit a pushchair. The road is dangerous for cyclists to use, especially at night.
  - The A4095 is a feeder road for commuter traffic into North Oxford as well as providing access from Hanborough station and the Cotswold line.
  - No increase in potential traffic volume should be permitted along the A4095 until such time as an enforced alternative route for heavy vehicles is in place.
  - The increase in traffic will snarl communications and be detrimental to communications.
  - Blenheim Palace receives over 600,000 visitors annually. Visitors to the Palace use a variety of local roads to access the Palace, predominately the A44 and A34. The vast majority of visitors leaving Blenheim Palace exit onto the A4095 through Bladon to the A44 roundabout.
  - There are a number of annual events held at Blenheim Palace and impact significantly on Woodstock, Bladon, Long Hanborough and the wider road network surrounding Oxford. The CLA Game Fair alone attracts close to 150,000 visitors.
  - Cars are too prioritised in the plan. A far more creative interpretation should be made of the space to encourage children to walk or cycle to school and commuters to use the bus or rail networks.
  - The trip from the outer edge of the development to Woodstock centre will take at least 20 to 30 minutes to walk so safe dedicated bike and walking connections to the main town must be addressed.

- Both Woodstock Primary School and Marlborough School are situated on Shipton Road. This road is often gridlocked at the start and end of the school day and it is extremely dangerous for pedestrians and children. Siting an entrance to the new estate on Shipton Road would have serious implications for existing schools and local residents.
- T-6 (c) The development will significantly increase the number of traffic conflicts and the potential for serious accidents. It will compound traffic on the Shipton Road, Upper Campsfield, Banbury and Hensington Roads complex and on the town's main artery, the A44
- T-6 (c) The development will significantly increase the number of traffic conflicts in and around Plane Tree Way, Flemings Road and Flemings Way. The potential for serious accidents due to increased vehicular activity will rise significantly especially on an already busy school route.
- Parking
  - Parking is a recognised problem in Woodstock, made worse since the building of a small estate on the edge of the town and the new museum. There are insufficient town centre spaces at present, especially in the tourist season.
  - Most local users of the local facilities within Woodstock can make use of the free central car park off Hensington Road or on the High Street and Oxford Road.
  - Realistically only out of town visitors will use the proposed Park and Ride service and local residents will continue to use town centre car parks.
- Sustrans (Cycling Comments)
  - A 3m shared use path provided as minimum besides the primary road, or a segregated cycleway by preference.
  - Pedestrian and cycle paths to take priority when crossing roads within the site.
  - Funding a cycle path from Hanborough railway station to Bladon (western edge), and complementary measures from there to the site.
  - A44 bus priority measures must protect and enhance NCN 5 and adjacent paths.
- Greenbelt
  - The impact of such a large development on surrounding Green Belt land will be detrimental.
  - The site in its current agricultural form contributes to the openness and sense of a gateway corridor to the town of Woodstock and neighbouring village of Bladon. The new proposal encroaches on the character and openness of the surrounding Green Belt and its Conservation Area. Further urbanisation of this area should be strongly resisted.
  - There is likelihood that, if the development were to go ahead, it would be followed by the creation of an access from the other side of the A4095 southwards into the airport, something that would open up large areas of airport land in the Green Belt to further development.
- Heritage
  - A World Heritage site such as Blenheim Palace needs to have its environment protected for the future.
  - The proposal, if approved, would double the size of the historic village of Woodstock, thereby adversely affecting the unique character of the village itself,

Blenheim Palace World Heritage Site, Listed Structures, Parks and Gardens of Special Historic Interest and Public Rights of Way.

- The new proposal will have a notable adverse effect on the character and setting of the historic parkland, to propose a development of this inappropriate scale pays little regard and sensitivity to its scenic quality. Views of the Blenheim parkland and its listed walls can be seen from the proposed site as can the proposed site from the Green Belt around Bladon Heath.
- C-10 The development will detrimentally affect the character, appearance, identity and setting of the World Heritage Site of Blenheim Palace's gardens on the SE approach to Woodstock on the A44
- Environment
  - The development leads to a loss of very valuable open space around the perimeter of Woodstock town.
  - There is a very significant hedge, tree and vegetation band around the perimeter of the proposed site. This is a site that is used by a wide variety of wildlife. We have seen badgers, deer, bats, foxes, hedgehogs as well as numerous birds and small mammals. The developers state that this would be retained, however, the development plans show the site being used to the very perimeter of the plot, so it is not possible to see this happening without some impact. Any loss of the form around the site would open it up very negatively on a visual level.
  - The development would destroy for all time traditional field and agricultural farm sites. It would also destroy extensive animal and plant habitats.
  - C-7 The development will cause irreparable harm to highly valued farmland as well as the character of a locally prized landscape
  - The development will further urbanize and encroach upon the open countryside on the south east approach to Woodstock.
  - The development will fragment and harm the social, environmental, sustainability and character of Woodstock and its surrounding villages
- Flooding and Water
  - There is an ancient quarry at the corner of Shipton Road and Upper Campsfield Road, and we know for a fact that this area is sat towards the lower levels of the site. The area regularly floods in winter and last winter was literally within inches of overflowing onto the main Upper Campsfield Road carriageway.
  - All of the houses on Uppers Campsfield Road are sited lower than the main road, and we all have grave concerns that should the natural drainage and natural contours of the land be disturbed, our homes may in the future be subjected to both subterranean high water tables, but more importantly, direct flooding from the site.
  - Without the addition of new water reservoir facilities, construction of such a large number of new houses would place water supplies under additional strain during times of drought. Furthermore a full appraisal of existing water supply and drainage infrastructure is required in order to minimise the risk of damage to supply pipework, and consequent outages as a result of building work and heavy vehicle movement.
- Airport

- The proposed development is very close to a busy airport, with aeroplanes at their most dangerous states of flight – take offs and landings. One twin engine plane crash would undoubtedly have disastrous consequences.
- The site is close to Oxford London Airport and the new community would suffer and consequently complain about noise arising from the airports proximity and jeopardise its dependent employers.
- There is a huge prospective danger of building so many properties in such close proximity to Oxford Airport, where air traffic is set to increase in the near future which contracts for servicing helicopters for the Police and RAF on top of normal flights.
- Recreation
  - The proposed scheme offers residents very little in the way of community and recreational facilities, particularly ones that could be used in bad weather.
- Housing
  - The questionable housing numbers identified by the SHMA have already been accommodated in the submitted Cherwell Local Plan, whilst West Oxfordshire also appears to have met its 5 year land supply.
- Demography
  - The proposal will further exacerbate the adverse demographic trend towards the disproportionate concentration of the elderly in Woodstock.

## Support

- I wish to register my support for the proposals for new homes and facilities at Woodstock East. The proposals include a new football pitch for Old Woodstock Town Football Club, alongside a new clubhouse and all weather training pitch which will meet current FA regulations, as well as encourage sport in Woodstock. Old Woodstock Town Football Club came second in the Heftenic Football League Division One East and would have been promoted if the ground met FA standards.
- The all-weather pitch and clubhouse will also be a great facility for the whole of Woodstock to use for a range of sports including hockey, basketball and other team sports.
- There is no comparable facility In Woodstock at the moment and there is very little in the way of sporting provision in the town, even at the secondary school.
- There is also a real need for a long term plan to provide new facilities, employment and affordable housing in the town. Without which, many long standing residents of Woodstock with roots in the town will be priced out.

Our Ref: HM/7385

18 February 2015

FAO Bob Duxbury  
Cherwell District Council  
Planning Department  
Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA

Dear Mr Duxbury,

**Proposal: 14/02004/HYBRID | OUTLINE:- Up to 1500 dwellings, including affordable housing and up to a 150 unit care village (C2) with associated publicly accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 7,500sqm locally led employment (B1/B2/B8) including link and ride; site for a football association step 5 football facility with publicly accessible ancillary facilities; public open space, associated infrastructure, engineering and ancillary works, (all matters reserved except for means of access to the development); and Full Planning:- development of Phase 1 at the south western corner of the site for the erection of 29 residential dwellings (29 or the 1500 described above) with associated open space, parking and landscaping; with vehicular access provided from Upper Campsfield Road (A4095), Shipton Road and Oxford Road (A44) | Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell**

I have been instructed to write to you on behalf of Woodstock Town Council (WTC) to object to this application. In short the proposal is plainly contrary to national planning policy and policies within both West Oxfordshire's and Cherwell District Council's local plans. I will explain.

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 provide the legislative framework for consideration of this appeal. Section 70(2) of the Town and Country Planning Act 1990 states that in the determination of applications:

*"The Authority shall have regard to the provisions of a development plan, so far as material to the application, and to any other material consideration."*

Section 38 (6) of the 2004 Act states that:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

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Regulated by RICS



Policy H7 in West Oxfordshire's Adopted Local Plan 2011 (WODCLP) only allows residential development through infilling, the rounding off within the existing built-up area, conversion of appropriate buildings and sites specifically allocated for residential development in the plan.

Policy H2 in the plan seeks to prevent development which would set a precedent for undesirable development and erode the character and environment of the area.

Cherwell District Council's Adopted Local Plan 1996 (CDCALP), Non Statutory Local Plan 2004 (CDCNSLP) and Emerging Local Plan (CDCELP) all highlight areas for where residential development will be permitted.

Strategically, none of the plans allow for residential development in this type of location which is effectively open countryside. As the proposal is clearly contrary to the adopted development plan and there are no material considerations to indicate otherwise (see below), planning permission should be straightforwardly refused.

WTC acknowledge that neither Council currently has a five year housing land supply as required under paragraph 47 of the National Planning Policy Framework (the Framework) although it is noted that a new Housing Land Supply Position Statement February 2015 presented to WODC Cabinet on 18 February 2015 states that it now has a 5.6 year supply based on its new Submission Local Plan 2031. CDC's Local Plan has gone through examination and once adopted will address its five year housing land shortfall.

A ministerial letter sent to Councils on 19 December 2014 explained that Local Authorities should have the opportunity to properly assess and progress a plan which meets its objectively assessed housing need in the most sustainable locations. WTC would argue that this application is premature to this process and does not allow either Council to properly plan for development in their district. Furthermore, existing and emerging planning policies demonstrate that in principle, neither Council considers this a sustainable location for this level of development.

WTC would also point out that this very site was considered in 2006 for residential development during the Examination in Public for the WODCLP. After hearing the evidence the Government Inspector concluded that:

*"Notwithstanding the existing and proposed landscaping, the Proposal would constitute a significant incursion into the open countryside to the east of the town. I also consider that the size of the proposed development is excessive when measured against the scale of this small, attractive market town."*

*"At Woodstock whilst there is some scope for limited development within and on the fringe of the town, the potential impact on the historic fabric of the town in particular the Blenheim World Heritage Site is a key consideration."*

The Inspector dismissed the site from consideration for any residential development. Indeed it should be borne in mind now that the current proposal is even larger (in fact some 8 times larger) than the one considered by the Inspector above. WTC also note with interest that one party to the current





planning application (Pye Homes) objected at the time to the above proposal, but this is not referred to in any recently submitted documentation by Pye Homes.

In the interests on the Government's Localism agenda borne out in the Localism Act 2010 which gives greater power to local communities in decision making, WTC wish to draw the Council's attention to a poll carried out by WTC on 6 November 2014.

The poll asked:

*"Do you oppose any development or urbanisation on green fields abutting and surrounding our town of Woodstock?"*

Of those who responded to the poll, 85% stated 'yes' they did oppose any development or urbanisation on green fields abutting and surrounding our town of Woodstock

At the time of writing of this response both Kidlington and Kirtlington Parish Councils have objected to the proposal.

Notwithstanding these points, there are a number of other key areas under which WTC wish to object to the application.

#### **Impact on Blenheim Palace as a World Heritage Site**

Blenheim Palace is a World Heritage Site meaning the Palace and its setting is an area of outstanding international importance. The scale and magnitude of the proposed development will have a substantial negative impact on the setting of Blenheim Palace.

The Framework is clear about the importance of preserving and enhancing heritage assets. Paragraph 132 of the Framework states that:

*'Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

Paragraph 133 continues:

*'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.'*

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) who designate World Heritage Sites state on their website under 'Protection and Management Requirements' for Blenheim Palace:



*'Firm implementation of existing policies is important to provide effective protection of the setting of the World Heritage property and it will be important to ensure that the management of the Park prioritises conservation of the elements of the landscape that reflect the work of Vanbrugh and Brown.'*

WTC note that ICOMOS UK, which is the official advisor to UNESCO on cultural World Heritage Sites, have commented on and objected to the proposal. Its submission of 29 January 2015 states that the impact assessments on Blenheim Palace itself and its setting that have been submitted with the application are far from satisfactory. A full Heritage Impact Assessment is required.

It states that the replacement of open farmland with a major development would have a negative impact on the tranquillity of the closest part of the Blenheim Palace estate in terms of traffic and light pollution. Impacts to the approach to the Blenheim Palace estate also need to be assessed.

The submission also states that the history of Woodstock is bound up with the history of Blenheim. Doubling the size of the town and providing a new focus away from the historic core would significantly alter this balance. A copy of the ICOMOS submission can be found at Appendix A of this response.

The applicant proposes to use planting as a means to mitigate visual impacts. However, the London Oxford Airport response to the Council dated 12 January 2015 states that for safety reasons, any trees planted should not be of a species which attracts large numbers of birds or would grow above 15 meters. Therefore the effectiveness of any screening is debateable.

Furthermore WTC would draw the Council's attention to the letter received by Mayor Julian Cooper from English Heritage on 3 February 2015. The letter, which has been submitted to Council for reference, raises major concerns over the impact on a Scheduled Ancient Monument through the Woodstock East proposal. It states:

*'The prime case for this here, simply because it lies on the land for the application has been made, is the Roman site known as Blenheim Villa: we have major concerns on the setting of this scheduled monument which is not well understood.'*

WTC would reiterate the point above that the scale of the current proposal is even bigger (some 8 times bigger) than the scheme rejected by a Government Inspector due to its perceived harmful impact on the setting of Blenheim Palace. Permission should be refused for this application on the grounds that the development will cause significant and irreversible harm to the setting of a historical asset of international importance.

## **Landscape**

WTC also have real concerns over the impact of the development in wider landscape terms. Policies have been put in place by both Council's to prevent development having a detrimental effect on landscapes and open spaces which are important to the character of a settlement.





Belt over the road. The size, height, mass and scale of such a development hard up against the edge of the Green Belt boundary and plainly visible from it, will undoubtedly mean the Green Belt's openness and its purpose will be compromised by the development.

Government guidance is unequivocal on the protection of the Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that:

*'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'*

'Policy ESD 14 Oxford Green Belt' in the CDCELP states that the Oxford Green Belt boundaries within Cherwell district will be maintained in order to:

- *'Preserve the special character and landscape setting of Oxford*
- *Check the growth of Oxford and prevent ribbon development and urban sprawl*
- *Prevent the coalescence of settlements*
- *Assist in safeguarding the countryside from encroachment*
- *Assist in urban regeneration, by encouraging the recycling of derelict and other urban'*

Similar policies appear in both the CDCALP and CDCNSLP and demonstrate Cherwell District Council's commitment to preserving Oxford's Green Belt.

## **Environment**

As a large greenfield site will be developed through the proposal, negative effects on biodiversity are inevitable. This goes against the planning policies for both Councils set out below.

POLICY NE6 - Retention of Trees, Woodlands and Hedgerows in the WODCLP states that:

*'Planning permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic, or biodiversity value. Removal will only be allowed where it can be demonstrated that the proposed development would enhance the landscape quality and nature conservation value of the area.'*

POLICY NE13 - Biodiversity Conservation' states that:

*'When determining planning applications, the Council will seek to safeguard, maintain and enhance priority habitats and species within the District. Development proposals should include measures to mitigate any effects upon features of nature conservation value, including where appropriate the provision of compensatory habitats or management.'*



POLICY NE15 - Protected Species states that:

*'Development that would have an adverse effect on a site supporting a specially protected species will not be permitted unless damage to the ecological interest can be prevented through compliance with conditions or planning obligations.'*

'Policy C1 - Nature Conservation' in the CDCALP prohibits development which result in the loss or damage of Sites of Special Scientific Interest or other areas of designated wildlife or scientific importance. It also states that the Council will seek to ensure the protection of sites of local nature conservation value.

'Policy EN24 – Protection of Sites and Species' in the CDCNSLP states that:

*'The Council will seek to promote the interests of nature conservation through the control of development. It also states that proposals which would result in damage or loss of a site of ecological or geological value will not be permitted unless there are imperative reasons or the development outweighs the ecological value.'*

'Policy ESD 13 – Local Landscape Protection and Enhancement' in the CDCELP states that:

*'Development will be expected to respect and enhance local landscape, securing appropriate mitigation where damage to local landscape character cannot be avoided.'*

'Policy ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment' in the CDCELP states that:

*'Protection and enhancement of biodiversity and the natural environment will be achieved by seeking a net gain of biodiversity through development, aim to increase the number of trees in the district, the reuse of soils and adequate mitigation.'*

## **Transport**

WTC have major concerns over the potential local traffic implications of such a large development. WTC have commissioned Glanville to appraise the Transport Assessment (TA) submitted with the application. Glanville have raised the following initial issues:

- Would be helpful to see the findings of the consultation process to understand how the site has evolved in transport terms and how the relevant issues and concerns were addressed.
- Was the scope of the TA agreed with the Local Highways Authority?
- There is limited assessment of the full detailed planning part of the application – insufficient information has been provided within the TA to determine the suitability of the layout, servicing, accessibility and the proposed sites access junction.
- The swath of open space between Woodstock and the main development is not good for promoting sustainable travel methods – not attractive for cycling, walking and public transport.



- The proposed right hand turn junction with the A44 appears to be too close to the existing private access on the opposite side to accord with DMRB guidance.
- Traffic surveys were carried out when private schools had most likely broken up so were not typical flows – further surveys are required at agreed times of year.
- No surveyed traffic flow diagrams showing observed and future traffic flows have been provided – difficult to understand relevant issues and check junction capacity modelling.
- The proposed new main site access / A4095 Upper Campsfield Road roundabout design does not appear to conform to DMRB standards in terms of IDC / island ration – the A4095 approach road alignments are considered poor.
- The Marlborough School coach park and road alignment appear to require third party land – it is not clear whether this is available.
- TRICS trip rates used to generate traffic for all elements of the scheme are questionable where the sites and parameters used do not appear to provide entirely reasonable comparison in terms of size type and location to the proposed development.
- Traffic distribution based upon 2011 National Census data – difficult to follow and further explanation is required.
- Proposed bus service identified for 'link and ride' not sufficient to cater for demand if the 300 capacity carpark is fully utilised – it is questionable whether commuters would use this facility rather than Peartree Park and Ride where services into Oxford are more frequent.
- Junction layout diagrams to scale are required in order to check the capacity modelling undertaken.

The above shows that there are obvious issues and concerns with the proposal in terms of traffic generation and safety and there is insufficient detail and gaps in information provided in the TA. This makes it difficult for the Council to make a fully informed judgement on the transport / traffic impacts of the development. In terms of safety and capacity, WTC have major concerns over the suitability of the proposed access from Shipton Road. It is noted that under the transport' comments issued by the County Council as part of the 'Informal Pre-app for Woodstock' it states:

*'No vehicle access will be supported from the Shipton Road to serve this site, although an emergency access may be considered.'*

There are also real safety concerns over the proposed cycle path crossing the busy Bladon Roundabout, particularly if it is going to be used by children.

WTC would also add that the 'link and ride' proposals are too vague and that impacts on existing congestion issues and car parking provision in Woodstock have not been considered in the TA. There is no reference to waiting facilities, security measures, car parking charges and impacts on existing bus services including effected bus schedules due to diversions and the likely bottlenecks at Bladon Roundabout.

The combined impacts of development at Long Hanborough, Oxford's Northern Gateway and Witney on the A44 also need to be reflected.



Therefore WTC believe the Council should not make a decision on the application at least until further information is provided.

Indeed, WTC reserve the right to comment further, specifically in this regard, beyond the set deadline for submission of comments, should additional transport related information subsequently be submitted.

### **Impact on Woodstock's Character and Town Centre**

WTC object to this proposal in the strongest possible terms for the reasons set out above and as importantly for the impact as anything it will have on Woodstock's unique historical character and town centre. Once this proposal has spoilt what makes Woodstock special, there will be no turning back.

The local economy in Woodstock relies heavily on tourism. The erosion of Woodstock's historic character which draws people to the town and the impact on facilities such as car parking in the town through this scheme will undoubtedly have a significant negative impact on the local economy.

The proposed development would double the size of Woodstock, effectively creating a satellite town. It would dilute the town's intrinsic distinctive character and put even more pressure on existing infrastructure in the town. This is not in-line with policies BE1 and BE3 in the WODCLP which seek appropriate infrastructure and well-designed development which respects existing scale, pattern and character.

WTC are also concerned that the proposed 'Care Village' will further exacerbate the adverse demographic trend towards a disproportionate concentration of elderly in Woodstock.

'Policy SH4 Shopping - Facilities for the Local Community' in the WODCLP states that:

*Proposals for small scale individual shops or groups of shops (Class A1), or other small scale retail premises to meet the daily needs of the local community will be permitted within towns and villages, provided all the following criteria are met:...*

*b) the proposal would not harm the vitality and viability of an existing town centre or an established village centre for shopping;*

The proposal incorporates a Local Centre, with 930m<sup>2</sup> of retail space including a supermarket. WTC is extremely concerned about the negative impact on the viability and vitality of the retail offer in Woodstock town centre as connectivity between the proposed location and the town centre is poor (see Transport section above). Policy SH4 above was clearly put in place to prevent a situation such as this from arising.

### **Summary and Conclusions**

In summary, this proposal is contrary to adopted planning policy and the spatial strategy for both local authorities. Therefore, according to the Town and Country Planning Act 1990 and Section 38 (6) of the 2004 Act, plainly permission should plainly be refused.

The development would also be premature to the Councils developing Local Plans which seek to allocate development in the most sustainable locations.

It will cause significant and irreparable harm to the setting of a World Heritage Site of international importance and a Scheduled Ancient Monument.

Moreover the proposal will cause wider landscape harm and the coalescence of two historic settlements.

There will be serious detrimental effects on Woodstock's town centre and the local environment.

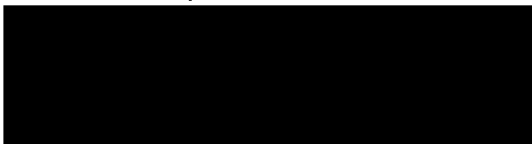
The TA has significant information gaps which means the full traffic impact of the proposal is not known.

The applicants have based their arguments on sustainability factors but have failed to take account of the negative impact on sustainability revealed in the foregoing paragraphs in the Planning Statement on environmental, economic and social grounds.

In light of all these issues, WTC consider that the Council would be seriously remiss in approving this application and should therefore take the only possible decision in the circumstances and refuse planning permission for the clear cut reasons set out.

With Kind Regards.

Yours sincerely



**Huw Mellor BA (Hons) MRTPI**

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**Appendix A**

Our Ref: HM/7385

20 July 2015

FAO Bob Duxbury  
Cherwell District Council  
Planning Department  
Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA

Dear Mr Duxbury,

**Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.**

I have been instructed to write to you on behalf of Woodstock Town Council (WTC) to object to this amended proposal. Firstly, WTC would like to confirm for the record that although West Waddy ADP's letter of 22 May 2015 which accompanies the new proposal suggests that extensive meetings were held with WTC to discuss the proposals, no such meetings in fact ever took place.

WTC objected to the original proposal in February this year. The objections raised in the original letter still remain for the new proposal. Therefore, rather than repeat those objections, this letter considers the 'Technical Response to Consultation Document May 2015' (TRCD) submitted with the amended proposal which seeks to justify the scheme.

Notwithstanding the extant site specific objections made previously by WTC, recent planning policy developments confirm this proposal to be wholly inappropriate, at odds with the spatial strategy for this part of Oxfordshire and in advance of the legislative plan making process. I will explain.

Chapter 3 of the TRCD considers planning policy in relation to the proposal. One glaring and obvious omission from the section is the fact that Cherwell District Council's (CDC) Local 2031 has now been found sound by a Government Inspector. The plan makes no reference to a strategic allocation at Woodstock nor does it form part of the strategic strategy for the District. Accordingly, any suggestions that the site is needed by CDC to meet its housing need should be disregarded immediately. Moreover, the proposal is contrary to strategic policies in the plan.

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Associate: Nicky Brock BA (Hons), Dip T.P., MRTPI

The TRCD makes reference to economic growth, the Oxfordshire and Oxford City Deal and the additional housing need this will warrant. WTC would say that the level of housing provided for in CDCs Local Plan 2031 is based on the figure advised in Oxfordshire's Strategic Housing Market Assessment (SHMA) to achieve economic growth. Assertions made in the TRCD that economic growth is not being addressed in Oxfordshire are entirely bogus.

It is telling that the majority of the chapter focusses on the soundness of West Oxfordshire District Council's (WODC) emerging Local Plan 2031 as there is now no strategic case to be made for this development in Cherwell. WODC's emerging Local Plan is at an advanced stage and is due to be submitted to the Secretary of State in July 2015 with an Examination in Public later in the year. It will be the role of the Government Inspector to establish whether the plan is sound or not.

A robust examination in public is the only way to properly test soundness. A ministerial letter sent to Councils on 19 December 2014 explained that for each authority the SHMA figure is only the starting point for addressing local need. It states that:

*"Councils will need to consider Strategic Housing Market Assessment evidence carefully and take adequate time to consider whether there are environmental and policy constraints, such as Green Belt, which will impact on their overall final housing requirement."*

This application cannot even be considered for approval until the correct statutory process of plan examination has been carried out, particularly when the examination is imminent.

The TRCD also states that other Oxfordshire authorities are not working fast enough to address Oxford's unmet housing needs, therefore the planning application should be approved to deliver much needed housing for Oxford. This issue of Oxford's unmet housing need was addressed in the Inspector's Report for CDC's Local Plan 2031. It states:

*"17. It is unrealistic to expect that this district could reasonably provide for all of any unmet need arising from the city of Oxford's lack of capacity to meet all of its own requirements, as set out in the 2014 SHMA. Clearly, a joint approach involving all the relevant Councils is required on a co-operative basis to fully address the OANs of the whole county as one overall strategic housing market area. Such a process could only be harmed by Cherwell not meeting its own full district OAN, but if it does then that will at least mean that the pressures on the city of Oxford will not be made any worse by a failure to deliver the necessary level of new housing in this district and the sustainable development of the county as a whole will be materially assisted."*

*18. Accordingly, I am satisfied that it is appropriate for this plan to proceed on that basis, provided that there is a firm commitment from the Council to play its part in addressing the needs of Oxford city through that joint process in the near future, once those needs have been fully clarified/confirmed. In my judgement, the Council's modifications, notably in para B.89.b, are intended to and should help achieve that important objective."*

This, from a Government Inspector, sets out in the clearest possible way that unmet need in Oxford should be met through collaborative working between the Oxfordshire authorities on a plan-led basis. Not though ad hoc speculative proposals such as Woodstock East.

The TRCD states that as WODC believe part of the site could be suitable for up to 180 new dwellings (as identified in the emerging Local Plan 2031) it is therefore logical to assume that the principle of development is acceptable on the site. WTC would say it is entirely illogical to assume that simply because 180 dwellings may be acceptable on part of the site, then up to 1,200 new dwellings, a care home and 13,800sqm of employment on an expanded site would also be acceptable. In any case, the suitability of this part of the site for development is still to be tested at examination.

WTC would point out that this very site was considered in 2006 for residential development during the Examination in Public for the previous WODC Local Plan. After hearing the evidence the Government Inspector concluded that:

*"Notwithstanding the existing and proposed landscaping, the Proposal would constitute a significant incursion into the open countryside to the east of the town. I also consider that the size of the proposed development is excessive when measured against the scale of this small, attractive market town."*

*"At Woodstock whilst there is some scope for limited development within and on the fringe of the town, the potential impact on the historic fabric of the town in particular the Blenheim World Heritage Site is a key consideration."*

The TRCD states that there are on-going discussions between the local highway authority (Oxfordshire County Council (OCC) and the developers transport consultant DTA. What is not clear however is whether OCC is upholding its serious objections to original proposal on transport grounds. What is clear at this stage however is that OCC has carried out extensive research for its emerging Local Transport Plan 4 to identify suitable locations for future Park and Ride sites. West of Woodstock is not one of them. Indeed granting permission for this proposal would prejudice OCC's future transport strategy.

WTC is not in any way convinced by assertions in the TRCD that existing retail and employment in Woodstock Town Centre would not be affected by the proposal. WTC note that no reference is made in the TRCD to the impact on the convenience store located on Shipton Road which has been a food store for generations. Whatever facilities the applicant promises to deliver as part of the development, they will not mitigate negative effects on the town center; only worsen them.

WTC also wishes to draw CDC's attention to comments made by both Thames Water and the Environment Agency in relation to water and sewage infrastructure provision. In its response to the amended application, Thames Water states that:

*"In relation to the outline application, the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development"*

The Environment Agency state that:

"Our evidence suggests that there have been a number of sewer flooding/failure incidents in recent years, suggesting an existing capacity issue. This is confirmed by Thames Water in section 11.2 of the FRA. An additional 1500 dwellings would place additional strain upon this network, and therefore worsen sewer flooding magnitude and frequency. It is acknowledged within the FRA that upgrades will be required in order to accommodate the development. The precise details of these upgrades – including timing, to coincide with any phased development – are yet to be determined."

In light of these comments WTC are concerned about the impact on existing water and sewage infrastructure and effect this could have on flooding and water services in Woodstock and the surrounding area. Also, it must surely bring into question the viability of the proposal and the ability to deliver other 'benefits' the developers promise to provide through the development.

The TRCD also disputes the previous objections made by WTC in regards to negative impacts on the Green Belt, a World Heritage Site and very real danger of coalescence between the two historic settlements of Woodstock and Bladon. As already stated these objections remain valid and WTC see no compelling evidence with the new proposal to suggest they should be otherwise. It will ultimately be for the two District Councils to decide what this proposal will mean for this sensitive part of Oxfordshire and the irreversible harm it will cause to the historic and natural environment as well existing retail and employment facilities in Woodstock. WTC would ask the District Councils to think long and hard about the real and lasting negative effects of this development before making any decision.

### **Summary and Conclusions**

The above demonstrates how the West of Woodstock proposal is not needed strategically by either District Council to meet its housing needs.

It would be premature to the collaborative working between all Oxfordshire authorities to establish the most appropriate plan led approach to meeting Oxford's unmet housing need (an approach validated by a Government Inspector)

The amended proposal in no way addresses WTC's initial objections in terms of the significant negative effects the scheme will have on Woodstock's Town Centre and the wider historic and natural environment.

In light of all these issues, WTC consider that the Council would be seriously remiss in approving this application and should therefore take the only possible decision in the circumstances and refuse planning permission for the clear cut reasons set out.

With Kind Regards.

Yours sincerely



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

**District:** Cherwell

**Application no:** 14/02004/HYBRID-2

**Proposal:** AMENDMENT: Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.

**Location:** Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

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### Purpose of document

This report sets out Oxfordshire County Council's view on the proposal.

This report contains officer advice in the form of a strategic localities response and technical team response(s). Where local member have responded these have been attached by OCCs Major Planning Applications Team ([planningconsultations@oxfordshire.gov.uk](mailto:planningconsultations@oxfordshire.gov.uk)).

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**Location:** Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

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## **Strategic Comments**

This application amends the original submission as follows:

- now an outline application rather than a hybrid application (all matters are reserved except for means of access);
- dwellings are reduced from 1,500 to 1,200;
- employment land (B1/B2/B8) has increased from 7,500sqm to 13,800sqm;
- the link and ride has been relocated closer to the A44 and is now called a transport interchange;
- the proposed site access onto the A4095 will now be approximately 70m further south;
- development blocks have been repositioned internally;
- internal and external pedestrians linkages have been revised; and
- it is confirmed that Shipton Road will remain open to all traffic

All points raised in OCC's consultation response dated 26 February 2015 still apply, other than those addressed below and in Annex 1.

### Transport

Transport Development Control maintain an objection for the following reason:

- The transport interchange (formerly Link & Ride) car park is contrary to transport strategy as set out in the Oxford Transport Strategy that forms part of the emerging Oxfordshire County Council Local Transport Plan 4, 2015 – 2031.

Transport Development Control's other technical concerns have been addressed or can be addressed through the application of conditions and appropriate legal agreements.

### Property Services

Property Services have raised an objection on the basis that the school site layout design guidance provided has not been followed. For example the school site is shown to be on a dead end and is inadequately connected to the street network.

### Archaeology

The County Archaeologist has raised the following concerns which will need to be addressed before the application can be determined:



- impact on the setting of the Scheduled Ancient Monument
- the close proximity of the development to its eastern side
- the effect of the development upon World Heritage site

### Ecology

As confirmed by email on 9<sup>th</sup> April 2015, the County Council's ecologist withdrew her objection to the application in light of additional information sent to Natural England on the issue of air quality and potential impact on the Oxford Meadows SAC and Blenheim Park SSSI. Further ecological advice is set out in Annex 1.

**Officer's Name: Lisa Michelson**

**Officer's Title:** Locality Manager (Cherwell and West)

**Date:** 20 July 2015

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**District:** Cherwell

**Application no:** 14/02004/HYBRID-2

**Proposal:** AMENDMENT: Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.

**Location:** Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

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## **Transport**

### **Recommendation:**

Objection

**Transport interchange (formerly Link & Ride) car park is contrary to transport strategy as set out in the Oxford Transport Strategy that forms part of the Oxfordshire County Council emerging Local Transport Plan 4, 2015 – 2031 (LTP4).**

### **Key issues:**

**Transport interchange is contrary to county council policy as set out in LTP4**

**All other technical transport concerns raised previously now adequately addressed or will be addressed**

**If planning authorities are minded to grant planning consent, S278, S106 and conditions will be needed<sup>1</sup>:**

### **Legal agreement required to secure:**

**Section 106 Town & Country Planning Act – Developer Contributions**

If Cherwell and West Oxfordshire District Councils are minded to grant planning permission the following items need to be included in a S106 agreement.

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<sup>1</sup> The Transport Assessment has been prepared for a single development site, irrespective that the site straddles West Oxfordshire and Cherwell Districts. Should one Local Authority grant permission, and the other refuse, OCC as Highway Authority would request a reassessment of the transport impact of the permitted site, in the context of part implementation.

1. Financial contributions for works to the highway to be delivered by the county council:

*A44 Junction improvements*

The developer's Transport Assessment (TA) shows that improvements are needed to mitigate the impact of additional traffic generated by the proposed development at the A44 junctions with Cassington Road and Frieze Way. As such the developer is required to provide a contribution towards future schemes at these junctions in line with the impact that the development will have. This amounts to a cost of in the region of £1.1m.

The TA states that the 2 A44 junctions with Spring Hill Road and Rutten Lane need bus priority improvements. This amounts to a cost in the region of £100k

Improvements to the A44 Bladon roundabout that are needed to accommodate the increased traffic from the development will be delivered as part of the S278 agreement (see below).

*Bus service improvements*

The developer would procure directly an agreed list of bus service improvements, up to a maximum value of £1.2 million to help ensure the development is as sustainable as possible and to mitigate the impact of the development on the local highway network.

*Bus stop improvements*

The developer would provide up to £90,000 for the provision of fixed infrastructure for nine bus stops, inclusive of nine Premium Route pole/flag/information case units and up to nine shelters. The actual number of shelters to be provided is subject to the developer confirming in writing future maintenance arrangements with the relevant Parish or Town Councils.

The developer would also provide £4,100 per each of up to 5 real time information displays (all of the Oxford bound shelters)

*Traffic Regulation Orders*

A £20k contribution is required to cover the cost of promoting and implementing TROs to tackle overspill parking problems in and close to the development. In particular, there could be overspill employment parking on Shipton Road, on the spine road and in residential areas.

A £5k contribution is required to cover the cost of promoting and delivering a TRO to restrict the use of Shipton Road if after the development is occupied it is the view of the county council that this is needed.

*Public Rights of Way*

A S106 contribution of £65,000 is required to manage impacts on public rights of way in vicinity of the development by improving routes. Primarily this is to improve the surface of routes to take account of the likely increase in use by residents of the development. This may also include short linking routes, new or replacement structures like gates, bridges and seating; sub-surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers

*Travel planning*

A total of £10,280 for Travel Plan monitoring fees would be required made up of the following:

- £6,200 for the employment uses (based on the assumption of there being 5 businesses - £1,240 ea)

- £2,040 for the 1,200 dwellings
- £2,040 for the Primary School

A S106 financial contribution would also be needed towards the setting up and running of a car club - £78,500 made up of:

- To provide 3 vehicle for the development - £4,500 per car per year for three years (£40,500)
- Membership Contribution per household for membership for 3 years - £5 x 1200 x 3 (£18,000)
- Marketing, First year £10,000 and then £5,000 per for three years (£20,000)

NB All contributions are to be index linked appropriately to ensure values do not diminish.

## 2. Section 278 Highways Act – Works in the Highway

- Site accesses on the A44, A4095 and Shipton Road
- Improvements to The Bladon Roundabout
- Reduction in the speed limit to 40mph on the A44 and A4095 adjacent to the development site
- Junctions of the A4095 with Lower Road and the A4260
- Basic bus stop infrastructure at the agreed nine locations (hard standings, bus stop cages, highway widening if required, any connecting footpaths and informal pedestrian crossing arrangements).
- Improvements to the corner of Shipton Road in the vicinity of Randolph Avenue to better accommodate school coaches and allow them to safely access the proposed new coach parking area. Also proposed traffic calming features on Shipton Road between the development site access and the corner near Randolph Avenue
- Widening of existing shared footway/cycleway to a minimum of 2.5m on the south west side of the A44 between Bladon Roundabout and the road leading to The Chains caravan site
- Lengthening of the right turn lane at the A44 Langford lane junction to prevent predicted increases in traffic queuing to turn right from impacting negatively on junction capacity and road safety

### **Conditions:**

If Cherwell and West Oxfordshire District Councils are minded to grant planning permission the following conditions are recommended:

#### **Access: Full Details**

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway on the A4095, the A44 (to include two pedestrian and cycle refuge island crossings on the A44) and Shipton Road, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the dwellings, the means of access shall be constructed and retained in accordance with the approved details. *Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework*

### **Estate Accesses, Driveways and Turning Areas**

Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details. *Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.*

### **Car Parking**

No dwelling or other buildings and uses shall be occupied or implemented until car parking space(s) to serve them have been provided according to plans showing parking and the necessary manoeuvring and turning to be submitted and agreed by the Local Planning Authority. All car parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. Car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter *Reason - To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.*

### **Cycle Parking Provision**

Prior to the first use or occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for all aspects of the site shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided for each phase of the development prior to first occupation of that phase of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development. *Reason - To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.*

### **Parking for the primary school**

Prior to commencement of development, a plan showing the number and location of visitor car parking spaces in the vicinity of the school to allow parents and carers to safely drop off and pick up schoolchildren shall be submitted to and approved in writing by the Local Planning Authority. *Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.*

### **Details of Turning for Service Vehicles**

Prior to the commencement of the development hereby approved, and notwithstanding the application details submitted as part of any reserved matters application, full details of refuse, fire tender and pantechnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. *Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.*

### **Servicing and Deliveries**

Prior to the commencement of the non-residential development, details of delivery times and servicing arrangements for all non - residential elements of the development shall be submitted to and approved in writing by the local planning authority. There shall be no variation to the approved details without the prior written approval of the local planning

authority. No deliveries shall take place outside the hours of 6.30am to 11pm unless otherwise agreed in writing with the local planning authority. *Reason: In the interests of the residential amenities of neighbouring occupiers.*

### **Pedestrian and cycle access**

Prior to the commencement of the development hereby approved, full details of pedestrian and cycle access between the development and The Cove/Hedge End, and multiple points on A44, A4095 and Shipton Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details. *Reason: To ensure safe and suitable access to the development for all persons.*

### **Drainage**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood Risk Assessment

*Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.*

### **Framework Travel Plan**

Prior to commencement of development a framework travel plan will be submitted and approved by the local planning authority in consultation with the local highway authority. Separate travel plans shall be submitted with reserved matters applications for the development. The plans shall all incorporate details of the means of regulating the use of private cars at the development in favour of other modes of transport and the means of implementation and methods of monitoring.

*Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.*

### **Rights of Way improvement**

A plan will be submitted in writing and agreed by the local planning authority for how Woodstock Footpath 8 will be improved within the development site through surfacing and other measures as appropriate. *Reason - To ensure the public right of way remains available and convenient for public use.*

### **Construction traffic management plan**

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details. *Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.*

### **Informatives:**

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865 815700 or email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)

### **Detailed comments:**

#### **1. Introduction**

The applicant's responses to the county council's concerns raised in its response to the original planning application are set out in the Transport Assessment Addendum (TAA) that presents the revised impact of the development in the light of the changes to the site Masterplan, most notably a reduction in the number of dwellings from 1,500 to 1,200 and an increase in the amount of employment to 13,800 sqm. The TAA explains how these main changes to the proposals result in a reduction in the overall scale of impact of the likely travel demand arising from the development. Table 6 on page 8 of the TAA shows how the predicted vehicular traffic generation of the revised development proposals (option 2) compare to the original proposals (option 1). Overall, there are 73 fewer vehicle trips in the am peak and 98 fewer in the pm peak.

The majority of the responses in the TAA to the county council's concerns have been the subject of detailed discussions between the county council and the applicant's planning and transport consultants. It is the view of the county council that overall, the technical concerns have been addressed satisfactorily or can be addressed through the application of conditions and appropriate legal agreements. The TAA demonstrates that the traffic from new development can be accommodated safely and efficiently on the transport network assuming the mitigation that is proposed by the developer has been implemented. This includes the site access junctions proposed for the A4095, A44 and Shipton Road.

However, Oxfordshire County Council objects to the revised proposals for the Woodstock East development on the grounds that the 300 space transport interchange (formerly Link & Ride) car park does not fit with the long term strategy for Park & Ride on the A4260 and A44 corridors as set out in its emerging Local Transport Plan 4 (LTP4).

A sensitivity test has been carried out by the applicant's transport consultant that shows that the transport impact of the development would be acceptable even if the transport interchange car park were to be removed from the proposal and no mode shift from car to bus journeys on the A44 were to be achieved.

The TA has been prepared for a single development site, irrespective that the site straddles West Oxfordshire and Cherwell Districts. Should one Local Authority grant permission, and the other refuse, OCC as Highway Authority would request a reassessment of the transport impact of the permitted site, in the context of possible part implementation

## **2. Transport interchange/Link & Ride concerns**

The one main outstanding concern that the county council still has about the development relates to the proposed provision of a 300 space transport interchange (Link & Ride) car park as part of the development. The developer suggests that as many as 130 vehicle movements could be removed from the A44 corridor in the morning peak hour as a result of people switching from driving to Oxford to parking at Woodstock East and catching the S3 bus instead (in addition to this, the developer assumes that a further 120 car journeys on the A44 would switch to travel by bus as a result of bus priority improvements along the A44 - some introduced by the developer, some by the county council). This would help mitigate the impact of the new vehicle trips generated by the development.

However, the county council objects to the transport interchange car park because it is contrary to transport policy as set out in Connecting Oxfordshire: Local Transport Plan 2015-2031; and for the following specific reasons:

**Scale of Car Parking Capacity** – proposed car park is too small (300 spaces proposed, Oxford Transport Strategy requires 1100 on the A44 and A4260 corridor)

**Limitations of the Site** – there is no scope to expand the site in future

**Operational Limitations** – there are many unanswered questions about how the site would operate which cast doubt on its viability as a Park & Ride

**Undermining the successful implementation of the Oxford Transport Strategy** – the provision of the transport interchange car park would make it harder for OCC to deliver the full 1100-space Park & Ride in the future; provision of a sub-standard offer could undermine credibility of present and future Park & Ride offer into the city

Oxfordshire County Council consulted on the draft Connecting Oxfordshire: Local Transport Plan 2015-2031 in Spring 2015. This document is due to be adopted by OCC in autumn 2015. The Council considers that Local Transport Plan 3: 2011-2030 is out of date and will be superseded by Connecting Oxfordshire: Local Transport Plan 2015-2031 (LTP4).

Connecting Oxfordshire: Local Transport Plan 2015-2031 Volume 2 section i: Oxford Transport Strategy states:

*Oxford's Park & Ride sites have been hugely successful in reducing traffic in the city centre by providing an easy and attractive option for visitors entering the city.*

*However, in order to reduce congestion on the approaches to the city it is now necessary to 'intercept' car trips further away from the city. Substantial link and junction delays occur on all approaches to the ring road, with particular hotspots located to the west (A420, A40), north-west (A44) and south (A34, A4074).*

*We propose that the following broad locations should be considered for the new Park & Ride sites:*



Location	Corridor(s)	Replaces	Main Catchment	Proposed car park capacity
Eynsham	A40	Peatree, Botley	Witney, Carterton, Chellenham, Gloucester	1,000
Langford Lane	A44, A4260	Water Eaton, Peatree	Chipping Norton, Banbury, Worcestershire, Warwickshire,	1,100
East of Kidlington	A34 (north)	Water Eaton, Peatree	Bicester, Banbury, Milton Keynes, Bedfordshire	1,700
Cumnor	A420	Seacourt	Cumnor, Farringdon, Swindon, Wiltshire	1,200
Lodge Hill	A34 (south)	Redbridge	Abingdon, Didcot, Science Vale, Newbury, Hampshire	1,600
Sandford	A4074	Redbridge	Wallingford, Didcot, Henley, Reading, Berkshire	1,000

*Facilities at the Park & Ride sites will fulfil the criteria required at high quality interchange hubs, and include significant provision for those wishing to cycle for part of the journey, whether that is from their point of origin to the bus service (Cycle & Ride), or from the Park & Ride site to their destination (Park & Cycle).*

The proposal for a 300 space transport interchange/link and ride at the East Woodstock site does not fulfil the outline requirements of Connecting Oxfordshire: Local Transport Plan 2015-2031 (LTP4) for the following reasons:

### **Scale of Car Parking Capacity**

Whilst the location is on the A44 corridor, and accessible from the A4260 via the A4095, the proposed site of the transport interchange/link and ride at 300 spaces does not meet the 1,100 car parking space size listed in the Oxford Transport Strategy.

### **Limitations of the Site**

The proposed transport interchange/link and ride is part of a wider residential and employment land based development and offers no room for contiguous expansion of the site to meet the 1,100 car parking space size listed in the Oxford Transport Strategy.

### **Operational Limitations**

There is scant information available about the operation of the transport interchange/link and ride facility. It is not known who would operate the car park element of the facility. It is assumed the existing Stagecoach bus service would serve the facility. Running a successful Park & Ride is dependent upon balancing a number of factors including:

- Charge to users of car parking
- Charge to users of the bus service
- Frequency of bus service and average user wait time before boarding a bus service
- Journey time from user parking their car to arriving at their destination – this includes the time the passenger waits for the bus; bus journey time which is influenced by number of bus stops served and bus priority measures
- Certainty of securing a car parking space
- Certainty of bus having adequate capacity to accommodate all waiting passengers – the frequency of the bus service coupled with the number of passengers who

board before the service arrives at the facility will determine the available space to accommodate Park & Ride passengers.

Information supplied outlines that the current S3 bus service could be altered to create two bus services on the route. The first serving Woodstock, routing through the proposed development site, thus serving the eastern part of the transport interchange/link and ride and Yarnton village; the second bus service operating as an express service that runs on the A44 and doesn't divert into the proposed site, or Yarnton. The express service would serve bus stops on the A44 to the west of the transport interchange/link and ride. Operationally, for users to ensure they catch the next available bus service reliable high quality real time information will need to be available to inform users to go to the eastern bus stops or the western bus stops.

In order to attract users, the operation of the transport interchange/link and ride will need to be more attractive than other methods of travel comparable for the same journey. Criteria to assess this could include financial cost of travel, total journey time including waiting for the bus. The Transport Assessment does not contain any assessment of the proposed transport interchange/link and ride site against other travel options in order to provide any clarity about the likely market it would serve.

### **Undermining the successful implementation of the Oxford Transport Strategy**

There is concern that if the transport interchange facility progressed it could in the short term harm both the perception of the existing Oxford Park & Ride system, as the transport interchange could be perceived as a Park & Ride yet does not meet the high service standard expected of the Oxford Park & Ride system.

Additionally, there is concern that the 300 space facility would restrict County Council opportunities to secure the full 1100 site at an optimum location, as it could be perceived that the Council has supported the 300 space site. This may stunt the implementation of the Oxford Transport Strategy which would impact on growth aspirations in the area.

This concern would not be adequately addressed by the developer's suggestion that the car park "could be reviewed and released for development if appropriate". This does not give anywhere near enough certainty and control for the purposes of the delivery of the transport strategy.

### **3. Sensitivity testing of proposals**

These concerns about the Transport interchange (Link & Ride) car park were raised at the earliest stage of discussions with the planning and transport consultants. Specifically, the county council expressed doubt that the transport interchange car park would attract as much usage as had been assumed in the Transport Assessment work accompanying the planning application – the removal of 130 vehicles from the A44 in the am peak hour. County council officers also raised doubts that the measures proposed along the A44 corridor to be delivered by the development would separately shift as many as the 120 car trips to bus trips that the developer was predicting. This is not least because some of the shift was assumed to be as a result of improvements at Peartree and Frieze Way roundabouts which are unfunded schemes (the developer's Frieze Way scheme would have a minor effect compared to the scheme that the county council wants to develop as part of the North Oxford strategic link road scheme). The result would be less car trips on the A44 being transferred to the bus and so the impact of the Woodstock East development being worse than originally predicted.

Therefore, at the request of the county council, the transport consultant agreed to carry out a sensitivity test that assumed no take up of the Link & Ride and no mode shift from car to bus on the A44 as a result of bus priority aspects of junction improvements – this was considered to be an extreme worst case scenario. It was agreed that this test would constitute a supplement to the TAA which took into account the changes to the site Masterplan development proposals.

The county council has assessed this supplementary work and is satisfied that even without any reduction in the number of car trips on the A44 as a result of the Link & Ride and bus priority junction improvements, the traffic generated by the development would not cause any severe impacts on the A44 corridor and its key junctions. As such the development proposals would be compliant with the Government's National Planning Policy Framework.

However, the modelling of the Langford Lane junction shows that the amount of queuing traffic turning right into Langford Lane could extend beyond the dedicated right turn lane. The developer will develop and deliver a scheme to extend the right turn lane to prevent this from being a capacity and road safety concern. This would be delivered by the S278 agreement.

#### **4. Local Centre**

County council officers do not agree with the response to the concern that as many as 90% of the retail trips generated are from within the site itself. This figure is likely to be much lower even if the store is relatively small. However, the number of the additional trips that would result even if, say, 50% were assumed to be from outside of the development would be very small. The impact of the externally generated trips would be further reduced as a result of some of them being pass-by trips i.e. people already driving on the nearby network on their way to work or home. No further change is needed to the assessment.

#### **5. Highway improvements**

##### *Site accesses*

There will be three points of access to the site from the public highway – from the A4095, the A44 and Shipton Road. The access from the A4095 has been repositioned 70m to the south but in all other respects the junctions are the same. The Road Safety Audit of the A44 junction carried out by the applicants demonstrates that this can operate safely and is therefore now considered to be acceptable by the county council.

In order for the site accesses on the A44 and A4095 to operate safely it is proposed to reduce the speed limit on these roads to 40mph – on the A44 from Bladon Roundabout to the 30mph limit and on the A4095 from Bladon Roundabout to the existing 60mph limit north of Shipton Road.

The new site access on the A44 will need to include refuge island crossings for cyclists and pedestrians north and south of the junction with appropriate links to them from on the site

All of this site access infrastructure will be delivered by means of a S278 agreement.

##### *Cycling and walking infrastructure*

The Masterplan shows a number of cycle and pedestrian accesses onto each of the A44, A4095, Shipton Road and the existing residential area to the north west (The Cove). There is also a proposal for a traffic island crossing of the A44 north west of the Bladon

Roundabout. Together with the proposed walking and cycling infrastructure proposed for on the site, these will help to encourage as many people as possible to walk or cycle for short local trips and to catch the bus running along the A44. Any non-highway cycling and walking infrastructure should have long term/permanent management measures put in place to ensure their continued condition and availability.

On the A44 adjacent to the site from Bladon roundabout, there is a shared use footway cycleway into Woodstock. The first section from Bladon Roundabout to the junction of the road that leads to The Chains caravan site is very narrow and therefore requires widening to at least 2.5m to comfortably accommodate the increased flows of pedestrians and cyclists as a result of the Woodstock East development. This widening would be delivered as part of the S278 agreement.

#### *A4095 junctions*

The TA and TAA show that improvements are needed at the Bladon Roundabout and the Lower Road and A4260 junctions on the A4095 to accommodate traffic generated by the development. These will be delivered by means of a S278.

#### *A44 junctions*

The TA and TAA highlighted that improvements at the Spring Hill/Fern Hill and Rutten Lane/Sandy Lane roundabouts for bus priority and the Cassington Lane and Frieze Way roundabouts for bus priority and traffic flow would be needed to mitigate the impact of the traffic generated by the development.

The TA tested the impact of the development on the Peartree interchange on the basis that the North Oxford Transport Strategy scheme for that junction had been delivered by 2031. But that scheme is neither funded nor programmed. However, further assessment by the developer of the Peartree Interchange bearing in mind the future development traffic and improvements to Frieze Way and Wolvercote Roundabouts show that the development will not have a detrimental impact on the junction's operation as it is currently laid out.

## **6. Car and cycle parking**

The levels of car and cycle parking will need to be set according to the county council's adopted standards. A balance will need to be struck - providing lower than usual levels of parking with a view to encouraging more use of sustainable modes of transport may result in cars parking in inappropriate locations. A particular concern is that people driving to the employment without somewhere to park will overspill onto Shipton Road (there is a pedestrian link from Shipton Road into the development) or onto the Spine Road or even into the nearby residential areas. Furthermore, if more of the residents own cars than there are parking spaces provided in the housing area, inappropriate parking on landscaping, footways, close to junctions and along the spine road could result. A £20,000 S106 financial contribution will be required to be paid by the developer to promote TROs to tackle these parking problems if they occur.

As the Masterplan is developed, the number, location and design of cycle parking for the different uses on the site will need to be agreed with the local planning authority in consultation with the county council. It is important that cycle parking is conveniently located and secure to encourage as many people to use the bike as possible.

## 7. Shipton Road

Previously it was not clear to the county council whether Shipton Road would remain open in the event of the development going ahead. It didn't seem necessary to have both Shipton Road and the new development spine road as they would serve similar functions – the spine road would be designed and built to a specification that would better deal with the traffic that might otherwise use Shipton Road e.g. school coaches serving the Marlborough School. A £5,000 S106 financial contribution will be required so that the county council can promote and deliver a TRO for Shipton Road which restricts access if found to be necessary once the development has started i.e. that too many large vehicles are continuing to use Shipton Road rather than the spine road.

## 8. Public transport

### *A44 Woodstock to Oxford*

Currently, the S3 Chipping Norton-Woodstock-Oxford Premium Route bus service operates three times per off-peak hour south of Woodstock, at least four times per hour in the peak period, twice per hour on Sunday daytimes and hourly on weekday evenings. There is no Sunday evening service.

The proposed funding towards bus priorities along the A44 towards Oxford is welcomed, as there is currently significantly additional running time required for buses in the morning peak. This additional running time leads to a requirement for more vehicles to provide any given frequency. Conversely, a reduction in the required peak running time from Woodstock to Oxford would result in a re-investment of current operating resources into a higher bus frequency, which would fulfil part of the Bus Strategy for this corridor.

The Council's bus strategy envisages enhancing the Woodstock-Oxford daytime bus service (via the proposed Northern Gateway site) from three to four buses per hour, whilst improvements should also be made to the evening and Sunday bus service.

### *A4095 Woodstock to Long Hanborough and Witney*

Bus service 233 currently operates once per hour from Woodstock to Hanborough and Witney on weekday daytimes. There is currently no evening or Sunday service.

The Council's bus strategy envisages the enhancement of the Woodstock-Witney bus service from one to two buses per hour and the introduction of a new Woodstock-Kidlington-Water Eaton bus service also operating at two buses per hour, with this service being capable of extension to Oxford's 'Eastern Arc' via the John Radcliffe hospital, at a frequency of two buses per hour. These services would give the new residents good access to rail services, also to a wide range of employment opportunities.

It is therefore proposed to focus the bus service enhancements required of the developer onto an increase in the level of service from Woodstock to Hanborough and Witney, and also on an introduction (or an increase, if a service be provided before the section 106 agreement can be enacted) of a bus service from Woodstock to Kidlington and to Water Eaton/Oxford Parkway.

It is expected that the developer will procure directly up to 2 additional vehicles to deliver improvements to bus routes on the following sections of route:

- Development site to Witney via Hanborough station
- Development site to Water Eaton/Oxford Parkway via Kidlington.

It may be the case that these improvements trigger other enhancements to the strategic bus network.

### *Bus stop infrastructure*

As the developer proposes, future bus services will be capable of operating along the A44, or through the development site. The development site is quite extensive, so a large number of bus stop locations will be required to give the new residents access to the existing and improved bus services and also to offer flexibility in future bus routing.

The Council considers that nine new bus stops will be required:

- (a) Three bus stops adjacent to the junction of the A44 with the planned spine road, each downstream of the junction
- (b) A pair of stops on the A44, about 450 metres to the south-east of the spine-road/A44 junction and 150 metres to the north-west of Bladon roundabout
- (c) A pair of stops immediately to the east of the proposed District Centre (Hensington Place)
- (d) A pair of stops about 125 metres to the west of the junction of the Spine Road and the A4095 (on Marlborough Drive)

These stops should be plotted on Masterplan documentation as soon as possible, for discussion and inclusion in the draft S106 agreement.

The arrangement at the stop group (a) will not only permit bus operation along the A44 (for example service S3, but also for buses from Woodstock to Witney or Water Eaton via the Spine Road, or even for a Witney-Water Eaton via Spine Road service which doesn't serve the centre of Woodstock. For planning purposes, the developer should assume a combination of all three routing options, and a probable future service level of four buses per hour along the spine road.

The developer has proposed a spine road suitable for buses, with a width of between 6.5 and 6.75 metres - detailed designs of the spine road will need to show they can safely accommodate buses (tracking diagrams will need to be provided with detailed layout). The available road width should be clear of parked cars and other possible obstructions. It should also avoid vertical deflection. The road must also be designed to safely and comfortably accommodate cyclists. These essential design principles should be carried forward into an agreed Design Code.

## **9. Travel Planning**

The size of the development requires that a framework travel is agreed prior to the first occupation and a review programme for the duration of the build programme to keep it up to date and in line with any changes in regulations.

Depending on the size, each of the individual elements will require a travel plan and monitoring fee or a travel plan statement in line with the thresholds set out in Oxfordshire County Council's adopted guidance, Transport for New Developments: Transport Statements and Travel Plans, March 2014 or any updated guidance document. These travel plans will need to reference the overall objectives of the site's Framework Travel Plan.

To help reduce the need for second car ownership and reduce the level of car trips off the development the developer should work with the local community and new residents to set up a car club on their site and within Woodstock, details of setting up a car club in a market

town can be obtained from Co-Wheals or other car club providers. The car club should be set up so that it becomes self-sustaining after an agreed period of time.

The master plan provided with the revised application shows more detail of the proposed walking and cycling links off the site, although the applicant will need to work closely with the county council and local planning authority to ensure that these will be as attractive as possible to people living on the development or to those people making journeys to the site. In particular, as many of the routes as possible that cut across the green open space should be surfaced in a way that makes them available all year round. Sensitive design solutions will be needed as this is achieved bearing in mind the status of the Scheduled Ancient Monument.

Requirements:-

- i) Framework Travel Plan
- ii) Travel Plan monitoring fees
- iii) Travel plans for each element of the development as they are built.
- iv) Contribution to setting up and on-going running of a car club for the residential element of the site.

## **10. Public Rights of Way**

The public footpath on the edge of the site (Woodstock Footpath 8) needs protecting and improving for year round use. The size of the development will make this area more urban so the path needs to remain as a green corridor but also made safe and convenient for year round use and fully integrated with the development.

The development will affect existing rights of way in the proximity of the site due to the amount and frequency of increased use e.g. Footpath 36, Footpath 24, Footpath 5. The development should provide a financial contribution to improve these rights of way to make them safer, and more convenient for year round commuting and recreational use.

The pedestrian and cycling routes inside the site are welcomed.

## **11. Drainage**

The details provided by the applicant about drainage appear to be quite comprehensive. However, full drainage calculations for all return periods up to and including 1 in 100 year plus climate change need to be submitted and approved by The Lead Flood Authority ( Oxfordshire County Council ) before the development commences on site. A full drainage strategy (with key areas to be covered set out in the conditions section earlier) will need to be submitted to and approved by the county council as lead flood authority before commencement of development on site.

**Officer's Name: Craig Rossington**

**Officer's Title: Senior Transport Planner**

**Date: 03 July 2015**

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**District:** Cherwell

**Application no:** 14/02004/HYBRID-2

**Proposal:** AMENDMENT: Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.

**Location:** Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

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## **Archaeology**

### **Recommendation:**

No objection subject to conditions

### **Key issues:**

There are issues concerning

- the setting of the Scheduled Ancient Monument
- the close proximity of the development to its eastern side
- the effect of the development upon World Heritage site

These will need to be resolved before a decision can be reached.

### **Legal agreement required to secure:**

None

### **Conditions:**

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.



Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

**Informatives:**

None

**Detailed comments:**

The application area contains a Scheduled Ancient Monument (SAM 35545) and is adjacent to the World Heritage Site of Blenheim Palace which includes the Grade I listed parkland (PG 1402). The NPPF, the NPPF Planning Practice Guidance and the Local Plan policies of WODC and CDC all highlight the importance of the setting of designated assets.

The amended application includes steps to reduce the impact of the proposed development upon the scheduled monument but any decision should be made in line with the advice and recommendations of Historic England who are the statutory advisors for designated assets.

The impact upon the World Heritage Site has also been questioned and we suggest that the views of ICOMOS are sought.

The applicant has undertaken a geophysical and an archaeological evaluation of the application area (trial trenching). Whilst these surveys did not include the SAM and they did reveal non designated heritage assets that are demonstrably of equivalent significance to scheduled monuments. Whilst these relate to the SM they are however not currently within an area of proposed development. It also recorded other archaeological features that appear to relate to the SAM and these will require appropriate mitigation.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be undertaken in advance of development. This can be ensured through the attachment of suitable negative conditions.

**Officer's Name: Hugh Coddington**  
**Officer's Title: Archaeology Team Leader**  
**Date: 26 June 2015**

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**District:** Cherwell

**Application no:** 14/02004/HYBRID-2

**Proposal:** AMENDMENT: Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.

**Location:** Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

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## Education

### Recommendation:

Approval subject to the conditions

### Key issues:

This development lies within the school planning area of Woodstock.

- The scale of the proposed housing would require a new primary school site and buildings to be provided. Section 106 developer contributions totalling £8,068,000 would be required.
- £3,979,740 Section 106 required for necessary expansion of permanent secondary school capacity in the area. This site lies within the current Marlborough CE School's designated catchment area (an academy).
- £205,395 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision serving the development's area. SEN provision for this area is provided by a Special Resourced Unit at The Marlborough CE School, as well as by those schools serving the whole county.

### Legal Agreement required to secure:

- Developer contributions to fund new primary school buildings of an appropriate size in line with expected pupil generation. For the proposed scale of housing this is expected to be equivalent to a 2 form entry primary school. Contributions are sought based on Department for Education (DfE) advice for new schools weighted for Oxfordshire. Based on a requirement for a 2 form entry school we would therefore require a contribution of £8,068,000 (index linked from 1<sup>st</sup> Quarter 2012 using PUBSEC Tender Price Index) to primary school infrastructure for these homes.
- A satisfactory primary school site of 2.22ha would be required, fully serviced and at no cost to the county council. Sufficient information would need to be provided to the OCC property consultants to allow a judgement to be made on the suitability of the proposed school site and surrounding layout of the development.

- £3,979,740 Section 106 developer contributions towards the expansion of permanent secondary school capacity serving the area by a total of 265 pupil places (including 37 sixth form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.
- £205,395 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 6.7 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised by the county council's property consultants Turner & Townsend to allow £30,656 per pupil place to expand capacity in special educational needs provision.

### **Conditions:**

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

### **Informatives:**

The contributions have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available.

### **Detailed Comments:**

#### **Primary:**

Based on the information available, it is estimated that housing development on this scale is likely to generate up to 358 primary pupils, which is on a scale broadly equivalent to a 2 form entry primary school. The requirement would be reviewed when a confirmed housing mix is provided.

Under current government school organisation regulations, there are a number of ways in which this school could be operated:

- A new school, managed separately from the existing schools;
- A second site for the existing primary school, which is currently rated by Ofsted as Outstanding;
- A second site for the existing secondary school, which is currently rated by Ofsted as Good, to allow it to extend its age range to include primary pupils.

The county council, as part of its statutory responsibility to secure sufficient school places, would conduct a local consultation in due course to inform the model of school provision. If a new academy provider is the preferred model, the county council would manage the process of securing such a sponsor.

The model of provision may have implications for the precise design and cost of the new school buildings, but at this stage it should be assumed that accommodation equivalent to a new 2 form entry primary school will be required.

The county council's generic requirements for new primary school sites include:

- All roads around school sites should have no dead end or layouts that might generate any need for engaging reverse gear.
- The county would argue against any suggestion that school buildings are located on the corner of sites close to the boundary as it would not be conducive to an economical layout or be able to be designed to meet our educational, safeguarding and management requirements. The design of school sites is bespoke such that the location of buildings or proximity of buildings to the boundary cannot be unreasonably constrained. It will be established through consideration of the best value solution that meet our educational, safeguarding and management requirements.
- The site will require the ability to create two 6m wide site access routes from the highway. They will need to be positioned at opposite ends of the school frontage in order to ensure that maintenance vehicles or construction vehicles do not need to cross from one side of the site to another. This is required to ensure the safety of the pupils and ensure continuity of education during maintenance work to the school buildings, external surfaces and playing fields. An additional 6m wide access from the highway will be required to the playing field. This is required to ensure the safety of the pupils whilst playing field maintenance is undertaken.

More detailed guidance on site requirements is available on request.

To allow an informed assessment to be made of the suitability of the proposed school site, the county council's property consultants would need to receive:

- Location, details and status of all existing services and drainage runs across the site and within 1 kilometre of the site.
- Topographical survey (CAD format) with school sites boundaries marked on.
- Hydrological and flood risk assessment.
- Flood risk assessments with plans showing both the 100 plus 40% climate change and 50 year plus 40% climate change.
- Existing and anticipated noise levels plan.
- Initial Search information including evidence that claimed rights of way, easements, wayleaves and the like do not exist upon the proposed site.
- Surface water strategy if available.
- Geo environmental desk top study.
- Site investigations if available.

**Secondary:**

Based on the information available, it is estimated that housing development on this scale is likely to generate 265 secondary pupils. The area is served by The Marlborough CE School (a secondary academy), which has a capacity of 1138 places for 11-19 year olds. The school is expected to fill as a result of rising pupil numbers from the existing population, and would need to expand to make local housing development acceptable in planning terms. Developer contributions are required towards the capital cost of this expansion.

**Special:**

The SEN pupil generation of this application is estimated to be 6.7 pupils, based on pupil census data on pupils attending Oxfordshire mainstream and SEN schools which indicates that 1.11% of school pupils attend SEN schools. SEN provision for this area is included within a specialist resource base within The Marlborough CE School, which is operating at capacity. There is insufficient capacity for SEN provision to meet the needs of this development, and expansion of capacity will be necessary.

**Officer's Name: Diane Cameron**

**Officer's Title: School Organisation Officer**

**Date: 01 July 2015**

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**District:** Cherwell

**Application no:** 14/02004/HYBRID-2

**Proposal:** AMENDMENT: Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.

**Location:** Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

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## Property

### Recommendation

#### Objection

#### Key issues:

- School site layout design guidance provided has not been followed – see detailed comments below. The masterplan presents issues such as the school site is shown to be on a dead end and is inadequately connected to the street network.
- The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.
- The following housing development mix has been used to assess the development impact:

178 x One Bed Dwellings  
314 x Two Bed Dwellings  
509 x Three Bed Dwellings  
199 x Four Bed Dwellings

- It is calculated that this development would generate a net increase of:

#### **2970 additional residents including:**

232 resident/s aged 65+  
2063 residents aged 20+  
265 resident/s ages 13-19  
200 resident/s ages 0-4

### Legal Agreement required to secure:

- Library £59,400
- Central Library £50,935.50
- Waste Management £190,080.00

- Adult Day Care £255,200.00
- Total\*** **£555,615.5**
- \*Total to be Index-linked using PUBSEC Tender Price Index
- Administration & Monitoring £17,500

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

### **Conditions:**

- The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission

### **Informatives:**

- Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

### **Detailed comments:**

#### **Primary School site layout - Comments provided by Jane Farrow - Principal Strategist**

- Dead end - No dead end roads should be situated adjacent to schools and the road layout should allow for circular routes to prevent the need to reverse in the vicinity of children
- School road frontage –The frontage of a primary school (along one side of the site) needs to be not less than 110m long to allow for the facilities below to be positioned appropriately.
  - The main entrance should be close to parking facilities both for disabled and staff parking. However the parking should not be positioned in the front of the school.
  - Offsite/on highway coach drop off/ pick up facilities for up to 2 vehicles will be required adjacent to an entrance to the school.
  - The hall, extended schools facilities and the kitchen shall be adjacent to the main entrance for evening use and occasional daytime use. The staff parking and service area also need to be at the front of the site and to the side of the school building adjacent to the kitchen.
  - The nursery needs to be at the front of the school site on the opposite side to the hall. This is to ensure that the nursery has immediate access to the nursery garden and safeguarding is maintained during dropping off and picking up during school hours.
- Site access – The schools should have three vehicular/pedestrian entrances into the site. These are to have appropriate site lines and radius, to be 6m wide, with 2m wide footpaths either side. They are to be situated at either end of the school frontage with

a further one at the rear of the site. This is to maximize routes into the school from the surrounding road network for pupils arriving at the school and for future maintenance of the school and grounds. The current layout doesn't allow for this requirement and if the site were to remain in its current location then access would also be required from the proposed road that runs parallel to the Shipton road where it runs from north to south.

- Drop off – For the school, the developer will be required to produce a travel plan framework which will include the provision of pupil drop off parking spaces for parents. The number required will need to be agreed with highways based on the developers evidence based assessment of the schools requirements but could be around 90 spaces for a primary school. NB No parent drop off will be permissible on any primary school site.
- School located adjacent to existing housing – Developer to address any potential planning requirement for noise mitigation from the school to the adjoining housing.

The above comments are not exhaustive

NB

- Our consultants will need to carry out a site visit
- Any issues identified within the technical information made available to date should be covered within clauses in the s106 agreement

### **Local Library**

This development is served by Woodstock Library.

The development proposal would generate the need increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00 at 1st Quarter 2012 price base; this equates to £20 per resident.

- The contribution for the provision of supplementary core book stock in respect of this application would therefore be based on the following formula:

$$\mathbf{\pounds 20 \times 2970 \text{ (the forecast number of new residents)} = \pounds 59,400.00}$$

### **Central Library**

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured is £4,100,000. 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1M = £1,604,000.

Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year

2026.  $\pounds 1,604,000 \div 93,529 \text{ people} = \pounds 17.15 \text{ per person}$

- The contribution for the provision of central library infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{\pounds 17.15 \times 2970 \text{ (the forecast number of new residents)} = \pounds 50,935.50}$$

### **Strategic Waste Management**

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.



To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.

A new site serving 20,000 households costs in the region of £3,000,000 at 1st Quarter 2012 price base; this equates to £64 per resident.

- The contribution for the provision of strategic waste management infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£64 \times 2970 \text{ (the forecast number of new residents)} = £190,080.00}$$

### **Social & Health Care - Day Care Facilities**

This development is served by Witney Resource Centre and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Witney Resource Centre

Contributions are based upon a new Day Care centre offering 40 places per day (optimum) and open 5 days per week; leading to an equivalent costing of £11,000 per place at 1<sup>st</sup> Quarter 2012 price base (this in non-revenue). Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

- The contribution for the provision of adult day care infrastructure in respect of this application would therefore be based on the following formula:

$$\mathbf{£1,100 \times 232 \text{ (the forecast number of new residents aged 65+)} = £255,200.00}$$

### **Administration**

Oxfordshire County Council requires an administrative payment of £17,500 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education. The admin fee may increase depending on the value of any Transport related contributions.

### **Indexation**

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

### **General**

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

**Officer's Name: Oliver Spratley**

**Officer's Title:** Corporate Landlord Officer

**Date:** 02 July 2015

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**District:** Cherwell

**Application no:** 14/02004/HYBRID-2

**Proposal:** AMENDMENT: Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.

**Location:** Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

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## **Ecology**

### **Recommendation:**

### **Key issues:**

The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:

<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

### **Legal agreement required to secure:**

N/A - For the District Council to comment

### **Conditions:**

N/A - For the District Council to comment

### **Informatives:**

N/A - For the District Council to comment

### **Detailed comments:**

**Officer's Name:** Tamsin Atley

**Officer's Title:** Ecologist Planner

**Date:** 01 July 2015

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**District:** Cherwell

**Application no:** 14/02004/HYBRID-2

**Proposal:** AMENDMENT: Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.

**Location:** Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

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## **Waste Management**

### **Recommendation:**

**No objection**

### **Key issues:**

Meeting statutory requirements to provide facilities for residents to dispose of waste and maintaining and increasing high rates of recycling and composting in Oxfordshire which are currently the best in the country.

The proposed development will increase demand for waste management facilities and use of household waste recycling centres. Dix Pit HWRC, the nearest to the proposed development site, experiences capacity issues at peak times and the network of HWRCs in the county is also at capacity.

Contributions towards increasing capacity for re-use, recycling and composting will be required to ensure the additional demand generated by the development can be met and recycling and composting rates are maintained at high levels.

### **Legal agreement required to secure:**

1. Contributions are sought towards HWRC infrastructure to meet the demand generated by the proposed development based on the following calculation.

A HWRC designed with capacity for 17,650 households has an estimated project build cost of £3,400,000 (@1Q 14 prices)

This equates to a capital cost per household of £193

The HWRC requires a site area of 16,000m<sup>2</sup> (equating to 0.91m<sup>2</sup> per household)

Using an estimated land value of £300,000/acre =£74.14/m<sup>2</sup>

This equates to land cost per household of £67 (£74.14\*0.91)

**Total m<sup>2</sup> cost/household – £193+£67= £260**

**Total m<sup>2</sup> cost/person (based on 2.4 average occupancy) – £260/2.4 = £108.33**

**Total contribution from 14/02004/HYBRID-2**

£260 x 1,200 dwellings = **£312,000**

2. This cost takes in to account the infrastructure required to deliver a modern HWRC with adequate facilities to maximise reuse and recycling. This ensures that OCC will comply with the EU Waste Framework Directive 2008, enacted through the Waste Regulations (England and Wales) 2011 (as amended) which demands that:

*“An establishment or undertaking which imports, produces, collects, transports, recovers or disposes of waste, or which as a dealer or broker has control of waste must, on the transfer of waste, take all such measures available to it as are reasonable in the circumstances to apply the following waste hierarchy as a priority order—*

- (a) prevention;*
- (b) preparing for re-use;*
- (c) recycling;*
- (d) other recovery (for example energy recovery);*
- (e) disposal*

3. A modern facility with reuse area and extensive recycling facilities also ensures we meet our commitments in the Oxfordshire Joint Municipal Waste Management Strategy (JMWMS) which sets out the vision for managing waste across the county. The strategy has been adopted by all councils and commits to:

**Policy 3:** *help households and individuals to reduce and manage their waste in order to ensure zero growth or better of municipal waste per person per annum*

**Policy 4:** *provide an integrated system of collection and processing of household waste which will achieve, as a minimum:*

*By 31st March 2020: recycle or compost at least 65% of household waste;*

## **CIL Compliance**

4. The Community Infrastructure Levy requires that contributions are:
- a. Necessary to make the development acceptable in planning terms: The comprehensive kerbside collections in place in each district are only able to accept smaller, more common types of waste. Larger, ad hoc items like furniture or large electricals need to be taken to an HWRC for management. Households make around 4 visits to an HWRC each year and are regarded by residents as an important service. Without a contribution to HWRCs, the development would have an unacceptable impact on existing facilities. It is anticipated that the proposed development will provide housing for approximately 2,880 new residents (1,200 dwellings x 2.4 persons per household). If each household makes four trips per annum the development would result in an additional 4,800 HWRC visits per year.
  - b. Directly related to the development: A contribution towards additional HWRC capacity is needed because of the demand that the development will create (as calculated above). The current network of sites is at capacity and without changes the pressure from increased development will result in a failure of them to adequately serve Oxfordshire residents.
  - c. Fairly and reasonably related in scale and kind to the development: The calculation above is proportionate to the increased demand placed on HWRCs by this development. The calculation above breaks down the capital costs associated with

providing HWRC infrastructure. As the whole network is currently at capacity and additional development will impact on the service provided contributions are required from all developments. The cost/household has been calculated on a square metre basis.

**Conditions:**

None

**Informatives:**

None

**Detailed comments:**

5. Oxfordshire County Council, as a Waste Disposal Authority, is required under the Environmental Protection Act 1990 (Section 51) to arrange:

*“for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited”;*

*and that*

*“(a) each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;*

*(b) each place is available for the deposit of waste at all reasonable times (including at least one period on the Saturday or following day of each week except a week in which the Saturday is 25th December or 1st January);*

*(c) each place is available for the deposit of waste free of charge by persons resident in the area;”.*

6. Such places are known as Household Waste Recycling Centres (HWRCs) and Oxfordshire County Council provides seven HWRCs throughout the County. This network of sites is no longer fit for purpose and is over capacity. A HWRC strategy is currently in development which will consider how sites can best serve residents now, and into the future.

7. Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. As detailed in Table 1, this analysis shows that all sites are currently ‘over capacity’ (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. Queuing time is not available, but anecdotal evidence suggests that this can be up to 20 minutes at busy times.

Table 1: Site capacity

Site	April – September Percentage of time the site is over capacity	April – September Percentage of time the site is over capacity	Full year Percentage of time the site is over capacity during 08:00 –	Full year Percentage of time the site is over capacity during 08:00 –

	<b>during 11:00-14:00 (all week)</b>	<b>during 11:00-14:00 (weekend only)</b>	<b>17:00 (all week)</b>	<b>17:00 (Weekend only)</b>
<b>Alkerton</b>	20.76%	49.57%	13.55%	34.95%
<b>Ardley</b>	24.11%	58.12%	14.22%	19.61%
<b>Dix</b>	3.05%	10.68%	0.98%	1.38%
<b>Drayton</b>	27.74%	50.44%	14.32%	19.52%
<b>Oakley</b>	15.10%	38.24%	10.07%	13.58%
<b>Redbridge</b>	25.77%	51.18%	12.13%	17.13%
<b>Stanford</b>	34.22%	59.47%	19.94%	26.06%

8. Congestion on site can reduce recycling as residents who have already queued to enter are less willing to take the time necessary to sort materials into the correct bin. Reduced recycling leads to higher costs and an adverse impact on the environment. As all sites are currently over capacity, population growth linked to new housing developments will increase the pressure on the sites.
9. The Waste Regulations (England and Wales) 2011 require that waste is dealt with according to the waste hierarchy. The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt. Combined with the complex and varied nature of materials delivered to site it will become increasingly difficult over time to maintain performance and a good level of service especially at busy and peak times.

**Officer's Name: Frankie Upton**  
**Officer's Title: Waste Project Manager**  
**Date: 25 June 2015**

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**WEST OXFORDSHIRE DISTRICT COUNCIL  
PLANNING SERVICES MEMORANDUM****Planning and Sustainable Communities**

From : Catherine Tetlow  
Direct line : 01993 861655  
Email : catherine.tetlow@westoxon.gov.uk  
Our Ref : **14/02063/OUT (Cherwell ref: 14/02004/HYBRID)**

**To**

WODC Planning Policy Manager  
Elmfield  
Witney

**Proposed:** Outline Planning Permission for up to 1500 dwellings, including affordable housing and up to a 150 unit care village (C2) with associated publicly accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 7,500sqm locally led employment (B1/B2/B8) including link and ride; site for a football association step 5 football facility with publicly accessible ancillary facilities; public open space, associated infrastructure, engineering and ancillary works, (all matters reserved except for means of access to the development); and Full Planning Permission for the development of Phase 1 at the south western corner of the site for the erection of 29 residential dwellings (29 of the 1500 described above) with associated open space, parking and landscaping; with vehicular access provided from Upper Campsfield Road (A4095), Shipton Road and Oxford Road (A44) and the application is accompanied by an environmental statement.

**At:** Land South of Perdiswell Farm & East of Woodstock, Shipton Road & Oxford Road, Shipton on Cherwell, Nr Woodstock

**Applicant:** The Vanbrugh Trust and Pye Homes Ltd

Please forward your comments, by email to the named Officer. If you have any queries or require more information please do not hesitate to contact Catherine Tetlow.

**Consultee Comments**

This application seeks planning permission for a predominantly residential development incorporating 1,500 homes. The scheme also incorporates a care village, primary school, sports facilities, neighbourhood centre, employment area, public open space and a link and ride site. The application seeks outline planning permission with the exception of the south-western corner of the site for which a full application has been submitted for 29 dwellings (of the 1,500 homes on the overall site).

The site is located to the south-east of Woodstock and is bounded by the A44 Oxford Road to the south, the A4095 Upper Campsfield Road to the west, residential development to the north-west and open countryside to the north. Immediately to the south of the A44 Oxford Road lies the grounds of Blenheim Palace which has been designated as a World Heritage Site. The southern-western corner of the site falls under the authority of WODC and the remainder of the site falls within Cherwell District.



## **Principle of Development**

Woodstock is defined as a service centre in both the adopted and emerging Local Plans. There is clearly an expectation that the town will accommodate future development. As the applicant has identified, the town scores well in terms of the Council's settlement sustainability matrix offering a good range of services and facilities for a town of this size.

As a defined service centre, Policy H7 of the adopted Local Plan applies which allows for residential development on the basis of infilling, rounding off within the built up area, conversion of existing buildings and on allocated sites. The application site fulfils none of these criteria and as such is a departure to the policy and has been advertised as such.

In a report to Cabinet on 18<sup>th</sup> February 2015 Officers reported that the Council is able to demonstrate a 5-year housing land supply taking account of the proposed housing requirement of the pre-submission draft Local Plan (525 homes per annum) and the likely delivery of new homes in the period to 2020.

In their supporting planning statement, the applicant unsurprisingly argues that the Council does not have a 5-year housing land supply on the basis that it should be measured using the SHMA requirement of 660 homes per annum and that the Council's supply assumptions are overly optimistic. They also argue that a 20% buffer should be applied rather than 5%.

I do not accept this. The District Council is in the process of challenging the SHMA through its Local Plan and considers that based on more recent evidence and analysis, the Objectively Assessed Need (OAN) for housing in West Oxfordshire in the period 2011 – 2031 is 525 homes per annum. On this basis it is reasonable to benchmark the 5-year supply position against this lower requirement. In terms of supply, I do not consider the Council's assumptions to be over-optimistic and I remain of the view that with a strong past record of housing delivery, a 5% buffer applies in the case of West Oxfordshire rather than 20%.

In light of the Council being able to demonstrate that it has a 5-year supply, Policy H7 can be afforded more weight than in the absence of a 5-year supply.

Having said that I would acknowledge that the policy was conceived some time ago, pre-dates the NPPF and was adopted at a time when large-scale releases of greenfield land on the edge of settlements was not envisaged or required.

The proposed replacement policy, which is Policy H2 of the emerging pre-submission draft plan, recognises that at main service centres such as Woodstock, new dwellings will be permitted on undeveloped land adjoining the settlement where the proposed development is necessary to meet identified housing needs and is consistent with a number of specified criteria.

In terms of the first issue, I consider that the application as proposed is not needed to meet identified housing needs. Land immediately adjoining the east of Woodstock has been assessed by the Council in its SHLAA as being suitable for around 180 new homes and it is anticipated that this would help to meet the level of identified housing need set out in the emerging Local Plan. However, the application proposal is for 1,500 homes which far outweighs the level of need identified and is massively out of proportion with the scale of development envisaged for this area in the SHLAA.

The majority of the development falls into Cherwell District and the site has not been included in the Cherwell Local Plan to meet their identified housing requirement. As such there is no justification for it in terms of housing need.

In further support of their case, the applicant alludes to the issue of unmet housing need arising from Oxford City. I would agree that there is a significant amount of unmet need that will need to be accommodated within the HMA however a process of joint working is currently underway being co-ordinated by the Oxfordshire Growth Board, in order to consider the best options for dealing with this unmet need.

Until that process is complete, there can be no certainty about whether this site represents a preferred option for accommodating Oxford City's unmet housing needs. There will be a large number of other options considered and assessed and to release this site now before that process is complete would be premature and contrary to the duty to co-operate.

Even if one were to accept that there is a housing need for this scheme, it is relevant to consider the proposal against the criteria set out in emerging Policy H2. Importantly, the first of these criteria is that 'the development should be of a proportionate and appropriate scale to its context.'

At 1,500 homes plus employment land, new school, local centres, sports facilities and various other community facilities, I fail to see how this proposal could be considered to be of a 'proportionate and appropriate scale'. I would acknowledge that a smaller scheme of 180 or so dwellings as identified in the Council's SHLAA would be of an appropriate scale for a town the size of Woodstock.

The second criteria of Policy H2 refers to proposals having to be of 'demonstrable benefit to the local community'. Again this is directly applicable and I would argue that whilst the applicant goes to great lengths to spell out the economic and social benefits of the proposal, the scale of development is such that it cannot reasonably be considered to be of community benefit. Indeed it is likely to have a profound and harmful effect on the local community by virtue of the sheer scale and impact of the proposal.

The fifth criteria of Policy H2 requires development to form a logical complement to the existing scale and pattern of development and/or the character of the area. Again I would suggest that the application proposal fails to fulfil the criteria. A development of 1,500 homes cannot be considered to form a logical compliment to a town the size and form of Woodstock.

To summarise, in terms of the principle of development in this location, whilst I would agree that Woodstock is a sustainable settlement, capable of accommodating additional growth, what is currently proposed is completely at odds with both the adopted and emerging Local Plans. The Council's SHLAA acknowledges that the site is capable of accommodating around 180 homes but this is a very different proposition.

The development is not needed to meet the identified housing needs of either West Oxfordshire District or Cherwell District and whilst it could potentially be seen as a way of addressing unmet housing need arising from Oxford City, to grant permission now would be premature and pre-empt the outcome of the countywide option appraisal work that will be happening over the next 6 months.

## **Transport considerations**

### Highway considerations

The scheme will be served by three access points comprising of two primary access points, one of which is located off the A44 Oxford Road and one off the A4095 Upper Campsfield Road. In addition, the site is served by one secondary access off Shipton Road to the north. The main access off the A4095 is proposed to serve the 'link and ride' and employment site. Notwithstanding the principle of development on this wider site, it would seem more logical to position the link and ride site adjacent to the A44 which is already a key bus route? Perhaps this has already been explored and there are highway or landscape constraints which restrict this?

The application includes works to the local highway network including upgrades to the Bladon Road roundabout to increase its capacity. Are the highways department supportive of all the measures proposed and are these sufficient to mitigate the impacts? Traffic on the A44 towards Oxford is identified as operating beyond capacity during morning peak hours and therefore this suffers from congestion on a daily basis. The Transport Assessment submitted alongside this application sets out a list of required upgrades at each phase of development and includes County Council led schemes including upgrades to the Wolvercote and Cuttleslowe roundabout as well as infrastructure work associated with the Northern Gateway. It is not clear whether the County Council upgrades and the Northern Gateway works are committed schemes and if not, what will be the impacts of additional flows without these upgrades in place? In addition, there is a lack of clarity regarding the Northern Gateway 'infrastructural' works; what do these incorporate, when are they anticipated to be completed and have they been committed?

The proposal includes the provision of a coach park to the north of the site which will serve the Marlborough Secondary School. A few options have been suggested regarding the details of this. Are the highways department supportive of this concept? In addition, do we consider the landscape impacts of this to be detrimental (this area is on the edge of the development site and may look unsightly from the adjacent countryside.)?

Finally, are the highways department supportive of the access points, internal road network and the general location, accessibility and dimensions of the parking spaces?

Policies BE3 and T1 of the WOLP 2011

### Public transport opportunities

The site is considered to be well located to benefit from and assist in improving on the current bus provision available within the vicinity of the site (in particular the S3 service to Oxford). The site lies within a bus corridor (A44) and therefore this offers future residents on the site an alternative to car based travel. However, due to the expanse of the site, some areas exceed the recommended maximum distance for accessing a bus stop.

It is important to ensure that the provision of conveniently located bus stops are included and these are well connected by a lit footpath to encourage use of this mode of transport throughout the day.

The 233 bus service travels directly past the site and takes passengers from Witney to the railway station in Long Hanborough. There is support locally in improving the frequency of this service and contributions should be sought to help fund such improvements. I note this service is proposed to re-route into the site which will increase patronage on this service and provide a good service from the site but will increase the journey time from the Witney direction to Long Hanborough.

A 'link and ride' is proposed to connect Woodstock to Oxford and the new Oxford Parkway railway station at Water Eaton. This is a new concept and there are no examples of any such schemes in the District. What are the views of the highways department on this aspect of the application? Is there flexibility in this concept to respond to changes in other transport connections?

Policies BE3 and T3 of the WOLP 2011.

#### Walking and cycling links

Good accessibility between the site and the established parts of the town is particularly important to help the site integrate with the town and to enable residents to access key services and facilities without the need drive.

The development includes six pedestrian/ cyclist access points on the western edge of the site and this appears to provide a reasonable level of accessibility to allow the western part of the site to integrate with the existing built up limits of the town. The eastern section of the site beyond the Scheduled Monument is more difficult to integrate by virtue of its distance from the existing built up area of Woodstock and this will discourage walking into the centre of the town.

Policies BE3 and T2 of the WOLP 2011.

#### **Landscape impacts**

The site comprises several large flat arable fields with field boundaries comprising of hedgerows of differing heights. The site itself is not subject to any landscape related designations, however it is located at close proximity to Blenheim Palace which has been designated as a World Heritage Site with a Grade I registered garden.

The smaller western part of the site which falls within West Oxfordshire is identified in the West Oxfordshire Landscape Assessment 1998 as semi-enclosed limestone wolds which are visually exposed and sensitive to development. The wider site which falls under Cherwell District is identified in the Oxfordshire Wildlife and Landscape Study as estate farmlands which supports a range of habitats.

The Council previously commissioned a Landscape Review of the smaller parcel of land on the western side of the site to help inform its evidence base. This was completed in May 2014 by Kirkham Landscape Planning Ltd and this assessment concluded the following:

- Open land to the south of the site should be excluded from development.
- Development should be no higher than 2.5 storeys high with the rural edge development no more than 2 storeys high with a broken roofscape.

- The development area must be broken by the provision of open space, tree and woodland planting to reduce the scale of the built form in keeping with the local townscape pattern.
- All existing mature trees, hedgerow and scrub cover should be retained to provide a basic structure for landscape mitigation.
- Parkland style woodland should be created in the southern field to complement the wooded parkland at Blenheim Park.
- The semi-formality of the approach to Woodstock along Oxford Road should be reinforced.
- Substantive tree planting should be provided to break up the new urban edge.
- The detailed design of the landscape setting to each vehicular and pedestrian/cycle access and the existing road corridor should reflect the different character of each vehicular or pedestrian approach to Woodstock with particular attention to retaining the parkland character of the A44 and the semi-rural character of Shipton Road.
- The site plays a major contribution in the landscape and visual objectives for this area as set out in OWLS and WOLA.
- The design and layout of the development should avoid uniformity and reflect the small scale character of the town in a well treed historic pattern.

Although this landscape assessment only considers a small parcel of the total site area, it provides some useful principles which are relevant to the wider site, not all of which have been followed such as the retention of undeveloped land to the south of the site. Even if these suggestions are followed where possible, the sheer scale of the development proposed is extremely unlikely to respect the small scale, historic character of the town and will harm this important approach into Woodstock.

Policies BE4, BE8, BE11, NE1 and NE3 of the WOLP 2011.

### **Affordable Housing and Care Village**

- Cross boundary allocation of affordable housing  
*The council would seek joint nominations in each delivered phase of affordable housing, equally with Cherwell District Council.*
- *The requirement in policy terms (policy H11) for affordable housing in this high value area of West Oxfordshire is 50% of the total development. I understand that CDC seeks 35% affordable housing in rural areas. It is my belief that West Oxfordshire ought to be encouraging the delivery of affordable homes as near to 50% as possible across the whole development area.*
- Policy BE2 General Development Standards  
*We should strongly encourage any proposed dwellings to be designed to meet the requirements of Lifetime Homes and in terms of energy efficiency; the dwellings should aim to meet the Government's objective to achieve a zero-carbon future. The Energy Strategy and Code for Sustainable Homes Strategy submitted states that the target is to achieve an equivalent Code for Sustainable Homes Level 4 for residential elements and a BREEAM 'good' rating for non-domestic elements. The Council also requires the completed affordable homes to be Housing Quality Indicator compliant and achieve the relevant space standards of Level 1 / 2 for general and adapted dwellings.*

- **Housing Need and scheme mix**

*From interrogation of the Council's Common Waiting List I can confirm that there are 140 households who would qualify for housing on this development were it available today. Of these 30+ require affordable older persons accommodation. I am not convinced by the applicant's argument that the care village should be Use Class 2 and not 3. Woodstock is a highly sustainable settlement for older persons due its transport links, health, shopping and social facilities. Many older persons with connections to Woodstock and in need of some support would benefit from being able to access affordable purpose built housing either as affordable rent or shared ownership. There are several examples of this provision in high values areas around Oxfordshire, not least in neighbouring CDC.*

*WODC seeks as a guide a unit mix of 65% 1 and 2 bedroom properties, 30% 3 bedroom homes and no more than 5% 4 bedroom houses. In addition we have identified a need, in similar terms to those of CDC of 3% Wheelchair ready / adaptable homes, ranged across the overall mix.*

- **Phasing**

*The development is proposed to be phased over a 15 year period and in seven stages. I recommend that we seek to ensure that this development does contribute to the council's 5 year land supply in light of the applicant's arguments in their submission relating to the perceived current under-supply.*

### **Local infrastructure**

A development of this scale will clearly impact on local services and infrastructure and contributions will be sought from the County Council towards services such as the local library, secondary school and community facilities including youth services and children's centres. Additionally, other organisations are likely to seek funding to help mitigate the impacts on other services such as local policing, the GP surgery in Woodstock, ambulance and fire services and sports/ recreational facilities. On-site needs have been identified, including a new primary school and sports facilities. Other on-site facilities include space for allotments and playing areas.

A utilities report has been submitted alongside this application and this assesses the capacity of various services including gas, electricity, mains water and telecommunications. Some further investigative work is required and in some cases upgrades are necessary but it appears that capacity is, or can be, made available for all services.

Considering sewerage infrastructure capacity, I note that Thames Water raise no objection to the development provided a dedicated development sewage pumping station is provided to transfer flows directly to Woodstock as set out in the Flood Risk Assessment and Drainage Statement dated November 2014.

Finally, superfast broadband is often overlooked by developers and infrastructure to support access to superfast broadband will be required.

Policy BE1 of the WOLP 2011

### **Employment allocation**

The proposed development incorporates a modest employment area to provide small office spaces for start-up business on the eastern edge of the proposed site. Notwithstanding the principle of development on this wider site, it is well located within close proximity to the A44, Oxford Airport and the nearby business parks accessed of Langford Lane including

Oxford Spires. Therefore, the site should take advantage of its position by incorporating a meaningful employment allocation and yet the employment area as a proportion of the overall site area is extremely modest.

In terms of its relationship with the neighbouring residential uses, the employment area is set at close proximity with no obvious buffer to separate the uses and to limit noise or other impacts which may create tensions between these two uses.

### **Biodiversity and Ecology**

This is an important consideration and the onus is on the applicant to demonstrate that the impacts have been mitigated and net gains in ecological enhancement will be achieved where possible

In July 2014, BSG Ecology was commissioned by the applicant to carry out various ecological surveys of the proposed development area. These include an extended Phase I habitat survey, great crested newt survey, badger survey, dormouse survey, reptile survey, roman snail survey, bat surveys and a characterisation of the breeding bird community. According to the reports, the main habitats found within the planning application site area include arable fields, broadleaved semi-natural woodland, hedgerows and field margins of semi-improved grassland. The applicant proposes to provide a number of ecological measures including a 'bat corridor' and off-site habitat creation in the fields to the north of the site. This will include the planting of a hedgerow and native tree planting.

An ecologist should be consulted on behalf of the Council to assess the various reports so that their expert opinion can be sought on whether appropriate mitigation, compensation and enhancement measures have been incorporated into the scheme. We also need to be satisfied that the measures are practical and effective in the long term. For example, can we be sure that the habitat creation to the north of the site can be protected in the long term and also will the bat corridor be suitable given the increase in light levels and the number of people who will be crossing this area?

Policies NE13 and NE15 of the WOLP 2011.

### **Flood Risk**

This parcel of land is situated in Flood Zone I (low risk of flooding) and therefore it is sequentially preferable for housing development. However, the applicant must demonstrate that surface water run-off will be satisfactorily drained.

The applicant has prepared a Flood Risk Assessment which assesses the ground water table, flood risk and drainage. The reports suggest measures including an attenuation basin to the southern boundary of the site and infiltration swales among other measures. The views of the Council's Engineers/ Environment Agency regarding the FRA should be sought.

### **Other considerations:**

- Phasing  
The development is proposed to be phased over a 15 year period and in seven stages. Are we satisfied that this is phased appropriately to ensure services and facilities will be available to serve the new households in a timely manner? In addition and notwithstanding the principle of development, do we consider that the entirety

of the western section of the site should be phased ahead of the larger section to the east of the Scheduled Monument as this integrates more readily with the existing fabric of the town?

- Retail Impact Assessment

Retail is proposed as part of the overall mix of development to serve the development. Whilst Woodstock has a strong town centre draw with a good mix of independent shops and other facilities and services, we need to be fully satisfied that this retail element will not harm the functions of the town centre. The retail element is above 500sqm (up to 930sqm) and therefore a retail impact assessment should be carried out.

- Loss of Agricultural Land

The applicant states that the site is classified as Grade 3b (moderate quality) with small areas classified as Grade 4 (poor quality). The loss of good quality agricultural land should be avoided where possible.

- Contamination

A desk study and ground investigation has been completed and the contamination risks are considered to be low.

### **Planning policies and detailed considerations**

The Planning Statement and the specialist reports accompanying the application provide a summary of the national and local policy context and considerations. In terms of the adopted West Oxfordshire Local Plan the key policies are:

- Policy BE1 Environment and Community Infrastructure

- Policy BE2 General Development Standards

*The need for the development to be well-designed and respect the existing scale and pattern of the area and, where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment, are especially important given the context of the sites surroundings and position.*

*Do we consider the indicative layout to be accessible with conveniently located services and facilities to allow safe and convenient access? The location of the on-site primary school which is situated close to the Marlborough Secondary School and the proximity of the local centre to the care home village appear logical.*

*Are we happy with the proposed heights of the buildings in the positions shown? Will these assimilate well into the landscape on this edge of town site? This is particularly important on the south and eastern edges of the site as this forms a gateway into Woodstock. In addition, are satisfied that the indicative densities proposed are in keeping with the area. I note that the highest densities will be within the centre of the site.*

*We should strongly encourage any proposed dwellings to be designed to meet the requirements of Lifetime Homes and in terms of energy efficiency; the dwellings should aim to meet the Government's objective to achieve a zero-carbon future. The Energy Strategy and Code for Sustainable Homes Strategy submitted states that the target is to achieve an*



equivalent Code for Sustainable Homes Level 4 for residential elements and a BREEAM 'good' rating for non-domestic elements.

*Finally, do we consider that the development provides a sufficient level of secure cycle parking and refuse storage?*

- Policy BE3 Provision for movement and parking
- Policy BE4 Open space within and adjoining settlements
- Policy BE8 – Development affecting the setting of a listed building
- Policy BE11 – Historic parks and gardens  
*The gardens belonging to Blenheim Palace are Grade I registered and therefore any development which impacts on the setting of these gardens is a key consideration.*
- Policy BE12 – Archaeological monuments
- Policy BE13 Archaeological Assessments  
*The Scheduled Monument lies in the centre of the site and therefore archaeology is a critical consideration. As well as the known archaeological remains, there is likely to be unknown remains which could be of significance.*  
*An Archaeological Assessment which investigated over 200 trenches was commissioned by the applicant and this identified a moderate amount of archaeological deposits, mostly concentrated in two areas within the larger eastern field.*  
*It is essential that the investigative work carried out and the findings are agreed with the County Archaeologist, Hugh Coddington and it may be necessary to consult English Heritage?*
- Policy BE18 Pollution
- Policy BE19 Noise  
*Are we satisfied that noise from nearby developments including Oxford Airport has been given due consideration?*
- Policy BE21 Light pollution  
*Light pollution should be minimised in the countryside and on edge of settlement sites to avoid unnecessary and excessive light spillage. The application includes the submission of a Lighting Masterplan which identifies measures to reduce light spillage. Due to mix of uses and with particular regard to the sports facilities, the development is likely to significantly increase light pollution. The impacts on the WHS and gardens should also be considered in this regard.*
- Policy NE1 Safeguarding the countryside
- Policy NE3 Local landscape character
- Policy NE6 Retention of trees, woodlands and hedgerows

*An Arboricultural Impact Assessment has been submitted alongside the application. Tree cover along the eastern and southern boundary of the site is particularly important in screening the development. Is Nick Dalby satisfied that the applicant has properly considered existing vegetation/trees on the site in shaping the indicative layout of the development? Also, is he supportive of the proposed planting/ vegetation buffer areas and are these sufficient to provide meaningful screening?*

- Policy NE7 The water environment
- Policy NE10 Water resources
- Policy NE13 Biodiversity conservation
- Policy NE15 Protected species
- Policy T1 Traffic generation
- Policy T2 Pedestrian and cycle facilities
- Policy T3 Public transport infrastructure
- Policy H2 – General residential development standards

**Policy H3 Range and type of residential accommodation**

*The general housing mix on the overall site appears reasonable with the bulk of houses on the site consisting of 3 bed houses and two bed flats and houses. However, the full application includes a high percentage of 5 bed houses (21%).*

- Policy H7 Service centres
- Policy H11 Affordable housing  
*It is proposed that 40% of the houses on the site will be affordable. Policy H11 of the adopted plan requires 50% on unallocated sites. Additionally, the draft Local Plan Housing Consultation Paper (August 2014) identified a requirement for 50% affordable housing in higher value areas in which this site falls. Whilst the level of affordable housing fails to comply with WODC's existing and emerging planning policy, this should also be considered against the level of affordable housing sought by Cherwell which I understand is 35%. On this basis, we may conclude that 40% on-site affordable housing when calculated as an overall percentage across the entirety of the site is acceptable?*
- Policy TLC7 Provision for Public Art  
*It would seem logical for this to form part of the gateway features into the site. Heather McCulloch can advise further on this element.*

Planning Policy Team  
19<sup>th</sup> September 2015



Creating a sporting habit for life

Mr Bob Duxbury  
 Development Control Team Leader  
 Development Management  
 Cherwell District Council  
 Bodicote House  
 Bodicote  
 BANBURY  
 OX15 4AA

9 September 2015

Our Ref: SE/CL/2015/38607/S

Dear Bob,

<b>Application No:</b>	<b>14/02004/HYBRID (CDC) &amp; 14/02063/OUT (WODC)</b>
<b>Site Address:</b>	<b>Land South of Perdiswell Farm, Shipton Road, Shipton On Cherwell, OX20 1QR</b>
<b>Proposal:</b>	<b>OUTLINE: Up to 1,500 dwellings, including affordable housing and up to a 150 unit care village (C2) with associated publicly accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 7,500sqm locally led employment (B1/B2/B8) including link and ride; site for a Football Association step 5 football facility with publicly accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works, (all matters reserved except for means of access to the development); and FULL: development of Phase 1 at the south western corner of the site for the erection of 29 residential dwellings (29 of the 1,500 described above) with associated open space, parking and landscaping; with vehicular access provided from Upper Campsfield Road (A4095), Shipton Road and Oxford Road (A44).</b>

Thank you for consulting Sport England on additional plans, drawings and documents submitted as part of the above application.

#### The additional information

The additional information is understood to comprise the following:

1. Blenheim Palace World Heritage Site – Securing the future of one of the nation's greatest heritage assets – July 2015
2. Technical Response to Consultation – May 2015
3. An e-mail from the applicants' agent sent to the local planning authorities on 4 August 2015 at 12:16
4. A letter from the applicants' agent addressed to the local planning authorities dated 22 May 2015
5. Site Location Plan (drawing numbered L01 Rev E)
6. Movement & Access (drawing numbered P111)



7. Green Infrastructure (drawing numbered P112)
8. Density Plan (drawing numbered P113)
9. Land Use Plan (drawing numbered P114)
10. Illustrative Masterplan (drawing numbered P201)
11. Illustrative Masterplan (drawing numbered P202)
12. Design Response Document May 2015
13. Environmental Statement Addendum, and
14. An e-mail from the applicants' agent sent to Sport England and copied to the local planning authorities on 5 August 2015 at 10.05.

### Sport England's Comments

1. The 'Technical Response to Consultation – May 2015' contains the same information that was provided in a letter from the applicants' agent to Sport England dated 12 May 2015. Sport England responded to that letter on 2 June 2015 and a copy was sent to Cherwell District Council at the same time. The local planning authorities' attention is drawn to that response, rather than repeating Sport England's comments here.
2. The 'Design Response Document May 2015' suggests (on p.70) that the proposed sports facilities have been informed by discussions with Sport England. However, that is not the case in relation to this document or to most of the material in the above list, which pre-date the only meeting held with the applicants' agent on 19 June 2015.
3. Sport England notes that the description of the proposed development has been amended to read:

*“Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.”*

4. Sport England also notes that “...the current outline application does not involve building a primary school; car park; coach drop off point or other building on the existing school playing field” (e-mail from the applicants' agent sent to the local planning authorities on 4 August 2015). This amendment is welcomed and addresses one of Sport England's key concerns about the proposed development. It removes the need to continue to assess the application in the context of Sport England's Planning Policy Statement and paragraph 74 of the National Planning Policy Framework (NPPF). Instead, the focus of attention switches to the extent to which the proposed development

meets Sport England's planning objectives

(<http://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>) and paragraph 70 of the NPPF. Sport England's Objective 3 is

*"To ensure that new sports facilities are planned for and provided in a positive and integrated way and that opportunities for new facilities are identified to meet current and future demands for sporting participation".* Paragraph 70 of the NPPF states:

*"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- *Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship) and other local services to enhance the sustainability of communities and residential environments...*
- *Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*

5. While it is apparent that the proposed facilities for Old Woodstock Town Football Club would be designed to meet The Football Association's technical requirements, there continues to be confusion over the nature of other intended provision for sport.
  - a. There is no consistency in the description of the proposed facility sited next to the football ground. It is described variously as an *"all-weather MUGA pitch"*, an *"all weather training pitch"*, a *"Mixed Use Games Area"*, *"Multi Use Games Area"* and *"A MUGA and training pitch"*. It has been stated that it will meet *"current FA regulations"* and be available *"for the whole of Woodstock to use for a range of sports including hockey, basketball and other team sports"*. An artificial grass pitch with a playing surface designed to meet the needs of the local football club may well be suitable for use by local schools and the wider community for football. However, it is unlikely to be suitable for use for many other sports because each has its own specific playing surface requirements for different levels of play, as well as recommended pitch sizes and run-off and height of perimeter fencing. Attention is drawn particularly to section 3 of Sport England's Design Guidance Note, 'Artificial Surfaces for Outdoor Sport' (2013) and 'Selecting the Right Artificial Surface' (2010).
  - b. The eastern areas of land identified for *"Formal Sports"* on the drawing numbered P112 are also described in the 'Design Response Document' as being suitable for *"less formal sports"* in one instance (p.53) and a *"Community Sports green"* in another (p.57). Therefore, it is unclear which sports are intended to be accommodated, whether changing

accommodation would be provided and how it would function satisfactorily as a sports ground, particularly with the two parcels of land separated by a “Secondary road corridor”.

6. There is further confusion about the intended management and maintenance of the proposed sports facilities. The following statement has been provided (on pages 28 and 29 in the first of the documents listed above).

*“It is proposed that all the land for the new football facilities will be leased to the operators, allowing the BPE [Blenheim Palace Estate] to maintain overall control, particularly in respect of management, appearance and standards...”*

*It is proposed that the new facilities will be designed to accommodate growth and enable the club to diversify and expand what it can offer. The club buildings will not be for the exclusive use of the club, as it is proposed that adult education facilities currently squeezed into the Marlborough School will be relocated here.*

*It is proposed that a management agreement be drawn up between the Marlborough School and the Football Club, most likely administered by the school, to allow joint use, with each operator having preferential hours of use. Outside these hours, the facilities will be extended to, and available for, wider community use by the residents of Woodstock and surrounding villages.*

*The MUGA pitch will be included within this arrangement. The general principles of the shared management facility have been discussed with the relevant stakeholder and the principle is strongly supported. This sort of arrangement has been very successful in many other locations.”*

It is unclear whether management will be the responsibility of BPE, the Marlborough School and/or the Football Club. The “*general principles*” are not set out. The “*relevant stakeholder*” is not identified. The “*principle*” that is “*strongly supported*” is unclear. It is also unclear whether the same arrangements will apply to the eastern areas of land identified for sport.

### Comments from the sport National Governing Bodies

In preparing its response to consultation on the additional information, Sport England has sought the views of the National Governing Bodies (NGBs) for each of the main pitch sports, the Lawn Tennis Association and Bowls England. The comments of the Football Association, Rugby Football Union and Lawn Tennis Association are set out below. No comments have been received from the England and Wales Cricket Board, England Hockey or Bowls England. However, that does not mean to say that there is no requirement to make any provision or contribution towards meeting the needs for these sports as a result of the proposed development.

1. The Football Association (FA) has advised that within a three mile radius of the site there are 10 clubs providing men's football for 16 teams. These include Old Woodstock Town with a first and a reserve side. Combe Junior Sports is the only club providing youth football within the vicinity, catering for U8-U13 and U17, but at the edge of the 3 miles. Just beyond this distance are the large Charter Standard clubs of Kidlington Youth and Garden City, which provide complete player pathways from youth to adult football as they link into both grassroots and National League System men's clubs.

It has been noted that the documentation makes reference to the project enabling the development of youth and ladies football at Old Woodstock. As stated above there are a number of adult male teams in the immediate area but a lack of youth and female provision. Given the rural nature of the location, the presence of a ladies team in Kidlington and strong youth sides in Combe and Kidlington, it is questionable where the players would come from to develop these teams at Woodstock. There is no existing need and the current demographic profile highlights an ageing population in the area.

Adult male 11v11 football remains a priority and the FA welcomes proposals that would support this, particularly in light of the potential loss of Old Woodstock Town if the club fails to find compliant facilities.

Given the changing behaviour in participation, the FA would be keen to see an increase in the provision for more recreational formats of the game, such as turn up and play, small-sided and walking football. However, the nature of the surface of the all-weather pitch would have a clear impact on the level of team development and recreational participation that would be possible at the site.

It is clear that Old Woodstock Town are in urgent need of new and compliant facilities. However, the documentation provided fails to offer sufficient detail in regard to the new site. At present, the club occupies a site with two senior grass pitches. This proposal would move it to a site with a stadia pitch and all weather/MUGA pitch with no clarification on size or surface type. There is a severe lack of FA compliant full-size floodlit 3G pitch provision in the county; the only site being located at Oxford City FC, which is 8 miles away. The proposal makes reference to the pitch surface being FA approved, but then goes on to state that it will have a multi-sport usage, which would not be viable if the surface was of 3G construction.

If the surface was to be 3G in nature it would raise concerns regarding the long-term usage and sustainability of the site, given its relatively rural location and the lack of large clubs in the vicinity that would be able to use it. Due to the level of existing club provision in the area, the FA would not identify it as a priority for a 3G pitch. The FA is looking at provision in Witney and Bicester

and Oxford City FC is adding a second pitch, all roughly within a 10 mile radius of the site. Kidlington would be a far better location for such a pitch as it would directly support Garden City FC (9 youth teams) and Kidlington Youth FC (14 youth teams), as well as Ladies, Men's local and National League System football.

The FA recognises that there is local opposition to the site, with lighting being a key concern. Consequently, there could be issues with hours of operation for floodlights which may have a detrimental impact on community use of both grass and artificial pitches.

In order to comment further, the FA would require details of the following elements:

- i. Size, type and surface of the artificial pitch
  - ii. Whether both proposed pitches would be floodlit and whether any restrictions would be in place in terms of hours of use
  - iii. The amount of car parking provided for football usage (parking is already a major issue in the area)
  - iv. List of elements and sizes provided as part of the 'Step 5 compliant' facilities for Old Woodstock Town
  - v. What, if any, changing provision would be provided for the artificial pitch
  - vi. Details of who would have ownership, managerial and maintenance responsibility for the football facility elements of the proposal.
2. The Rugby Football Union (RFU) has just started a new club in the Woodstock area – Woodstock Barberians RFC. It is currently a non-voting member of the RFU. It may or may not develop into a more sustainable club. Therefore, at this time, the RFU is unable to justify a new facility requirement, but would be keen to ensure that there is potential provision for Rugby should the club grow.
3. The Lawn Tennis Association (LTA) has commented that tennis does not appear to be included, unless it is proposed on the MUGA. It would like to see the provision of 3 or 4 public courts for casual use to meet the needs of residents of the proposed development.

There is considerable uncertainty whether the design of the proposed sports facilities will be fit for purpose. There is further uncertainty over the management and maintenance of the proposed facilities, raising doubt over their long-term sustainability. It has not been demonstrated that the new sports facilities have been planned for in a positive and integrated way in accordance with paragraph 70 of the NPPF, in order to meet needs that have been identified through a robust and up to date assessment carried out in accordance with paragraph 73 of the same. This being the case, **Sport England maintains its objection to the proposal** the subject of this application.





Creating a sporting habit for life

If you would like any further information or advice please contact the undersigned at the address below.

Yours sincerely

*Raymond Cole*

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273\_06\_JA  
24 August 2015

Dear Mr Duxbury  
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### By Post and By Email

Dear Mr Duxbury,

### **PROPOSED DEVELOPMENT AT LAND SOUTH OF PERDISWELL FARM AND EAST OF WOODSTOCK, SHIPTON ROAD AND OXFORD ROAD, WOODSTOCK – KNOWN AS ‘WOODSTOCK EAST’.**

#### **PLANNING APPLICATION REF: 14/02004/HYBRID**

Further to our meeting on the 12th August 2015, on behalf of our clients, Pye Homes and The Vanbrugh Unit Trust, part of the Blenheim Estate, thank you for giving us the opportunity to respond to the matters raised at our meeting. Please note that these comments should be read in conjunction with the application documents submitted in May 2015 and the document entitled ‘Blenheim Palace World Heritage Site: Securing the Future of one of the Nation’s Greatest Heritage Assets’ subsequently submitted. Our comments are as follows:

#### **Overall Comments on the Cherwell District Council Policy Response:**

We observed that the description of development at the top of the letter is incorrect, and does not reflect the wording, which was agreed with you and Catherine Tetlow at your request, which is:

“Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works.”

Furthermore, the comments state “Woodstock is identified as one of West Oxfordshire’s most sustainable settlements, a rural service centre. However, with a population of about 3,000 the proposed development of up to 1,500 homes (involving about 3,000 residents) would represent a doubling of the size of the population...” This again is incorrect and does not reflect the revised scheme, which now proposes up to 1,200 dwellings. The policy comments should be assessed again and amended to reflect the revised scheme.

We are also concerned that the policy comments are framed in a highly negative manner, despite substantive evidence submitted to the contrary. It appears to us that in drafting the response, it little consideration has been given to the thorough evidence base submitted with the application or the updated material submitted in May 2015, particularly that contained in the document entitled ‘Blenheim Palace World Heritage Site: Securing the Future of one of the Nation’s Greatest Heritage Assets’ report.

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We would further add that the planning system is supposed to be evidence based. From our review of many of the officers and consultees responses, there appears to be little attempt (if any) to provide any reasoned substantive counter evidence to justify their various standpoints or indeed provide any reasoned objective assessment.

#### *Five Year Housing Land Supply to*

The Cherwell District Council policy response states that:

*'At the present time, Cherwell is able to demonstrate that the district has a five year supply of deliverable housing land. There is no pressing need for additional housing land to be brought forward. West Oxfordshire also has a stated 5-year land supply position.'*

In this respect, no reference has been made to the 'Technical Response to consultation,' (May 2015), which responded to the comments that had been received to date at that time. Paragraphs 3.4.1 to 3.4.4 and Appendix A explained why the applicant considers that neither West Oxfordshire or Cherwell District councils have a five year housing land supply. In the case of West Oxfordshire this argument has been reinforced since then by the letter from Simon Emerson, the Inspector for the West Oxfordshire Local Plan Examination, dated 30<sup>th</sup> July 2015 which raised serious concerns in this particular respect.

In his letter the Inspector states in Paragraphs 4.2 and 4.3 that:

*'4.2 The National Planning Policy Framework (paragraph 159) requires Councils in their local plans to meet in full their area's housing needs. Those needs should be established by a SHMA based on an objective assessment of housing needs involving neighbouring authorities where HMAs cross administrative boundaries.'*

*4.3 In seeking to test the Plan against national policy, I am concerned that the only comprehensive SHMA in evidence before me is one which the Council (apparently) seeks to distance itself from and criticise, yet this is the evidence that all the other local planning authorities within the HMA appear to regard as a credible basis for taking their plans forward. Conversely, all the new, post- SHMA analysis provided by the Council has a West Oxfordshire focus. There is no evidence that the Council has been actively involving the other authorities in the HMA in this new work or that a general updating of the SHMA for the Oxfordshire HMA has been agreed. If the Council is persuasive in all its criticisms of the SHMA, there may not be appropriate evidence, consistent with national policy, to find the Plan sound.'*

As a result of these concern the Inspector states that: *'the Council should be aware that on my current understanding there may be a potentially significant difficulty in relation to soundness.'* (Paragraph 4.1). In the light of these comments it would seem likely that the Local Plan will be found unsound and returned to the Council for more housing to be allocated.

We along, with most other planning consultants active in West Oxfordshire firmly believe that the District does not have a five year housing land supply. In addition, there is also the pressing need to accommodate Oxford City's identified unmet housing need. The Oxfordshire SHMA estimates Oxford's housing need as being between 24,000 and 32,000 in the period up to 2031, of which the City council states that it only can meet 10,000. The Oxford Times reported on the 30<sup>th</sup> July 2015 that the Oxfordshire District Councils are clashing over how this housing should be allocated amongst themselves, with Matthew Barber, leader of the Vale of White Horse District Council asking Greg Clark, the Secretary of state for Communities and Local Government, to intervene and require Oxford City to review its Local Plan. It is clear therefore, that there is substantial unmet need and substantial disagreements as to how this unmet housing need should be distributed among the Districts. We believe this housing need is likely to continue to be unmet for a substantial period to come, contributing to the continuation of Oxford City's housing crisis. The need for this additional housing is particularly acute as Oxford lies at the heart of the City Deal growth corridor where a significant increase in housing is required in order to support the major expansion in employment that this

central Government initiative is seeking to create in this part of Oxfordshire. We note that no weight has been given to the Oxford City Deal in the planning policy comments.

The site at Woodstock has substantial merit over many of the other sites under consideration in that it is not located in the Green Belt or other landscape or biodiversity designations. In fact, it is the first deliverable and developable land you come to on leaving Oxford City along the A44. Woodstock is, by WODC's own admission their third most sustainable settlement. It adjoins the service centre of Woodstock, is close to Oxford, which it is connected by a frequent bus service along the A44 making both the City and the Water Eaton, Oxford Parkway railway stations readily accessible. In addition Long Hanborough Station is within 3 miles and is also serviced by the 233 bus route. In addition, it is very readily accessible to the emerging employment centres along the A44 at the North Oxford Gateway and Begbroke Science Parks where over 100,000 sqm of employment space is either consented or planned within the life of both the CDC Local Plan and emerging WODC Local Plan.

If both Cherwell and West Oxfordshire District Councils granted planning permission for the proposed development it would be a welcome indication that the councils are seriously committed to meeting Oxford's unmet need, illustrate their commitment to the City Deal and help to generate a spirit of co-operation between the local authorities in addressing this pressing planning issue.

#### *Cherwell District Council Strategic Housing Land Availability Assessment (2014)*

The Cherwell District Council policy response makes reference to the part of the site within Cherwell District being rejected in the Cherwell District Council Strategic Housing Land Availability Assessment (2014) which stated in Appendix E that:

*"This is a cross boundary site between Cherwell and West Oxfordshire Districts. The part of the site in Cherwell is not considered suitable for residential development due to it being in a less sustainable location, and due to adverse impacts on the historic environment and countryside."*

However, as the response acknowledges the West Oxfordshire SHLAA:

*'identifies 'Woodstock East' (site 162 in the SHLAA), which constitutes the eastern part of the application site, as a site with potential for development for between 150 and 180 dwellings. It is identified as being suitable, achievable, available and developable. The commentary states, "The site is relatively close to the town center, access can be achieved from the A44 and development would relate well to the existing built form. It would not have a significant landscape impact and there are no significant constraints to development".'*

Given that the part in West Oxfordshire is the more sensitive part of the site, close to the World Heritage Site and the existing town of Woodstock, if it is accepted that this part is acceptable for development, it would be expected that the part within Cherwell District Council would also be suitable for a sensitively designed scheme, such as that indicated on the revised masterplan.

The statement in the Cherwell SHLAA was prepared before the current application was submitted to the Council demonstrating the sustainable credentials of this site and that rather than there being adverse impacts on the historic environment, it would lead to substantial benefits in providing a long term source of funding for the upkeep of the World Heritage Site as set out in the 'Blenheim Palace World Heritage Site: Securing the Future of one of the Nations Greatest Heritage Assets' report.

#### *Landscape*

The Planning Policy Response acknowledges that the "visual quality of the countryside is not striking." The current Masterplan proposals which involve the provision of a high quality development that respects the context and involves the provision of substantial open space and extensive landscaping would therefore not have a detrimental impact on the local landscape or the setting of Woodstock.

With regard to the potential impact on the Woodstock Conservation Area, English Heritage (now Historic England) acknowledged in their letter dated 27th February 2015 that:

*“As Woodstock has already been greatly expanded from its historic core we do not consider further expansion of housing onto the application site to necessarily be harmful to the setting of the conservation area, provided that similar screening to that already around the newer part of the town is employed to maintain the green approach to the south. As discussed above in respect to the impact on Blenheim Park we consider that the proposals set out in the Landscape Strategy should be adequate to achieve this.”*

The Masterplan proposes similar screening to that already around the newer part of the town, consequently there would not be a negative impact on the setting of the Conservation Area.

#### *Infrastructure Provision*

The policy response questions whether Woodstock could sustain such a size and potential rate of expansion in terms of infrastructure capacity, employment opportunities, traffic generation and *‘the wider impact on the character and appearance of the village as a whole.’*

Woodstock is also a town not a ‘village’ as referred to in the policy response, and this is acknowledged in the West Oxfordshire Local Plan 2031 which refers to it as *‘a historic town of national, if not international, renown,’* (para 9.5.3) and even identifies a *‘town center boundary.’* (para 9.5.512 and Figure 9.16).

The fundamental problem with small-scale development is that it does not provide the opportunity for new infrastructure provision. We know from public consultation events that we have held that often people’s most important concerns are with regard to currently over loaded infrastructure provision such as the local primary school, doctor’s surgery and recreational facilities.

The scale of development proposed by this scheme will not only address current infrastructure pressures such as primary school places; but it will also cater for the needs of the town due to the scheme, for example; the provision of a new primary school; retail store, recreational facilities and a compliant ground for Old Woodstock Town Football Club. It will also enhance the facilities the town has to offer including a proposed astroturf multi games area, trim trail and green public open space.

Significantly, it will also provide a one off opportunity to secure the long term funding of one of the nations most significant heritage assets, the nearby Blenheim Palace World Heritage site on which the prosperity of Woodstock is and has been intimately linked for many centuries and as set out in the ‘Blenheim Palace World Heritage Site: Securing the Future of one of the Nations Greatest Heritage Assets’ report. We note that to date no formal reference has yet been made by officers to what we believe is a very significant material consideration.

The Highway Authority accepts that there will not be unacceptable traffic generation.

The proposal will therefore not only meet infrastructure requirements but will also deliver major planning gains.

#### *Retail*

The policy response implies that no retail sequential test or impact assessment has been undertaken. This formed part of the original Environmental Statement submitted with the application in December 2014. (see paragraphs 4.3.125 – 4.3.157 & 4.3.177 -4.3.191 for the impact assessment & 4.3.158 – 4.3.176 for the sequential test). The assessment concluded:

*“that there are no suitable, available and viable sites within Woodstock upon which a new food-store could locate that would serve as a sequentially preferable location for the proposed development,”*

It further said that the retail impact of the development on Woodstock town center would not be

negative but minor positive; while for the residents of Woodstock the provision of the proposed new store would have a significant positive impact upon their shopping patterns and sustainability.

### *Employment*

With regard to its proximity to sources of employment the site is located in one of the most sustainable locations in Oxfordshire given that it is located close to the Begbroke Science Park and the proposed development at Northern Gateway, where up to 90,000 square metres of employment floorspace is proposed (Policy NG2 in the Northern Gateway Area Action Plan). These sites are both accessible by public transport and cycling from the proposed development and are more accessible to it than parts of Oxford itself.

The site is also located within the Oxford and Oxfordshire City Deal improvement area known as the 'Knowledge Spine,' where major expansion of employment is proposed. These are ambitious and far-reaching strategies to create jobs and training opportunities in science and pharmaceutical industries, and improve the standard of living for all Oxfordshire residents. The proposed development would therefore contribute to the local employment offer, and complement the other business centers.

The planning policy comments state that:

*'the provision of employment opportunities on the application site is inconsistent with the Local plan strategy which focuses employment development at Banbury and Bicester.'*

However, the employment and economic development officers at West Oxfordshire and Cherwell District Councils consider that there is a need in this location for small office spaces for start-up businesses and that the site is well located for such provision in the light of its close proximity to the A44, Oxford Airport and nearby business parks. It was for this reason that the amount of employment floor space provided on the site has been increased to be in line with advice from other officers during the consultation process.

The policy response states that:

*'The potential impacts of new employment development on the natural and historic environment and the character of the area will also need to be considered carefully including locating employment and residential development in close proximity.'*

However, the proposed employment will consist of light industry and office use, which will not generate any noise or dust, which would conflict with residential use. It would also be attractively designed and would be located well away from the Blenheim Palace World Heritage site and Scheduled Monument.

### *Prematurity*

The Planning Policy comments state that with regard to Local Plan prematurity:

*"some weight should be given to the fact that this represents a substantial, strategic proposal in advance of the Examination of the new West Oxfordshire Local Plan, albeit one that is in part consistent with the intention to bring some land east of Woodstock forward for development."*

This issue was addressed in some depth in the Technical Response (May 2015), paragraphs 3.6.1 – 3.6.13. In particular paragraph 3.6.11 stated:

*'the timetable for dealing with Oxford's unmet need is such that there is at present, no emerging Local Plan in place or at an advanced stage that identifies a strategy for dealing with the unmet need. Therefore, the argument of prematurity cannot be advanced in this regard. Taking into account the amount of housing that needs to be provided to meet West Oxfordshire and Cherwell's own needs, this site will assist in delivering only a small proportion of the total Oxford unmet housing need that*

*needs to be planned for. Therefore allowing this site to come forward now, would not undermine any future strategy to deal with the total unmet need. This is further supported by the fact that Woodstock East's location is within a highly sustainable location where significant future growth is already planned for. Therefore there is no suggestion that this development will undermine any future plan making process or strategy.'*

These arguments are further reinforced by the Inspector's questions to West Oxfordshire District Council regarding the soundness of its proposed housing provision and in our opinion, the significant likelihood that the plan will be sent back to the Council with a requirement for it to increase its housing provision.

#### *Scale*

We also note that the policy comments emphasize the phrase "*doubling the size*" without substantiating, or demonstrating objectively how the scale would be relevant from a planning policy point of view. It appears that Planning Officers are influenced by the local objector's campaign. The Officers gave significant weight to the phrase "*doubling the size*" in preparing the policy comments rather than focus on the site's sustainability, unmet housing need within CDC as well as the neighbouring authorities, and the significance of sustainable development as highlighted in the NPPF.

As indicated in the submitted Sustainability Statement, Technical Response to Consultation, and Design Response Document (May 2015), the proposed development would be implemented over a number of years, at least 15 years. It will bring new infrastructure and facilities as it progresses. The proposals break the development up into parcels of an appropriate scale, reflective of the existing character and urban grain of Woodstock. It should be noted that the Council's Design Advisor, Jon Rowland, provides very positive comments on the carefully designed revised layout (see below).

Whilst commenting on scale, we feel it appropriate to reiterate our comments above as they are very significant. Woodstock has over recent years, received ad hoc development, (in common with many other areas in the county), but due to the small scale of such development, they have not been able to deliver the required improvements in infrastructure and as a consequence schools and other local facilities have come under increasing strain. Developments of this scale are essential to ensure continued sustainability of such settlements, which smaller adhoc schemes cannot.

Without a significant step change in housing and employment delivery, provision of infrastructure and the sustainability of Woodstock is at risk.

Furthermore, the development of this scale would secure the long-term future of Blenheim Palace, a World Heritage Site.

#### *Heritage*

We have yet to receive comments from Historic England (HE). Following our meeting; we observed that the ICOMOS comments were uploaded on the Council's website on the 14th August 2015, but we believe this was before they had been made aware that this scheme offered to secure the long term future of the World Heritage Site and, enable Blenheim Palace (which we remind you has no access to significant public funds or support AND is the only World Heritage Site in the UK to be in this invidious position) to meet the requirements set out in the World Heritage Site Management Plan.

We understood at our meeting that the Council had also not consulted with HE and ICOMOS upon the submitted additional information on the 'Blenheim Palace World Heritage Site: Securing the Future of one of the Nations Greatest Heritage Assets' report (July 2015), but you assured us that both HE and ICOMOS would be consulted on this document the same day (12th August 2015). Please can you confirm that this has now taken place? We look forward to receiving comments from Historic England and revised comments from ICOMOS on this very significant and material additional information.

The 'Blenheim Palace World Heritage Site: Securing the Future of one of the Nations Greatest Heritage Assets' report is hugely significant as it demonstrates how the development would protect, enhance and secure the long term future of an internationally important heritage asset. No weight can be given to what ICOMOS have said until you receive further comments from them on this document.

We enclose an Opinion from our client's barrister, Tom Hill QC, which confirms that this is a significant material consideration and that:

*'In this case, given the opportunity to secure the future of the WHS in perpetuity and the significance of this outcome for Woodstock, for Oxfordshire, nationally and even internationally, it is difficult to see how anything other than the greatest possible level of weight should be accorded to the heritage benefits of the Woodstock East proposals. I would therefore expect this factor to weigh very heavily in the balance in support of the grant of planning permission.'*

#### Transport Interchange

As you are aware, Oxfordshire County Council (OCC) confirmed that, in respect of highway matters, all of the technical concerns raised previously have now been addressed.

The only issue on which OCC are still objecting is in relation to the proposed transport interchange.

The Officers have commented that they are looking for a larger site (which can accommodate over 1100 car parking spaces) for a 'Park & Ride', and they are concerned that providing 300 car parking spaces on the application site may harm the delivery of the large site. We would like the transport interchange to remain as part of the current application as we believe it would have substantial benefits as highlighted in the submitted transport assessment. However, to overcome OCC's concerns and as discussed in our previous meeting, we would suggest that a temporary permission for 10 years that can be conditioned or controlled by the legal agreement, which can be monitored. This could be renewed on an annual basis with OCC and Cherwell (and WODC if they wanted to be party) until OCC identify larger and deliverable site as proposed in LTP4.

Our Transport Consultant (DTA) suggested wording of the condition relating to the transport interchange is as follows:

Condition - No construction of the transport interchange/car-parking area shall commence until a detailed strategy setting out the intended operation and purpose of the car park has been submitted to and agreed by the Local Highway Authority. If such agreement is reached, then the car park shall be operated in accordance with the agreed strategy unless otherwise agreed in writing with the Oxfordshire County Council and LPA. Temporary Permission will be granted for 10 years and details of the operation of the Transport Interchange shall be submitted to the Local Planning Authority and the Highway Authority on an annual basis. If Oxfordshire County Council identify an alternative site for a new Park and Ride facility in the A44 corridor, then operation of the transport interchange shall cease the day before the new Park and Ride is brought into operation.

Reason – to ensure that the construction and use of the car park does not conflict with OCC's draft Policy intentions for a new park and ride on the A44 corridor and would not adversely impact on its operation.

In our view, the open nature of the proposed Transport Interchange development and its operation should not give rise to an 'in principle' objection. After 10 years, the site could plainly be redeveloped for other purposes (i.e. housing and/or employment) without undue wastage of natural resources.

Should the Council still consider the 'transport interchange' as an issue, then the client would be prepared to remove the transport interchange completely from the current application.



## **Connectivity**

The revised Masterplan will create a place and a connectivity network that is cohesive and fully integrated. It has been designed to provide a clear mental map with legible streets and spaces. This promotes walking and cycling; giving pedestrians and cyclists priority over vehicular movements- this is reflected in the increase of routes both north-south and east-west. A clear focus of the revised Masterplan was to improve this site wide connectivity, not only within the Masterplan but more importantly the connectivity to the existing context. This has been achieved particularly to the west by integrating an increased number of pedestrian and cycle paths with the existing context.

To effect this, the local centre has also been redesigned in this iteration of the Masterplan, not only by ensuring that there is a clear, legible and direct link from the proposed local centre at 'Hensington Place' to the existing street network at Flemmings Way and Hedge End, but also by the complete realignment and redesign of this place which now acts as a nodal point, integrating the context to the west with the new development to the east. The intention is that the existing public footpath that runs to the east of Woodstock would also be strengthened. This would be achieved through improved landscaping and defining the footpath with front doors and residential properties over looking this public route. This will create a safe and secure route through this part of Woodstock and will help to seamlessly integrate, what will become, a two sided pedestrian access. The proposed movement framework illustrates that it is the intention to connect the proposed masterplan to this network in at least 4 places to provide the required connectivity to ensure that these two neighbourhoods are fully integrated.

Comments received from CDC Urban Design Consultant in February 2015 did raise some concerns regarding the street network that whilst the ambition was correct, it should be improved to make it easier for future residents to find their way around the development. We feel that this ambition has been achieved through the redesigned Masterplan, this is supported by the explanation in the connectivity chapter of the Design Response Document- May 2015 and is reflected in the second set of comments received from CDC Urban Design Consultant, May 2015 which does not raise east-west connectivity as a continued concern but would like to see further improvements of the north-south pedestrian network.

### **Comments received on the revised Masterplan**

The team were pleased to receive, what we feel are an encouraging and positive set of comments from CDC Urban Design Consultant. These comments are supportive of the fact the Design Response Document supported by technical responses have helped to mitigate the previous concerns made in the comments made in February 2015. This reflects the positive changes that the Masterplan has undergone throughout the consultation period and through conversations with officers regarding the design of the Masterplan for Woodstock East.

The comments received in February 2015 raised concerns over the following themes, which have now been addressed by the Design Response Document;

- the design philosophy;
- the relationship with the context, the landscape and the Estate;
- the integration between the east and west of the development surrounding the park;
- the perceived convalescence between Kidlington and Woodstock;
- the quality of the presentation;
- the juxtaposition of formal/ informal nature of the relationship between the palace and the Masterplan;
- the connectivity and legibility of the Masterplan;
- the definition of a places and spaces strategy;
- the integration of the Care Village;
- the analysis and establishment of positive character;
- the sense of place;
- the streetscapes;
- reflecting the character of Woodstock;

- good 21st century design;

It is clear through the reading of the comments received in August 2015 that these previous concerns have been addressed to the extent that production of a Design Code can form part of the next steps and that a more legible and coherent Masterplan is the outcome of this exercise. The project team supports this suggestion that the next steps would see the progression of a more detailed Design Code supported by the conditioning of some elements of the Masterplan to ensure that the Local Authorities can take comfort in this approach and remove some of the uncertainty that an outline application can often bring.

We are also pleased to see that the Urban Design Consultant has recognised and supports the continued investment, stewardship and involvement of the Blenheim Palace Estate and we agree that this is “a great opportunity to ensure long term benefits for the town”.

Turning to material considerations to weigh in the planning balance, I trust that the site’s deliverability, sustainability and accessibility (as highlighted in Sustainable Statement – May 2015) will also be given due consideration in your determination of the application.

### **Viability Appraisal**

Please find attached a copy of the Viability Appraisal prepared by Carter Jonas which we referred to at our recent meeting. This concludes that the proposed development is viable and will therefore realise a capital sum to facilitate the repair fund for the World Heritage site. **Please note that this report is private and confidential.**

### **S106 Contributions**

We still have not received details of the S106 contributions which the Districts are seeking. I would be grateful if you could please forward them to me by return.

### **Summary**

The proposed development will have a number of important planning benefits which are a significant material consideration in determining this application. Those arising from the proposed development include:

- Providing funding to secure the long term future of the Blenheim Palace World Heritage Site without recourse to public funds;
- Providing much needed housing provision in one of West Oxfordshire's most sustainable settlements (in third equal place with Carterton and Eynsham - WODC Settlement Sustainability report (2013));
- Providing development on the first deliverable, non-Green Belt site north of Oxford along the A44, which therefore accords with Government policy to boost significantly the supply of housing whilst also protecting the Green Belt;
- Making a significant contribution towards the City Deal/Knowledge spine objectives, both through housing and employment provision;
- Addressing the current infrastructure pressure in Woodstock and ensuring its ongoing sustainability for generations to come by delivering meaningful new infrastructure;
- Delivering improvements to the local highway network so that the highway authority is satisfied that the proposed development will not have an unacceptable impact on traffic on local roads;
- The development has been designed with extensive mitigation so that the residual impacts, such as on heritage assets, are in our view minimal and any real or perceived harm is significantly outweighed by the benefits, including the long term protection and enhancement of the WHS and Scheduled Monument.

The proposed development will therefore have significant economic, social and environmental benefits which significantly outweigh any adverse impacts. The proposed development therefore comprises sustainable development and should therefore be approved.

Yours sincerely



John Ashton  
Planning Partner  
For West Waddy ADP

cc: Ms Catherine Tetlow (West Oxfordshire DC) (By Post and By Email)  
The Vanbrugh Unit Trust, part of the Blenheim Estate (By Email only)  
Pye Homes (By Email only)

Encs.

- A letter from Tom Hill QC; dated 18<sup>th</sup> August 2015;
- Viability Appraisal by Carter Jonas



BLENHEIM PALACE



## BLENHEIM PALACE WORLD HERITAGE SITE

SECURING THE FUTURE OF ONE OF THE NATIONS  
GREATEST HERITAGE ASSETS

- JULY 2015

# WOODSTOCK EAST



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# Introduction and Foreword

Blenheim Palace (BP) is proud of its heritage, the heritage of Woodstock and its long-standing association with the town.

**The Woodstock East development will continue this tradition and will be a place that Blenheim Palace can be proud of. It is designed to endure the test of time, and to create the next chapter in the Blenheim and Woodstock relationship; complementing and strengthening the last 900 years of history.**

This document is intended to outline how this will be achieved. It should be read in conjunction with other documents submitted alongside the Planning Submission, including, in particular, the Woodstock East Design Response Document and the Woodstock East Sustainability Statement.

This document addresses three key issues in enabling the secure future of one of the nations greatest heritage assets. These issues are each explored in detail and comprise the following;

## Section 1 – Funding the World Heritage Site

An opportunity to fund the World Heritage Site for the foreseeable future and meet the objectives of the World Heritage Site Management Plan.

## Section 2 – Development Procurement Plan

To secure design standards of the highest quality to compliment and enhance both the World Heritage Site and the historic town of Woodstock.

## Section3 – Stewardship Plan

To ensure the development is managed post completion to a standard consistent with both the high standards of the World Heritage Site and the town centre. This will be achieved with continued direct management and continued investment and ownership by the Blenheim Palace Estate.

**The Blenheim Palace Estate will retain direct input, control and management of all of the key aspects of the development process and will, thereafter, retain a direct interest in its on-going management, appearance and success.**



# SECTION 1

## Funding the World Heritage Site and meeting the needs of the World Heritage Site Management Plan





## WOODSTOCK EAST

### STATEMENT ON BLENHEIM PALACE WORLD HERITAGE SITE

***Consent at Woodstock East will allow the Blenheim Palace World Heritage Site to become fully funded, protecting one of the Nation's most valued heritage assets for the foreseeable future.***



The Woodstock East (WE) proposal site is close to the Blenheim Palace World Heritage Site (WHS), one of the most significant heritage assets in the country. It is the only WHS which has not received any Heritage Lottery Funding and it cannot receive any meaningful levels of Heritage Lottery Funding or any other public funding due to its ownership status.

Within the WHS, the Palace is open to the public for approximately 300 days a year and the Grade 1 Listed Parkland for 364 days a year. The WHS is funded by the net operating surplus from running the WHS as a visitor business and other wider Estate businesses. It also receives additional but limited funding from Maintenance Funds and the Blenheim

Foundation, a charity which has as its express purpose, the long term protection of the World Heritage Site. Over the last six years this surplus before restoration and maintenance has averaged £745k per annum of which approximately £700k is spent on maintenance (i.e. on average 95% of the surplus and referred to in this document as “the maintenance spend” (as distinct from the “restoration spend”). Additional support is also provided from Maintenance Funds and the Blenheim Foundation to fund restoration of another £700k (the restoration spend) - to give a total average expenditure of £1.4m.

The work funded from the Visitors’ business surplus consists overwhelmingly of general maintenance and redecoration, rather than being execution of significant restoration elements as identified in the World Heritage Site Management Plan (WHSMP). It is believed that the Visitors’ business will always have to fund a maintenance spend in the order of £700k per annum as a contribution to maintenance and to maintain the general decorative order of the Palace, regardless of the number of restoration projects undertaken.

The Maintenance Funds and the Blenheim Foundation in general are presently the only source of funding for the significant restoration projects identified by the WHSMP. These in recent years have included the restoration of the South Front Steps, the Ice House the restoration of the north portico roof, Reservoirs Act compliance works to the Blenheim and Bladon Dams, re-wiring parts of the Palace, refurbishing the Clock Tower and Great Court columns as well as works to the roof and Palace windows.

The management of the WHS is guided by a WHSMP, which is a publicly available, comprehensive document prepared in accordance with published advice from both ICOMOS and English Heritage (now Historic England). It considers the input of all stakeholders (led by Historic England and Natural England) to inform a joined up approach to the long-term management and sustainability of the WHS.



**Reservoir Act compliance works to Blenheim Dam – cost £1.5m**

The WHSMP contains a schedule of “wants of repair” and works required to the fabric and physical parts of the WHS over the next 20 years. This was compiled by ‘Nick Cox Architects’ who specialise in the conservation of heritage assets. They work primarily on heritage assets, including listed buildings, churches, cathedrals, and have prestigious clients **including** the National Trust and Historic England. The schedule identifies both “wants of repair” and priorities, excluding decorative and planned recurring maintenance. The schedule has been costed by a Quantity Surveyor from Ridge LLP (who specialise in heritage assets) to assess the total cost of those identified items.

The costing figures can be made available on request; we would however ask that they remain confidential as they do contain some commercially sensitive details. As is normal in such cases, there is no objection to sharing such information with Historic England and the relevant Local Authority officers.

**Blenheim Park Ice House restoration - £120k – part of the heritage restoration program**



**Before**



**After**



**Before**



**After**

In summary the wants of repair and restoration, excluding ongoing maintenance spend have been identified over the next 20 years as totalling approximately £40m. No allowance for inflation over this period has been made.

**This Planning Application provides one of the most exceptional opportunities that has ever arisen to utilise the proceeds from a development to secure the long term future of a very significant heritage asset.**

**If granted consent, the Woodstock East development will enable the Blenheim Palace World Heritage Site to become fully funded for the foreseeable future. 100% of the net relevant proceeds from the sale of the consented site will be donated by the landowner to the Blenheim Heritage Foundation (a charity set up for the express purpose of maintaining and restoring the fabric of the WHS), allowing the establishment of an endowment to ensure the long-term sustainability of the World Heritage Site.**

As stated previously, over the last 6 years we have expended £700k annually of restoration spend on the WHS, significantly informed by work identified in the WHSMP. The WHSMP identifies that in order to achieve its restoration targets, work should be carried out at the rate of £2m a year, although we are currently able to expend no more than £700k showing a current annual shortfall of £1.3m - which will increase as the costs of projects increase in line with inflation.

**It is proposed, from the proceeds of sale of the consented site, to fully fund the shortfall AND set up an endowment through the Blenheim Heritage Foundation to ensure the long term sustainability of the WHS:**

**In summary:**

The Visitor and wider Estate businesses will continue to fund the maintenance spend on the WHS with the annual operating surplus of approximately £700k per annum.

In addition:

Identified restoration costs in WHSMP	£40m
WHSMP target for annual restoration expenditure	£2m
Current annual restoration spend	£0.7m
Shortfall	£1.3m

**This shortfall will be met through:**

Establishment of endowment	£43.3m
Assumed investment return @ 3%	£1.3m

**This proposal presents a once in a life time opportunity to protect one of the Nation's most significant heritage assets and without this opportunity being realised, no such guarantees can be given.**

The significance of such support has recently been reiterated by HMRC agreeing a new Heritage Undertaking<sup>1</sup> in respect of the WHS Heritage and other assets.

Such an opportunity cannot be ignored for both financial and moral reasons. We believe that we have demonstrated clearly that this proposed development will cause no harm to the WHS or the Woodstock Conservation Area.

In fact, we consider that the landscape proposals and sensitive design will positively enhance both the approach to the WHS and Woodstock Conservation Area. However, not all agree with this statement and some parties have chosen to try to use a heritage argument to criticise the scheme.

The proposed full funding of the WHS that this proposal will deliver is so significant a benefit, that, in our view, it will dramatically outweigh any contrary arguments of harm (which in any event we strongly refute), which may be advanced by others.

**The approach we set out fully reflects the National Planning Policy Framework's requirement for the nation's heritage assets to be conserved in a manner appropriate to their significance.**

**The WHS is one of the best examples in the country of the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring. The innovative approach to the funding proposed will make a positive contribution to, and better reveal the significance of the WHS, in line with national policy and to the long term, sustainable benefit of all.**

**Due to the overwhelming and unique opportunity this application presents to fully fund, at no public expense, the Blenheim Palace World Heritage Site, we urge officers and councillors to fully support this application.**

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<sup>11</sup> The conditional exemption is a regime under which the payment of inheritance tax on national heritage items is deferred on the condition that such items are maintained by the owner and are displayed to the public.

## Section 2 –

### Development Procurement Plan

To secure design standards of the highest quality to compliment and enhance both the historic town of Woodstock and the World Heritage Site





## **EAST WOODSTOCK**

### **STATEMENT ON POST PLANNING PROCUREMENT**

This section summarises how the Blenheim Palace Estate (BPE), the landowner will deliver the development following the grant of a Planning Consent and should be read in conjunction with the submitted Woodstock East Sustainability Statement and the Woodstock East Design Response Document.



**BPE and Woodstock have had a strong intimate link and have existed side by side for over 900 years.**

**The development of Woodstock East will take between 10 and 15 years to complete and when compared to other developers and landowners BPE has a significant vested interest in not only ensuring that the completed development is exemplary in terms of design, economic impact and social integration, but also that the process of development has a**



truly positive impact on both the residents of Woodstock and the Blenheim Palace World Heritage Site.

The BPE will have a far greater input into the procurement of the development than other landowners would including:

- The production of a Design Code which will be agreed with appropriate stakeholders including the Local Planning Authorities; this Design Code will become a conditional part of any sale of land to third parties to avoid later dilution.
- BPE will take on responsibility for procurement of infrastructure
- To facilitate and fund the infrastructure delivery, serviced plots will be sold to third parties subject to strict controls on design, materials and delivery methods.
- BPE through its in-house construction capability will undertake significant development directly; evidence of the quality of their construction output over the last 10 years is very evident locally and is indicative of the high quality approach of the BPE brand.
- Phasing has been covered elsewhere in the submission, but a general principle of servicing the site through the main site access off the A4095 will be pursued to minimise impact on the A44 and the town.



The procurement of materials will prioritise local procurement where practical and will be written into the Design Code. This will help to ensure that new buildings reflect local character, as well as avoid lengthy transport movements. In addition, a successful local procurement strategy can help support local businesses and jobs.

**BPE intends to take on a role of direct involvement in influencing the delivery of the scheme; it will aim to deliver many areas itself through its own contracting capability and it will act as far as possible to ensure that the highest standards are adhered to and that the procurement process is aligned with the BPE high quality brand image associated with both Blenheim Palace itself and the many other successful developments it has carried out locally.**

	
<p><b>Bens Close, Woodstock</b></p>	
	<p><b>Ramillies Close, Woodstock</b></p>

**Limbeck Farm Cottages, Stonesfield**

## Section 3 –

### Stewardship Plan

To ensure the development is managed post completion to a standard consistent with both the high standards of the town centre and World Heritage Site. This will be achieved through continued direct management, investment and ownership by the Blenheim Palace Estate.





## **WOODSTOCK EAST**

### **STEWARDSHIP MANAGEMENT PLAN**

**The Blenheim Palace and the wider Blenheim Palace Estate (BPE) is unique!**

The Stewardship Plan addresses the management of the development post procurement, including the built areas to be retained by the Estate, the common areas and the community facilities

**It is a fundamental principle of the BPE that its developments, wherever they are, bring significant environmental, economic and social benefits. In this way, the BPE can ensure that all of its developments bring added value.**

**It is essential to the BPE that any development within the Blenheim Palace World Heritage Site, its setting and immediate surrounding areas do not detract from, and wherever possible, enhance this heritage asset of worldwide significance.**

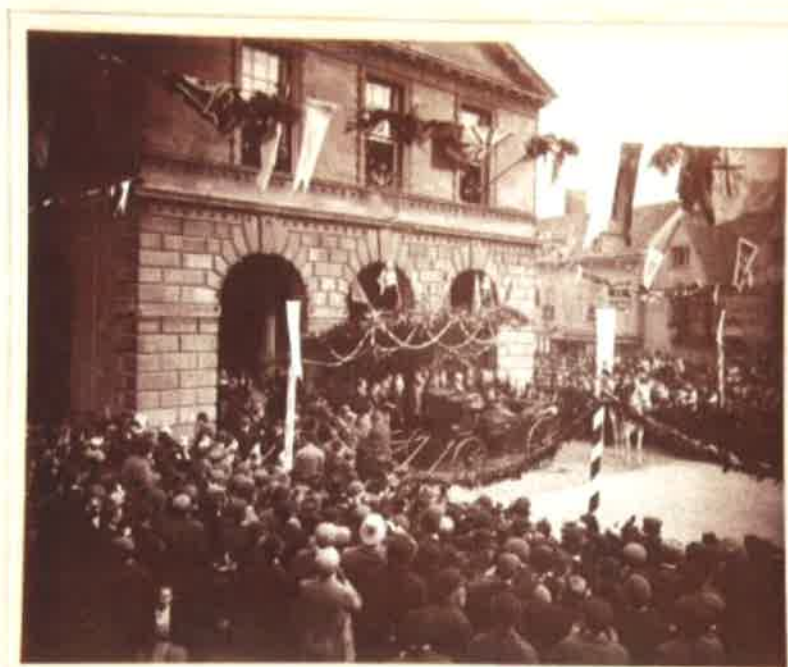
For these reasons, the BPE has always adopted a multi-generational approach to its developments. Taking the long view and implementing measures to continuously steward development are one of the special qualities of the BPE. The Woodstock East development will benefit significantly from this approach.

Frequently, when major sites are granted consent, packages are sold off to the highest bidders, who then deliver their products as profitably as they can. Often, this accountancy-driven approach places design and the long term sustainability of the development well behind the profit motive. The impact of this is evident in many of the local towns in both West Oxfordshire and Cherwell.

**The BPE adopts a fundamentally different approach and is motivated by entirely different criteria. The sustainability of one of the country's most important heritage assets and ongoing, sensitive investment into an inextricable, almost Millennium-long, link with the local area are factors that underpin the approach of the landowner of Woodstock East.**



The Blenheim Palace Estate (BPE) has been inextricably linked with the town of Woodstock for over 900 years, dating from the creation of a Royal Deer Park, and hunting lodge in 1109, to the more recently in historic terms, construction of the current Palace as the home of the Dukes of Marlborough, following the battle of Blenheim in 1704. Relationships have changed as times have changed, but the linkage has, and always will, remain very strong. The success of Blenheim impacts directly on that of Woodstock, and vice-versa.



Consequently, the BPE must ensure that the Woodstock East development is a success, in planning, design, environmental, social and economic terms. Through sustained, carefully managed stewardship, Woodstock East will over the long term, successfully deliver and integrate with the local community.

Values				
<b>Inspiring</b>	<b>Authentic</b>	<b>Respectful</b>	<b>Committed</b>	<b>Positive</b>
				
<i>We delight our visitors</i>	<i>We're a family home, we're not National Trust and we're the real thing</i>	<i>We show respect to our palace, our visitors and our people. We earn their respect in return</i>	<i>We are personally committed to deliver the best for our Palace, our visitors and our people</i>	<i>We adopt a positive can-do attitude every hour of every day</i>

The above sets out the essential qualities of the established Blenheim Palace “brand.” The describing words are those recognised by hundreds of thousands of visitors to the World Heritage Site and its setting every year.

The Woodstock East development will be something that the BPE can be proud of. It is designed to endure the test of time, just as the Blenheim Palace Estate and Woodstock have done over the last 900 years.

The BPE will retain direct input, control and management of all of the key aspects of the development process and will, thereafter, retain a direct interest in its ongoing management, appearance and success.

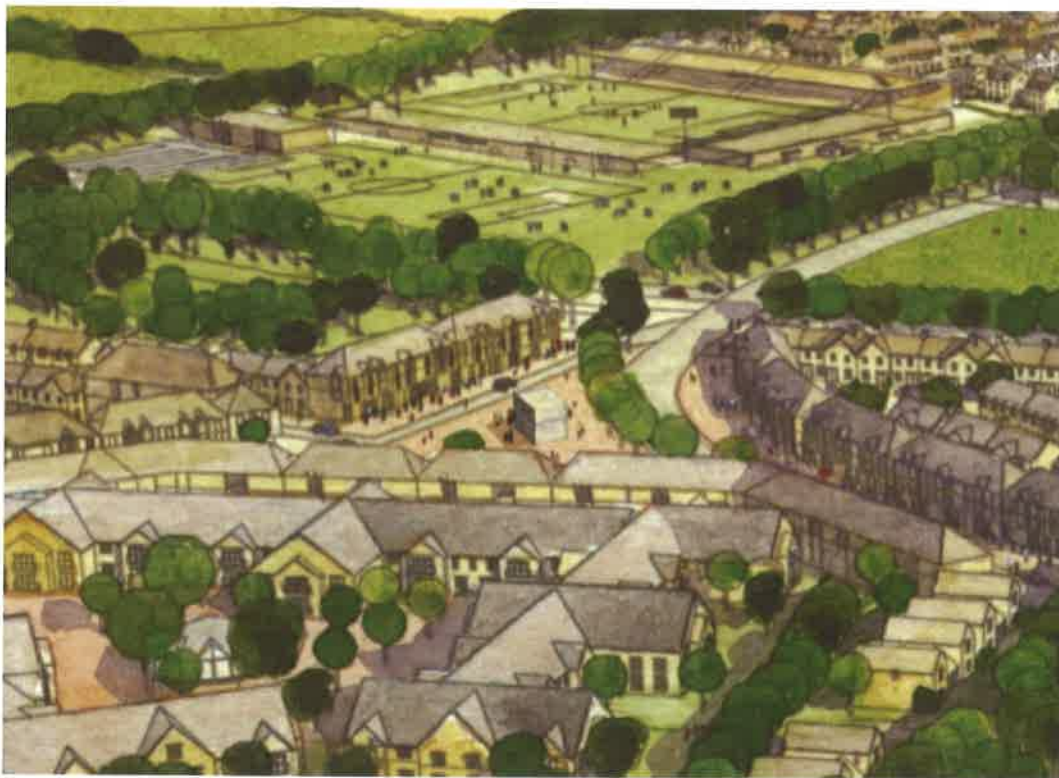


## Built Areas

**Commercial areas** – these are divided into 2 main areas; the commercial employment areas to the southern end of the site, and the commercial/retail centre at the northern end of the site.

- **Southern commercial area** – the Masterplan provides 13,800sqm of commercial employment land. The BPE intends to retain the freehold interest of this area, develop it out with its own design and construction team and let it on commercial terms. Thereafter, it will be managed directly as part of the BPE property portfolio, for the long term benefit of the Estate.
- **Northern commercial area** – The Masterplan provides approximately 1,000sqm of retail space and depending upon demand, other non-retail commercial uses including a crèche and health care facilities. These uses will be selected to support rather than compete with the existing facilities of the town. The strategy for their management, including tenant selection, will reflect this approach; ensuring that Woodstock East compliments and supports the existing town.

The BPE intends to retain the freehold interest of this area, to develop it out with its own design and construction team and to let it out on commercial terms. It will be managed directly for the long term benefit of the Estate.



## Common Area

It is increasingly common for Local Authorities to pass the ongoing responsibility for management of common areas to developers. In the case of Woodstock East, we have been informed that this will be the position of WODC and that although Cherwell DC would be happy to take on responsibility for the part within their District, they would be equally happy for it to be retained and administered by the developer.

It is the intention of the BPE to set up a management company, owned and run by the BPE, for the function of delivering the management services required to ensure that the standards of the common areas are maintained in a high quality manner appropriate to their setting, in proximity to both the historic centre of Woodstock and the Blenheim Palace World Heritage Site.

As set out above, it is essential that the BPE delivers and manages the highest quality standards, maintaining all of these areas in a pristine condition at all times.

**This strategy for places ensures that all sides of the masterplan connect with green vistas leading to key masterplan destinations**



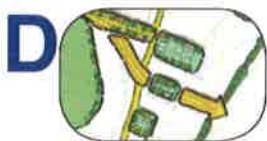
**A**  
**Local Centre**  
 - Providing a small scale public realm for the surrounding residential area



**B**  
**School Campus**



**C**  
**Woodstock Park**  
 - A 7.5ha park which connects the masterplan providing a community focus



**D**  
**Connection of green spaces**  
 - The Avenue  
 - Community Sports green (Victory Park)  
 - Residential Courtyard (Vanbrugh Square)





## Community Facilities

The development will deliver many additional and enhanced community facilities including:

- New Football Club facilities for Woodstock Town Football Club;
- An all-weather MUGA pitch;
- Open space for sporting facilities;
- Recreational space;
- Allotments;
- A new primary school.

It is proposed that all the land for the new football facilities will be leased to the operators, allowing the BPE to maintain overall control, particularly in respect of management, appearance and standards – this will follow the same Design Code approach.

It is proposed that the new facilities will be designed to accommodate growth and enable the club to diversify and expand what it can offer. The club buildings will not be for the exclusive use of the club, as it is proposed that adult education facilities currently squeezed into the Marlborough School will be relocated here.



It is proposed that a management agreement be drawn up between the Marlborough School and the Football Club, most likely administered by the school, to allow joint use, with each operator having preferential hours of use. Outside these hours, the facilities will be extended to, and available for, wider community use by the residents of Woodstock and surrounding villages.

The MUGA pitch will be included within this arrangement. The general principles of the shared management facility have been discussed with the relevant stakeholder and the principle is strongly supported. This sort of arrangement has been very successful in many other locations.

The allotments and other recreational spaces will either be managed directly by BPE or, where appropriate, be leased to local groups. This is something that already occurs, successfully, in many locations across the wider BPE.

In respect of the primary school, it is anticipated that the land will be leased on a long lease to the education provider, whether that is the County Council or local Academy or other provider.



## Conclusion



**The BPE will ensure that this development succeeds.**

**As with all of the BPE's developments, it is essential that Woodstock East comes to be regarded by both residents and visitors as an exemplar place, demonstrating the intimate linkage that has existed between Blenheim Palace and Woodstock over the last 900 years.**

Not only is this scheme immediately deliverable, but it also provides an opportunity for the traditional linkage between the local community and the landed estate to be reinforced. It provides for the high standards and brand profile that Blenheim Palace is synonymous with, expressing itself through the level of input, control and ongoing management of the development into the future.

Blenheim Palace (BP) is proud of its heritage, the heritage of Woodstock and its long-standing association with the town.

The Woodstock East development will continue this tradition and will be a place that Blenheim Palace can be proud of. It is designed to endure the test of time, and to create the next chapter in the Blenheim and Woodstock relationship; complementing and strengthening the last 900 years of history.



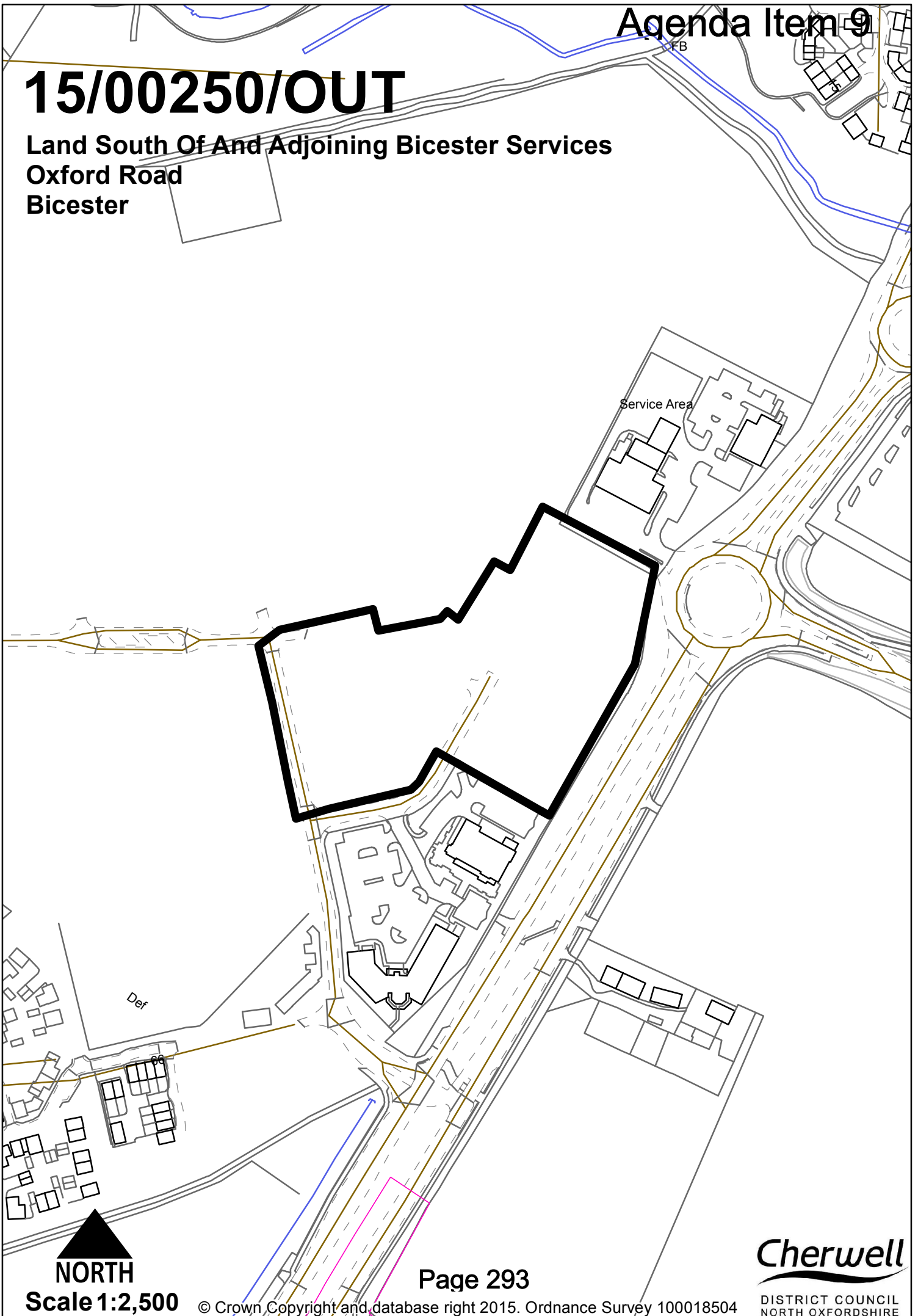
The proposed development is deliverable and it will become a high quality gateway into the town, something that everyone both locally, regionally and nationally can be proud of for long term future of this place.

**The WHS is one of the best examples in the country of the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring. The innovative approach to the funding proposed will make a positive contribution to, and better reveal the significance of the WHS, in line with national policy and to the long term, sustainable benefit of all.**

**Due to the overwhelming and unique opportunity this application presents to fully fund, at no public expense, the Blenheim Palace World Heritage Site, we urge officers and councillors to fully support this application.**

# 15/00250/OUT

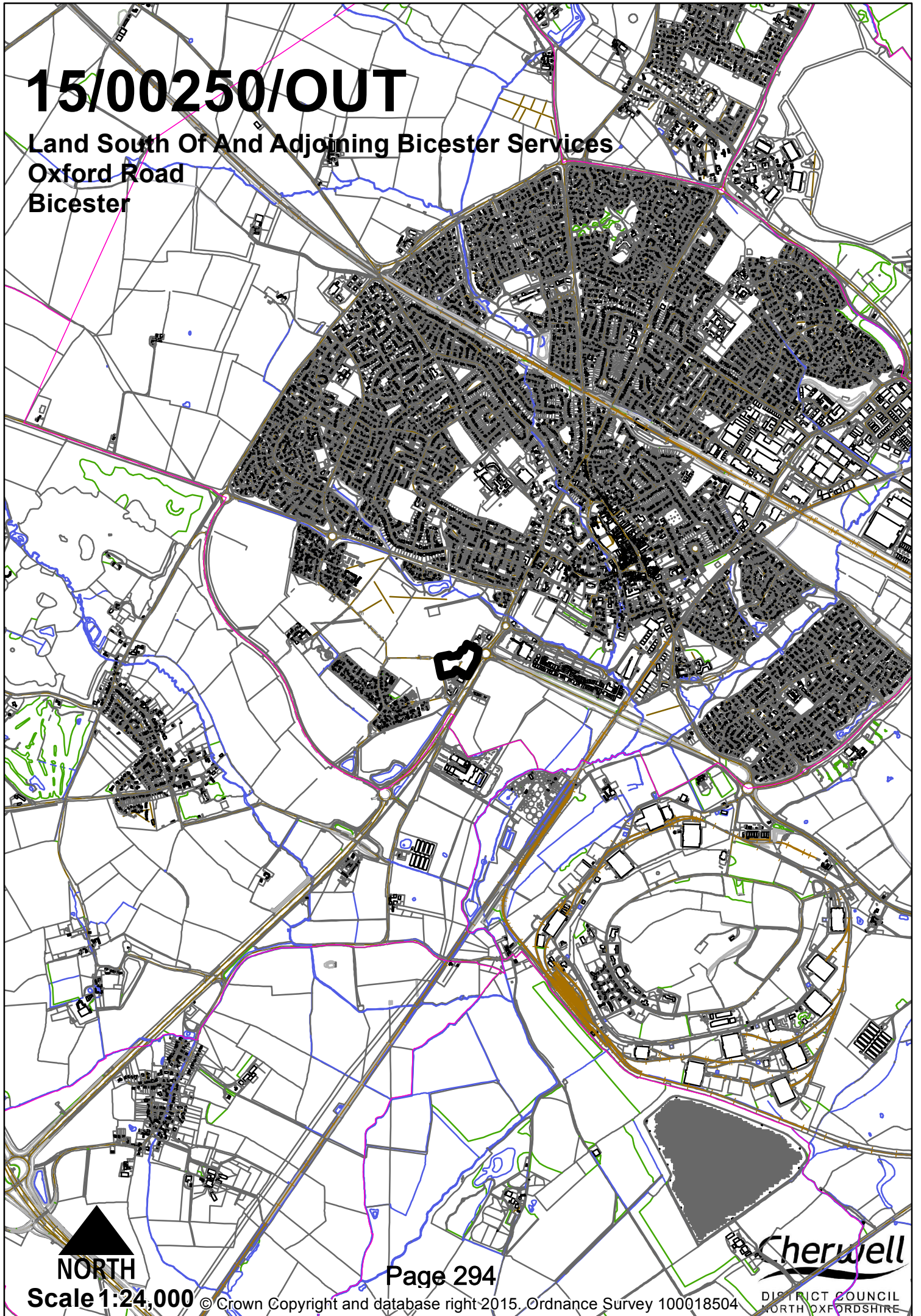
Land South Of And Adjoining Bicester Services  
Oxford Road  
Bicester



**NORTH**  
**Scale 1:2,500**

# 15/00250/OUT

Land South Of And Adjoining Bicester Services  
Oxford Road  
Bicester



NORTH

Scale 1:24,000

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Site Address: Land South of and  
Adjoining Bicester Services, Oxford  
Road, Bicester**

**15/00250/OUT**

**Ward: Bicester Town**

**District Councillor: Councillor Mould, Councillor  
Pickford**

**Case Officer: Linda Griffiths**

**Recommendation: Refusal**

**Applicant: CPG Development Projects Ltd**

**Application Description: OUTLINE: 3 No Class A1 (retail); 3 No Class A3 (café and  
restaurants); 1 No Class D2 (gym); surface level car park, servicing and associated  
works**

## **1. Site Description and Proposed Development**

- 1.1 The application site extends to 2.045 hectares and forms part of the development at South West Bicester which is situated between the Middleton Stoney and Oxford roads. The whole site was granted outline planning permission subject to conditions and a Section 106 Agreement for the erection of up to 1585 dwellings, employment, education, health village, employment and supporting infrastructure in June 2008 (06/00967/OUT refers). A land use proposals plan approved as part of the original outline conditions identified this site as part of the employment zone which was also to include the hotel development.
- 1.2 Adjoining the site to the north is the Bicester Service Station, which comprises a petrol filling station together with a Burger King and Little Chef food outlets. The eastern boundary is bounded by the A41, the southern boundary by the Premier Inn and Brewers Fayre Public House and to the west by the proposed primary school and residential development associated with the approved Kingsmere development.
- 1.3 The site will be accessed via the new signalised junction onto the A41 serving the development and the new access road off the main spine road which currently serves the Premier Inn Hotel and Brewers Fayre Public House. Servicing of the retail units is proposed via the Esso Service Station roundabout and service road.
- 1.4 The application site is roughly rectangular in shape, is relatively flat and has no features of note. The A41 signalised junction is one of the key entrances into the development, and has been designed to form an urban square with buildings to its perimeter framing this space. The application is in outline but only landscaping is reserved, all other matters are to be considered as part of this submission.
- 1.5 The proposal seeks consent for the erection of 3 large retail units which are stated in the application to be occupied by Marks and Spencer, TK Maxx or similar and Next and the erection of 3 number A3 units adjacent to the spine road, one of which it is stated will be occupied by Frankie and Bennys and a gym (D2 Use) above. Both Marks and Spencer and Next will have ancillary café space within them and the M&S Store will include a 'Simply Food'.
- 1.6 Members will recall that this application was deferred at the meeting in August to enable the applicants to re-assess their sequential test following the late representations made on behalf of Bicester Sports Association and for your offices to properly consider the issues raised on behalf of the applicants in respect of other recent consented retail developments within the District.



## 2. Application Publicity

2.1 The application has been advertised by way of neighbour letter, site notice and notice in the local press.

4 letters have been received from nearby residents. The following comments and issues were raised

- Given that overflow vehicles from Bicester Village have already started to be left in dangerous spots on Whitelands Way and with the continued development of Kingsmere, often without sufficient residential parking, creating an additional retail environment with only 266 parking spaces (creating 300 posts, most of whom will drive) will simply drive shoppers to park in more and more risky places within Kingsmere itself. I have no fundamental issues with retail stores being created at the edge of Kingsmere but they must have sufficient parking to accommodate the development. I am keen to understand how you plan to ensure no increase to traffic flow within residential areas and how you will ensure there are sufficient parking facilities for any retail development. I would also be keen to understand how you plan to ensure there are sufficient parking facilities for any retail development. I would also urge you to seriously consider this not as a single development but as a part of the development of the whole locality. Schools, a further development of Bicester Shopping Village, new residential properties, further superstore developments, The Garden City etc will all drive greater traffic volumes and hence greater associated risks. We already see a high volume of accidents on the A34 and M40 in the locality, please ensure that you do not take action that puts the local community at greater risk.
- Although in support of the development, some further thoughts and minor changes are required to make this a good addition to Bicester. It is recognised that this development sits within the area previously identified as the 'commercial centre' as opposed to the 'village centre', the fact that they are close together means consideration should be given to ensure no design or functional clashes that could result in empty units on either centre. It is not clear where staff should park, as should they use the main car park, they would be subject to the ANPR time limit system. I do not see the number of car park spaces to be a problem as the time of day for visitors is likely to be later in the day when the village is quiet. Care needs to be taken to ensure safety, security of and noise pollution to neighbouring schools and properties on KM10 and KM19 land parcels. The operation of the ANPR system is unclear given their locations. What happens when the car park is full and at peak times such as Christmas. Will the shuttle bus between Bicester railway station and the Bicester Village Park and Ride stop here. It would have been helpful to see more detail on the usage models that would have been used to determine the size of the units and the parking provision. Overall the design is ok, however my preference would be to incorporate some of the character of Bicester Town into the design.
- I do not object to the proposal except to say that the height of the main units may look out of place. However, I am concerned that the Transport Assessment does not take account of the volume of motor traffic this development is likely to generate both from Bicester and the surrounding areas. The impression given is that a lot of people will visit on foot. People buying clothing and food will not be walking, cycling etc. Para 1.7 of the Introduction states 'this report utilises parameters that have been agreed with the highways authority for other proposed developments in the recent past to avoid the introduction of new information, wherever possible' – very convenient. It gives the impression that only people from Kingsmere will need to staff the units, and staff car parking is not mentioned although a staff travel

plan is referenced. The vehicle movements appear to be based on the original rather than revised Bicester Master Plan and should be declared void and a new transport assessment made.

- Banbury Gateway and TRICS assessments have no bearing on this proposed development as Banbury town centres retail offering is completely different to Bicester and therefore trips to this type of store will be somewhat greater in Bicester. The TRICS also appear somewhat out of date. There are too many assumptions in the Transport Assessment and appears to have been constructed to present the proposed development as requiring very little or no additional highway infrastructure. I would think that the number of car parking spaces would need to be doubled as an absolute minimum, otherwise it will eventually lead to parking in nearby streets. In addition the A41 in each direction needs widening to three lanes in each direction to cater for this future traffic (1 bus lane, 2 for other vehicles). This needs part funding by developments of this nature. I trust the appropriate OCC highways authority will duly consider and investigate my concerns and not pass this Transport Assessment at face value.
- I support this application, this will be Bicester's only opportunity for a large Next and Marks and Spencer, and I'm hoping for H and M as well – regardless of any traffic concerns. If these shops do not come to Bicester now, it will be another decade (and thousands more houses) before they do.
- In addition I understand that the site of the former Tesco in Sheep Street was never large enough to accommodate either Next or Marks and Spencer and now has been acquired by another retailer. We will once again have a discount store in Sheep Street, part of the reason, in my view, that Bicester is dying is the type of shops on offer in Sheep Street/Market Square – discount, estate agents, charity shops etc, but where is there a large enough space for a proper shop.
- As for the various arguments regarding 'sequential testing' – I do not see how the Bicester sports Association site would be any less problematic regarding traffic – if not more so when one considers the Middleton Stoney Road roundabouts tight configuration.
- I understand Pioneer Square does not have any facility that is large enough in terms of square footage to accommodate either Next or M and S. In other words, if we don't get them at Bicester Gateway, where will we get them? Not at all! Having lived in Bicester for 35 years and still having to drive 30 minutes or more to a decent shop, makes a mockery of our eco status. I therefore urge you to approve this application and at long last bring Bicester into the 21<sup>st</sup> century.

**Update:** 21 letters of support have been received, the comments are summarised below:

- Disappointed it is recommended for refusal and have not been consulted
- Do not agree with concerns about location and impact on traffic
- Run risk of losing these retailers if not approved
- Bicester Village are allowed to expand with all their traffic problems, not many of us can afford their prices
- Bicester has the potential to be the town of the future, please stop holding it back
- Bicester is and has been behind many towns of similar size and is only known as a place that houses an outlet centre. Whilst walking through the existing town, it is woefully lacking in any mainstream shops beyond charity shops and pound shops. This is not an area I would have considered to move to if it wasn't for the exciting plans and development to include more high street shops and restaurants
- Complete lack of shops in Bicester to accommodate the influx of residents. Whilst traffic problems may occur, surely it is better than people in Bicester clogging the roads to visit Oxford and Banbury. How contradictory, making us

- an eco-town then forcing us to waste fuel driving to nearby towns
- Previously lived within walking distance of Next, Frankie and Benny's and other facilities at the Shires Retail Park, Leamington Spa – there were never any traffic issues that resulted from that shopping park, except when visiting Sainsbury's
- Parking in Bicester Town Centre is a nightmare and will only get worse when the Travelodge/library/CDC Offices are completed
- Few other suitable sites that could accommodate a retail park like this, yet the council feel it quite right to pass hundreds of different developments for yet more housing on what was once green belt land
- Sheep Street is inadequate, how many charity and bargain basement shops does one town need
- Bicester's local businesses miss out when people travelling to other retail centres use those facilities
- The existing vacant units are too small to accommodate major retailers
- Should this be refused, it is expected that the criteria for refusal be upheld for all future retail plans in the area, including Bicester Village and the planning committee earmark a suitable area of Bicester for such a retail proposal
- Do not see how the sequential test will accommodate such retailers any closer to Bicester Town Centre when there are no sites large enough
- Would complement Bicester Avenue and should suitable links be established, the town centre
- Although Bicester has some excellent restaurants, it lacks variety and depth needed for a town growing at the rate of Bicester

2.2 A letter has been received from the Kingsmere Residents Association on behalf of Kingsmere residents to express the Association's support

- KRA is the officially recognised voice of the residents of the new development and all the feedback we have had regarding the planning application has been incredibly positive
- Having met with Dan Bramwell to be fully briefed on the proposals, we feel the scheme will be of benefit to the whole of Bicester and will enhance the Town's shopping offer, in particular
- Both M&S and Next brands are particularly welcome in Bicester. Failure to deliver these retailers will mean that local residents have to drive further afield to the new Banbury Gateway development, Oxford or even Milton Keynes to visit the stores
- As immediate neighbours, residents in the Kingsmere development will be geographically adjacent to the proposed scheme and will benefit from the additional restaurants and gym. This will prevent residents having to go further afield to find suitable offers
- The shops and restaurants will create additional employment opportunities and these will be of particular interest to local residents due to the accessibility. There will also be opportunities for local employment during the construction phase
- The scheme is highly accessible by all forms of transport thus making it environmentally friendly
- The additional parking spaces are most welcome
- We feel it will be an impressive and welcoming structure

2.3 An objection has been submitted on behalf of Bicester Sports Association as follows:  
 Contrary to the council's retail strategy for Bicester  
 Fails to comply with the NPPF sequential test  
 Insufficient evidence has been provided to demonstrate compliance with the NPPF impact assessment

- The local plan sets out a retail strategy for Bicester at paragraphs C.63-C.71

and Policy Bicester 5: Strengthening Bicester Town Centre which identifies an Area of Search in the centre of Bicester aimed at supporting the vitality and viability of the existing town centre, encouraging economic activity, assisting with the connectivity between the town centre and Bicester village and improving the character and appearance of the centre of Bicester and the public realm. The site falls outside this area of search and the proposal is in direct conflict with the council's strategy for retailing in Bicester.

- The planning and retail statement prepared by Mango Developments acknowledges the site is out-of-centre and therefore needs to demonstrate compliance with the sequential approach.
- The PRS is flawed as MPDL state that for an out-of-centre site it is not necessary to assess other out-of-centre sites in its assessment. This approach is incorrect and in conflict with the NPPF. This is supported in the High Court Judgement (Telford and Wrekin v S of S)
- Whilst MPDL: undertakes a brief assessment of land at Bessemer Close/Launton Road, it fails to assess (or indeed recognise) the area of search and any sites within it.
- It is believed that there are a number of sites within the area of search that warrant detailed assessment and could accommodate the level of development proposed. For example BSA Oxford Road site falls within the 'area of search', it is accessible and well connected to the town centre.
- Kingsmere is located outside the area of search and is in excess of 1km from the town centre and cannot be considered to be well connected to the centre nor capable of delivering the connectivity improvements and linkages set out in the emerging Local plan. It is therefore inferior to the BSA site in sequential terms.
- The retail impact assessment undertaken cannot be considered robust. The level of detail provided is wholly insufficient for the Council to understand the potential trade diversion and impact effects of the scheme. As it stands the Council cannot robustly assess and determine the application in retail impact terms.
- It does not comply with the requirements for undertaking an impact assessment as set out in the PPG
- No Flood Risk assessment has been submitted
- Very limited public consultation as set out in the Statement of Community Engagement
- Insufficient evidence that the site has been marketed to robustly demonstrate that B class use of the site will not come forward
- The transport assessment is not robust in terms of trip generation given the location of the site
- Parking requirements cannot accurately be assessed until the mode share and trip rates have been more accurately determined
- No screening opinion request has been submitted by the applicant. Due to the size of the site 2.05 ha, the application needs to be screened in order to establish whether an EIA is required.

**Update:** A further letter on behalf of BSA raises concerns, in the main in respect of the sequential test. The application site falls outside the 'Area of Search' and the application proposal is in clear and direct conflict with the Council's recently adopted strategy for retailing within Bicester. The applicants have not demonstrated in their sequential test that sites within the AoS are not available and therefore the report is incorrect in concluding that the applicants have demonstrated compliance with the sequential approach.

A number of the sites within the AoS warrant detailed assessment and we believe could accommodate the proposal. Importantly they would be sequentially preferable and would be consistent with and supportive of the Council's retail Strategy for

Bicester. For example, the BSA site is suitable, available and viable for redevelopment.

This letter can be read in full on the application file.

2.4 An objection has been received on behalf of Sainsburys as follows:

- The application is out of centre and therefore the application must satisfy the sequential and impact tests and demonstrate that they will not have a significant adverse impact on existing centres. The impact assessment prepared by Mango is insufficient to understand the potential trade diversion and impact of the scheme and therefore does not meet the requirements of the NPPG
- The applicant's assessment of convenience trade draw in respect of the proposed M&S at paragraph 6.24-6.27 is also not supported by any evidence. There is no indication as to how the figures have been calculated and the impact assessment has underestimated the level of trade diversion from the town centre.
- The commentary regarding the cumulative impact of the proposed at paragraph 6.29 is insufficient that the '*application when considered alongside committed proposals will not cause any significant adverse impact*'. However, no assessment has been undertaken to support this. The applicant should undertake a full cumulative impact assessment to take into account all committed development within the catchment area including the consented Tesco and proposed M&S store.
- Given the size of the site a Flood Risk assessment is required
- The submitted Transport Assessment is not robust and makes unfounded presumptions. It suggests that the number of shoppers arriving by car (35% weekday and 33% Saturday) will be similar to the number of shoppers arriving by foot (36% weekday and 29% Saturday). This will impact upon the number of car parking spaces required for the development.

2.5 An objection received on behalf of Ziran Land Ltd and Stockdale Land Ltd comments as follows:

- Traffic issues in this area will be unacceptably compounded by a retail and leisure development in this location
- Opportunities in the town centre with a number of vacant units and there are potentially sequentially preferable sites within the designated town centre capable of development
- Restaurants will increase traffic flows and have a damaging effect on the viability of restaurants within the town Centre where there is vacant restaurant space, both available and coming available
- Cumulative effect of retail and restaurant in this location will damage the town centre which has seen substantial investment in recent years
- Bicester Town Centre could suffer lasting damage if this proposal is approved
- This company and its predecessor, Stockdale Land, have offered to purchase the employment land at Bicester Gateway and develop employment space thereon. The report submitted by VSL dated 10<sup>th</sup> June 2014 indicates significant demand at that time and it is clear that there is interest in developing the employment land for those purposes which we would be happy to do so, if not discouraged by the site owners from doing so.

2.6 An objection has been received from the Bicester Traffic Action Group as follows:

- The new proposal will have an entirely different traffic generation and peak hour movements to that previously envisaged as commercial and office. From the documents we have seen no amended Transport Assessment has been submitted and therefore consider the application is seriously flawed
- According to national traffic data bases this development, could generate in

excess of 9,000 vehicle movements in the peak, in addition to those generated by Bicester Village. The chaos caused by visitors to the village is well known and although improvement works to ameliorate this are planned this proposal will negate any improvement gained

- The main access to this proposal is off the A41 at a signal controlled junction by the Premier Inn. There is an additional access proposed through the residential area currently under construction and the mix of traffic from this proposal and that of the residents would not be seen as good practice in addition to being a potential road safety hazard, especially considering it passes a proposed secondary school site
- A new access is at present under construction on the other side of the A41, very close to the traffic signals. Although advertised as office development we understand that a large supermarket is also being constructed. This will only serve to generate more traffic in the morning and evening peaks for the office development and the supermarket itself will generate approximately 120 movements per 100 sqm of floor space at peak times
- Car parking from Bicester Village is already a problem with overflow car parks regularly being used. It is probable that shoppers from here will also use the car park proposed for this development when visiting the Village. The new car park of 266 spaces seems very low for a development of this type especially when the available parking is reduced by staff working at these units. It seems likely that shoppers will park in the surrounding residential streets to the detriment of road safety and the annoyance of residents. Bicester Village shows the result of insufficient parking provision and the chaos caused on surrounding roads
- This proposal, if approved, would undermine the District Council's investment in the Town Centre and would further undermine it as a central business district. The developers have overlooked the recently vacated Tesco store in Sheep Street, the Claremont Car park opportunities and other greenfield sites located elsewhere in Bicester. These sites, particularly to the south of the town where development will take place would, we suggest, be more suitable places to locate this development as the traffic impact would be less.

2.7 An objection on behalf of Bicester Office Park comments as follows:

- TIA is flawed and inadequate when it suggests that traffic generation for the employment site will be the same as the retail scheme. Employment development has an entirely different peak hour traffic profile to that of a retail scheme and this has not been assessed or looked at within these proposals.
- Retail would generate peak flows on a Saturday, Sunday and possibly Friday pm, precisely at the time when the traffic in this immediate vicinity is already at its peak and already suffers from well recorded severe traffic congestion
- No assessment has been provided showing the effect of Saturday and Sunday peak hour flows and how it might further affect the existing congestion on the current highway network during peak hour flows
- The application has assumed that the proposed highway improvement works for the future expansion of Bicester Village have been undertaken, which is not the case when this application is being considered, nor has the Highway Authority suggested any conditions to limit the implementation of this development until such improvements have been completed.
- The assessment by OCC of the TIA is inadequate and does not pick up the discrepancies above
- OCC has not sought any financial contribution towards highway improvements, sustainability, rail infrastructure, public transport etc. Furthermore, no highway improvements have been suggested or offered by the applicants in order to mitigate its traffic impact
- The scheme is wholly reliant on car-borne access and no attempt has been made to provide for sustainable and public transport facilities
- Will encourage 'rat-running' through the Kingsmere residential development to

access this new retail development, raising issues of safety for both residents and school children in the vicinity.

- Inadequate marketing effort in respect of the business space, a full and comprehensive marketing effort has not been undertaken in order to implement the approved scheme
- In view of the size of the employment units, it would be normal for a developer to undertake a small starter block as a first phase of the development, and in this manner they would be able to fully test the real market for such accommodation. This has not occurred and, accordingly the proposed business space has not been marketed to its full potential
- A more appropriate alternative development would be further residential units
- Retail development in this location is piecemeal and purely opportunistic in its location without consideration of a sequential test nor the needs of connecting it with the wider Bicester Community and without giving thought to the wider and future requirements of Bicester as it grows
- The last retail assessment was undertaken in October 2012 by CBRE which is clearly out of date and would not have taken into account the Garden City status
- Is premature, not in accordance with the emerging Local Plan and has considerable highway and traffic deficiencies which have not been adequately assessed by either the applicants or OCC as Highway Authority

2.8

A letter received on behalf of Value Retail comments as follows:

- The emerging Local Plan identifies an area of search, within which retail and other main town centre uses will be supported if they form part of the new schemes which help to deliver the aims of central Bicester. The Inspectors Report, dated 9<sup>th</sup> June concludes at paragraph 77 that identified sites should provide sufficient capacity to deliver all the new retail floor-space deemed necessary in the 2012 Retail study. Paragraph 78 supports the areas of search for additional floor-space, which do not include the application site.
- The application proposals are for mainstream comparison retailers, provisionally expected to comprise M&S, Next and TK Maxx, which is expected to compete directly with the town centre
- Contrary to Policy SLE2 of the emerging Local Plan.
- The proposal fails to satisfy the sequential test and are likely to have a significant adverse impact on nearby centres and should therefore be refused
- The proposal cannot be regarded as an extension to Bicester Village. There are no effective linkages and the proposals involve mainstream high street uses which, in contrast to Bicester Village, will compete directly with the town centre.
- The applicants approach fails to consider alternative options, including sites within the area of search identified in the emerging Local Plan, and in other centres within the likely catchment area of the proposals. The applicant has failed to consider whether there are other, more accessible/better connected out of centre sites, as required by policy.
- Impact assessment is likely to have understated the potential turnover of the proposed development, and materially underestimated the proportion of the proposals turnover likely to be diverted from Bicester town centre
- No cumulative impact assessment has been undertaken. Therefore the assessment is not credible or robust
- Loss of employment and inadequate marketing of the site
- TIA – no details of any scoping discussions with OCC and therefore a risk that an insufficient scope of assessment has been undertaken within the TA
- Applicant has failed to robustly assess the traffic changes arising from the consented employment use
- The application relies heavily upon pedestrian linkages that would be delivered by way of the Bicester Village Phase 4 Highway Works. Without the

provision of suitable non-car linkages, the scheme would be reliant upon the private motor car as the principle means of access to the site, the implications of which have not been fully assessed. Given the absence of these linkages, the level of traffic associated has been underestimated

- Unclear what committed developments have been allowed for in the assessment
- Insufficient evidence within the TA to demonstrate that the application is capable of mitigating traffic increases on the highway network during the weekend periods in isolation. Should the applicant be of the view that development traffic during the weekend assessment period can be accommodated upon the highway network, it should be demonstrated using detailed modelling
- Site access junction from A41 would come under pressure as a consequence of the application traffic being unable to satisfactorily reach the development from this direction
- Close to the new primary school
- Relies on the delivery of the highway works that would be brought forward by the extension to Bicester Village, but there is a risk that this could come forward in advance of the Bicester Village highway works
- Given the absence of a robust TA it cannot be taken at face value that there is sufficient parking provision, resulting in parking in the nearby streets
- Service yard has not been designed to accommodate articulated delivery vehicles, given that such vehicles would not appear to be capable of being accommodated within the site, then it is expected that delivery vehicles would queue back onto the adjacent highway network
- There is no certainty that Bicester Village highway works can accommodate the traffic arising from the proposal
- No contributions offered or requested to Bicester Area Transport Strategy
- Contrary to NPPF paragraph 32.
- Proposal should be refused in line with national and local policy as the applicant has failed to clearly identify capacity to support the scale of retail proposed

**Update:** a further letter on behalf of Value Retail states as follows:

- The applicant has failed to demonstrate it can deliver appropriate and sufficient mitigation measures in order to off-set the increases in vehicular trips that would arise
- Based on the conclusions of our clients highways consultants, which are shared by other objectors, we consider that in addition to the reasons for refusal set out in the committee report, traffic and highways warrant a further reason for refusal.

All of the comments made above can be read in full on the application file.

- 2.9 **Update:** Bicester Vision is committed to developing a town with vibrant business heart and a commercial centre for trade and commerce. With regret we wish to formally object to the proposed development based on several contentious points
- Firstly we feel that further commercial development for retail and leisure will increase road traffic usages in this area and heighten the current frustration of residents
  - Secondly we feel that, with the availability of retail units in the Town Centre, and with a desire to support existing town centre businesses, the possibility of a second retail centre emerging will be of a detriment of the whole town

We therefore do not support the application submitted.

- 2.10 **Update:** letters of support have been received from 'The Restaurant Group',



### 'M&S' and 'Next Group PLC'

- Restaurant Group has shown commitment to taking 3 restaurants for Frankie and Benny's, Chiquito and Joe's Kitchen brands, creating 130 jobs for local people. Currently their nearest restaurants are in Oxford and Banbury. Other sites – Skimmingdish Lane/Launton Road are not suitable. The location on this site is fundamental to the success of our restaurants and it is unlikely we would locate elsewhere in the town due to limited opportunities and the inferior quality of other sites that are currently available in the Bicester area. The combination of the three new restaurants will create circa 130 new jobs.
- M&S have been unable to find an opportunity elsewhere in the town of sufficient size with adjacent parking. If consent is not granted they are unlikely to find another site in the near future which will have the available space for a full offer store. Launton Road/Skimmingdish Lane is not suitable. Bicester has long been regarded as a target town for a general merchandise store. The current application will enable us to meet the requirements of an expanding Bicester and prevent leakage to other towns.
- Next – Bicester has long been considered by Next, but due to lack of available opportunities in the town centre have been unable to find a location of sufficient size to provide a full and commensurate offer that the growing town demands with an increasing population and housing. It is vitally important to the business that we have enough home offer. This location is ideally placed, being visible and convenient to commuters and residents alike who already use the Oxford Road. As above, other sites, such as Bessemer Close were reviewed in 2008, 2011 and more recently, but, are too secondary and not suitable. 50 new jobs would be created.

All the comments made above can be viewed in full on the application file.

### 3. Consultations

- 3.1 Bicester Town Council: resolved that Bicester Town Council has concerns that whilst we welcome the addition of retail brands being promised it is felt that this development is in the wrong area due to problems with car parking and access on an already very busy A road. It is felt that this development should consider a different location within the town centre.

#### **Cherwell District Council Consultees**

- 3.2 **Planning Policy Officer:** The application site is part of a larger site for which planning permission was granted for circa 1800 homes and other uses. The application site is located on land which is zoned for employment use (B use classes) in this planning application. The larger site is currently under construction and fairly well advanced. There are new homes being constructed in close proximity to the application site and there is a recently completed hotel adjacent to the site. The application site is in an out of centre location but it is acknowledged that new development at Bicester would bring the site within Bicester's urban area.

#### Main Development Plan Policies

The application site is not allocated for development in the Cherwell Local Plan (1996) (saved policies). The main policies relevant to this proposal are as follows:

The adopted Local Plan seeks to maintain a compact shopping centre at Bicester. Policy S25 applies to retail development in the rural areas but this policy should be considered in the context of on-going development of the wider South West Bicester site and development in southern Bicester generally.

## NPPF

The paragraphs of the NPPF most pertinent to this application from a Local Plan perspective are:

Paragraph 14 the 'presumption in favour of sustainable development'

Paragraph 19 relating to encouraging economic growth

Paragraphs 23 to 27 of the NPPF (which relate to ensuring the vitality of town centres). In particular the requirements relating to the production of a sequential test and impact assessment should be observed. Annex 2 provides further information.

The transport and traffic impacts of the development will need to be considered against the requirements in Section 4 the NPPF. Paragraph 32 of the NPPF stated that development should only be prevented or refused on transport ground where the residual cumulative impacts of development are severe.

Paragraphs 56 to 67 on Requiring Good Design are also relevant.

## PPG

PPG should be considered including in relation to guidance on the sequential test and impact assessment.

## Non-Statutory Cherwell Local Plan 2011

Whilst some policies in the Non-Statutory Cherwell Local Plan may remain material, other policies have in effect been superseded by those of the Submission local Plan (January 2014).

The NSCLP seeks to maintain a compact shopping centre at Bicester. Policy S2 applies to retail development in the rural areas. Recognising there may be size constraints, for this application Policies S16, S17 and S17a are of relevance for the sequential test. These are for sites identified in the NSCLP in central Bicester to accommodate development uses including town centre uses.

Policy H1b and H13 identify the land at South West Bicester for 1585 homes and other uses including employment land. Policy H13 states that a comprehensive scheme should be provided for and criterion (xiv) provides for '*an appropriate range of local shopping facilities, including a public house, to be provided on a commercial basis*'. Supporting paragraph 3.113 states that retail, public house, primary education, community and health care facilities will be grouped into a neighbourhood centre and that retail development of a greater scale than that to serve the day to day needs of the neighbourhood will not be acceptable. Policy S18 also makes provision for the local centre (which has yet to be provided).

## Submission Local Plan 2011-2031 (January 2014) As proposed to be modified (as at 6 February 2015)

A new Local Plan was submitted to the Secretary of State in 2014 for Examination. Hearings took place in June and December 2014 and the Inspectors report is expected in spring 2015. (at the time of writing the report, the Inspector's Report has now been received). There are outstanding objections to some policies which have yet to be resolved. A schedule of hearing minor modifications was submitted to the Council on 6<sup>th</sup> February as requested by the Inspector. A number of related documents were also submitted. These are available on the Council's website on the Local Plan examination web page. The main policies relevant to this proposal are as follows:

The application site is on land identified as an approved housing site (South West Bicester development) on Key Policies Map 5.2: Bicester.

Objective SO1 sets out that the objectives for developing a sustainable local economy include; to facilitate economic growth and a more diverse local economy with an emphasis on attracting and developing higher technology uses.

Paragraph B.46 of the Submission Local Plan states that the provision of jobs will be a material consideration for determining planning applications for any use classes.

Paragraph B.48 states that the Council is determined to secure dynamic town centres as the focus for retail development. Paragraph B.53 explains that new retail development will continue to be focused in the town centres and all new development will be required to be built to high design and building standards.

Policy SLE1 sets out the requirements for planning applications for existing employment sites and these should be met by the applicant. Paragraph B.46 explain that Policy SLE1 applies to sites which have planning permission for employment uses. There are other sites allocated in the Local plan to deliver future employment needs.

Policy SLE2 states that retail and other main town centre uses will be directed towards the District's town centres. The policy reflects the NPPF and requires a sequential test and impact assessment for applications for main town centre uses outside the town centre.

The uses proposed in the application are 'main town centre uses' as defined in Annex 2 of the NPPF and paragraph B.54 of the Local Plan.

Policy Bicester 5 states that shopping, leisure and other town centre uses will be supported within Bicester town centre. An 'area of search' is identified in Bicester and shown on Inset map Bicester 5. Paragraph C.66 explains how growth can be achieved at Bicester.

Strategic Objective 13 of the Submission Local Plan aims to reduce the dependency on the private car as a mode of travel and increase opportunities for travelling by other modes. Policy ESD1 sets out an aim to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars. Policy SLE4 will also apply and has similar objectives.

Policy ESD16 will also apply.

#### Policy Observations

The NPPF requires a town centre first approach that directs retail and other town centre uses towards town centres and encourages the growth of centres. The Submission Local Plan is consistent with this approach and aims to support Bicester town centre's viability and vitality. In the 'area of search' town centre uses will be supported if they help deliver the aims for central Bicester. The growth of the town centre will be explored further in Local Plan Part 2 including the potential of sites for town centre uses in accordance with the approach in the NPPF and the submission Local Plan. The application proposals are outside the town centre and the 'area of search' in an out of centre location and therefore inconsistent with local planning policy in terms of the strategy for accommodating town centre uses and supporting the growth, viability and vitality of central Bicester.

The proposals are located in an area of Bicester where commercial and residential development already exists in close proximity, is taking place or is planned, providing some opportunities for sustainable modes of travel. This should be a consideration in

determining the application, however proposals alternatively located in the town centre, and potentially in edge of centre or other out of centre locations, would also be in an area of Bicester where new development is taking place and is planned. For example, as demonstrated by proposals set out at Policy Bicester 6: (Bure Place redevelopment) of the Submission Local Plan.

A detailed and comprehensive sequential test and impact assessment should be provided supporting the planning application. The 'area of search' at Policy Bicester 5 of the Submission Local Plan provides an indication of locations that should have been explored for the sequential test. However, the sequential test should include consideration of all potential sites within the urban area of Bicester, including out of centre sites with consideration of accessibility and connections to the town centre.

In terms of land uses in close proximity to the application site, a new large Tesco food store has planning permission on the eastern side of the A41 opposite the site. Land is also allocated to the south of the application site for employment uses (see Policy Bicester 10 in the Submission local Plan) and construction has started opposite the application site to the east of the A41 on land identified in the Submission Local Plan (see Inset Map Bicester 4).

Bicester Village has planning permission to expand on the existing Tesco food store site. The Submission Local Plan identifies the potential for improved connectivity between Bicester Village and the town centre. Planning permissions granted at Bicester Village have associated conditions which restrict the type of retail development. If planning permission is granted for the application site it should be explored as to whether conditions should be applied.

Wyvale Garden centre and the new hotel are located further from Bicester town centre than the application site. However a hotel was required by the Non-Statutory Cherwell Local plan (Policy H13). Conditions are in place for Wyvale Garden Centre.

The proposals would lead to loss of employment land for B use classes. However, the site is not an operational site or allocated for employment uses.

In accordance with Policies ESD1, SLE4 and the NPPF the traffic impacts and potential for sustainable modes should be examined. Sustainable travel patterns may be difficult to achieve and the potential for effective links to the town centre should be considered. It should be recognised that the site is within walking/cycling distance of the town centre and other existing and planned uses.

Any particular circumstances which may apply in relation to the operation and function of the proposal should be considered.

It will be relevant to examine whether the proposals would compromise the delivery of satisfactory proposals for South West Bicester set out in the Non-Statutory Cherwell Local Plan including the provision and operation of the proposed local centre at South West Bicester which will make an important contribution towards sustainability of the new development.

Proposal would increase the retail offer and create jobs in retailing to support the growth of Bicester generally. However, importantly the proposals are inconsistent with local planning policy which directs town centre uses to the town centre and planning policy relating to the growth of the town centre.

**Update:** Since the above comments were received, the Inspector's Report has been received and the Submission Local Plan is now the adopted Cherwell Local Plan 2011-2031.

3.3 **Design and Conservation Officer:** no comments received

3.4 **Ecology Officer:** Included within the documents is an ecological monitoring report for the wider site (which reveals that it is not being managed as per an agreed EMP – with cuttings at the wrong time of year, not removing arisings etc. and that many habitats are degrading). This point aside I could not find anything in this report about the specific area of this application site. I may have missed something but there does not appear to be a survey or comment of this area. I appreciate this is part of a much wider development plan and therefore wondered if this is elsewhere under a different application number.

There does not look to be anything immediately of concern on site, however I don't know if there is any botanical interest or hedgerows which need preserving, badger setts (although unlikely given surrounding developments, we do have records along this road). There are also adjacent records of wintering birds. The design and access statement refers to biodiversity being a key element but does not elaborate on any of their plans in this regard.

Without further information it is difficult to assess the need for mitigation however a full scheme of biodiversity enhancements within the proposed new buildings and surrounding landscaping should be submitted. This should include provisions for birds built into the fabric of the buildings. I see a green wall proposed in one of the design pictures and such features would be a welcome addition throughout the site (although it does not show it fully lit which may limit its value). We should be seeking a net gain for biodiversity on site in line with NPPF recommendations and the current layout leaves little room for this.

**Update:** The submitted Ecology Statement is acceptable and the mitigation measures and enhancements recommended are acceptable.

3.5 **Economic Development Officer:** I have concerns that it has not been presented effectively to the market and should therefore not simply be granted change of use.

For instance, yesterday I was approached by a growing Bicester business that is seeking around 6,000 sq ft. A developer needs to respond to this market interest. All local commercial agents are aware of the shortage of modern and refurbished b-class premises. I have not been contacted by the land owner or agent to indicate a lack of demand or to ask for the help of our services. On the contrary; I am being contacted by Bicester businesses that are struggling to expand locally.

The site is therefore important to retain for b-class employment as an important balance to the residential and retail development that has been completed and continues nearby. This should contribute to the availability of local employment opportunities to reverse out commuting to higher paid employment areas beyond Bicester and therefore serve the needs of Bicester residents and businesses whilst contributing to the sustainable goals of the One Shared Vision.

3.6 **Environmental Protection Officer:** No comments received

### **Oxfordshire County Council Consultees**

3.7 **Transport:** The Local Planning Authority should consider the sustainability of the development given the loss of employment land and resulting out-commuting.

CDC Local Plan seeks to address the issue of significant out-commuting from Bicester through the provision of employment land. Whilst A1 and A3 land uses will provide some food/non-food retail employment, there is already a range of similar

employment opportunities within walking/cycling distance of the site. The loss of the currently approved B1 and B2 employment use could result in an increase in out commuting from Bicester reducing the potential sustainability benefits of the approved site.

The principle of development in this location within the context of a wider development and transport mitigation for the site has been secured through planning application 06/00967/OUT. The traffic generation patterns for retail are different to employment land uses. However, impact upon junctions adjacent to the site would not be significant when considered against the permitted use.

The proposed parking, circulation and manoeuvring arrangements appear appropriate but I do not have a scalable plan to verify this matter. Detailed plans will be required for all access, pedestrian, cycle and vehicular. Cycle and pedestrian provision must link to the existing network. All surface water management on this part of the development will need to adhere to the agreed Kingsmere Design Code Document.

A Framework Travel Plan is required for this development setting out the overall objectives for the promotion of sustainable travel. Each of the proposed units will need to produce a supplementary plan that is linked to objectives in the framework travel plan and pay the required monitoring fee prior within 3 months of the units being occupation. These travel plans should be produced in accordance with the Oxfordshire County Council's Transport for New Developments: Transport assessments and Travel Plan Guidance (March 14) and agreed with Oxfordshire County Council's Travel Plans Team.

To encourage walking and cycling to the site from the wider area, good quality access points need to be provided on direct routes linking in to the walking and cycling networks. The current outline drawings do not show the layout of any walking or cycling routes. Covered secure cycle parking must be provided in permanent locations for each of the units, for staff and customer use.

Oxfordshire County Council maintains the Oxfordshire liftshare portal to match up people who are making similar journeys and would like to liftshare. If the development contributes to the on-going maintenance of this site then they can use this portal to encourage staff and visitor liftshare and reduce the number of single occupancy car trips. All surface water management on this part of the development will need to adhere to the agreed Kingsmere Design Code Document.

A good quality bus service between Oxford and Bicester Town Centre operates along the A41, but there are no stops within convenient walking distance of this development. Convenient access to public transport is essential and this site will require a new pair of bus stops, at the cost of the developer. These bus stops should include lay-bys, hard-standing areas, shelters, Premium Route flag/pole/information case units and electronic real-time information units. Bus stop laybys and hard-standings should be delivered by the developer to an agreed design, with shelters, flag/pole/information case units and real time information displays to be secured through a Section 106 Agreement.

- 3.8 **Drainage Officer:** the additional drainage information is acceptable and no objections are raised subject to the imposition of a condition.
- 3.9 **Economy and Skills:** the developers will be required to prepare and implement, with local agencies and providers, an Employment and Skills Plan (ESP) that will ensure, as far as possible, that local people have access to training (including apprenticeships) and employment opportunities available at the construction and end user phases of this proposed development.

### Loss of Skilled Jobs

Bicester is identified as a key location for employment growth on the Oxfordshire Knowledge Spine through the City Deal and Strategic Economic Plan (SEP). The SEP looks to support significant increases in employment at Bicester through infrastructure improvements and land availability.

If retained for B1 and B2 uses, this site could make a valuable contribution to the generation of quality, high tech employment opportunities and provision of a comprehensive range of employment opportunities in the town. The supporting statement to the existing outline permission (06/00967/OUT) estimates that the current approved use would accommodate 992 jobs, many of which could be highly skilled. The supporting statement to the retail proposal estimates that around 300 jobs would be created, few of which are likely to be highly skilled. Moreover, there are already considerable retail employment opportunities within Bicester with more anticipated from the expansion of Bicester Village. It is important to the success of the employment strategy for Bicester that other employment land, including this site, remains available for B1 development.

### The impact of the development on the town centre and local centre

This is an out of centre site although potentially with reasonable access to the town centre. A1 Retail and A3 restaurants are town centre uses. It would be better for these uses to be located in Bicester town centre where they can contribute to town centre vitality and viability, help improve the image of Bicester town centre in line with Bicester Master Plan objectives and where there is good access by public transport. Further justification should be provided to explain how the proposals address the strategic objectives for economic growth and for a thriving town centre.

The current proposals for A1 and A3 use are likely to impact on the viability of the retail element of the local centre approved as part of this outline consent.

### 3.10 **Overall view of Oxfordshire County Council:-**

This application is for a 2.045 hectare retail development on part of the South West Bicester Phase 1 (Kingsmere) strategic site allocation in the emerging Cherwell local plan. The site currently has outline planning permission for B1 and B2 employment use as part of the wider Kingsmere development. The County Council has the following concerns:

- The loss of skilled jobs that the current approved use could provide for
- The potential increase in out commuting from Bicester as a result of losing a key employment site
- The impact of the development on the town centre and local centre
- The proposals are contrary to the emerging Cherwell local plan and the Draft Bicester master Plan

In addition to the above points, the County Council's Local Members also have the following concerns:

- Increased traffic along the A41 corridor and the cumulative impact with Bicester Village, Tesco and Bicester Avenue
- Increased traffic on the Middleton Stoney Road
- Inadequate parking provision
- Impact on the health village

### Loss of Skilled Jobs

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#### Potential increase in out commuting from Bicester

The emerging Cherwell Local Plan seeks to address the issue of significant out-commuting from Bicester through the provision of employment land. The loss of the currently approved B1 and B2 employment use could reduce containment and result in an increase in out commuting from Bicester thus reducing the potential sustainability benefits of the approved site.

#### Impact of the development on the town centre and local centre

This is an out of centre site although potentially with reasonable access to the town centre. A1 Retail and A3 Restaurants are town centre uses. It would be better for these uses to be located in Bicester town centre where they can contribute to town centre vitality and viability, help improve the image of Bicester town centre in line with Bicester master Plan objectives and where there is good access by public transport. Further justification should be provided to explain how the proposals address the strategic objectives for economic growth and for a thriving town centre.

The current proposals for A1 and A3 use are also likely to impact on the viability of the retail element of the local centre approved as part of the outline consent.

#### The proposals are contrary to the emerging Cherwell local Plan and the Draft Bicester Master Plan

Paragraph C56 of the emerging Cherwell local plan states that ;South west Bicester will provide 1,742 new homes, new primary and secondary schools, public open space, health and sports facilities, **employment land**, a hotel and other local facilities'. Removal of the employment land is not in accordance with the Local Plan. Further, the current proposals are contrary to paragraph B.53 of the plan which states that 'new retail development will continue to be focused in our town centres'.

The retail proposals are also contrary to the Draft Bicester master Plan (August 2012) which states that

*'Any further retail development and improvements to car parking should take place on the south eastern side of Sheep Street to anchor this end of the main retail street and provide improved facilities closer to the railway station'* (Draft Bicester master Plan August 2012 p43)

### **Other Consultees**

- 3.11 **Environment Agency:** have no objection subject to the inclusion of a condition relating to contamination. Without the condition the development would pose an unacceptable risk to the Environment.

The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, paragraph 103 (footnote 20) of the National Planning Policy Framework sets out a Flood Risk



Assessment should be submitted for all developments over one hectare in size. We note that a Flood Statement has been produced, but a comprehensive FRA has not been submitted in support of the proposed development.

The West Thames Area (Environment Agency South East) is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1 and 5 hectares we do not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response.

In order for the development to be acceptable in flood risk terms we would advise the following:

- Surface water run-off should not increase flood risk to the development or third parties. This should be done using SUDS to attenuate to at least pre-development run-off rates and volumes or where possible achieving betterment in the surface water run-off regime
- An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall (20% for commercial development, 30% for residential). See table 5 of Technical guidance for NPPF.
- The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

SUDS for roads/car parking areas should incorporate appropriate design mechanism to minimise the potential that hydrocarbons or other contaminants may be mobilised into ground water. The base of SUDS should be sufficiently above typical winter groundwater levels to allow the attenuation of any residual contaminant. They should not routinely discharge direct to groundwater (ie above typical winter GW levels).

#### **4. Relevant National and Local Policy and Guidance**

##### 4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996 (Saved Policies)

- C28: Layout, design and external appearance of new development
- C31: Development in residential areas
- TR1: Transportation funding

Non-Statutory Cherwell Local Plan 2011

Policy H13: Bicester Urban Extension: South West Bicester

##### 4.2 Other Material Policy and Guidance

National Planning Policy Framework (March 2012)

National Planning policy Guidance

Cherwell Local Plan 2011-2031

The Submission Local Plan has been through public consultation and was submitted to PINS in January 2014, with the examination beginning in June 2014. The Examination was suspended by the inspector to allow further work to be undertaken by the council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Market Assessment (SHMA), which is an objective assessment of need. Proposed

modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22<sup>nd</sup> August to 3<sup>rd</sup> October 2014. The examination reconvened and closed in December 2014. The Inspector's Report was published 12<sup>th</sup> June 2015. The report was presented to Members at a meeting of the Full Council on 20 July 2015. Members endorsed the Plan and it is now adopted and forms part of the development Plan. The policies listed below are considered to be material to this case:

SO1: objectives for a sustainable economy  
SLE1: Employment development  
SLE2: Securing dynamic town centres  
SO13: Reduced dependency on the private car  
ESD1: climate change  
ESD3: sustainable construction  
ESD7: Sustainable drainage systems  
ESD10: Protection and enhancement of biodiversity and the natural environment  
SLE4: improved transport and connections  
ESD16: character of the built and historic environment  
Policy Bicester 5: Strengthening Bicester Town Centre

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Policy and the principle of development
- Sequential test and retail impact
- Loss of employment land
- Transport impact
- Sustainability
- Design and layout
- Ecology
- Flood risk assessment
- Planning obligation

### Relevant Planning History

5.2 The application site forms part of the wider mixed use development at South West Bicester (now known as Kingsmere). Outline planning permission was granted, subject to conditions and a Section 106 Agreement for up to 1585 dwellings, employment, education, health village, leisure and supporting infrastructure in June 2008 (06/00967/OUT refers). A land use proposals plan approved as part of the outline conditions identified this site as part of the employment zone which was also to include the hotel development.

5.3 The construction of the wider South West Bicester development began in July 2010. The major infrastructure has been provided and a number of residential parcels have either, been completed and occupied or currently under construction following the granting of the relevant reserved matters consents.

5.4 Reserved matters consent was granted for the hotel and Brewers Fayre Public House in May 2012 (12/00063/REM refers). The hotel and pub are now trading well. The developers of the South West Bicester site are required by the terms of the Section 106 to market the application site for employment purposes.

- 5.5 The development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell local Plan 1996 and the adopted Cherwell local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF).

### **Non-Statutory Cherwell Local Plan 2011**

- 5.6 The site in question was an allocation within the Non-Statutory Cherwell Local Plan (Policy H13), as part of the wider mixed use development of South West Bicester, but is not allocated for development in any adopted plan. As part of the planning permission granted under Policy H13, the site is identified for employment purposes.
- 5.7 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
  - Proactively drive and support sustainable economic development
  - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
  - Support the transition to a low carbon future in a changing climate
  - Encourage the effective use of land by reusing land that has been previously developed
  - Promote mixed use developments
  - Conserve heritage assets in a manner appropriate to their significance
  - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
  - Deliver sufficient community and cultural facilities and services to meet local needs
- 5.8 The NPPF at paragraph 14 states ‘at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision taking.....For decision taking this means
- Approving development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
  - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted

- 5.9 The NPPF further advises that a sequential test should be applied to planning applications for main town centre uses such as retail. Only if suitable sites are not available should out of centre sites be considered, and preference should be given to accessible sites that are well connected to the town centre. Impact Assessments are also required for developments over 2,500sqm. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact, then it should be refused.
- 5.10 The Planning Practice Guidance also advises on the sequential test and impact assessment, and advises that if a required development cannot be accommodated in the town centre, that the local planning authority should plan positively for such needs having regard to the sequential and impact tests. Policy Bicester 5 of the adopted Cherwell Local Plan 2001-2031 seeks to do this by proposing an 'Area of Search' to ensure that any proposed main town centre uses which are not in the existing town centre are in the best locations to support the vitality and vibrancy of the town centre, and that no likely significant adverse impacts on existing town centres arise as set out in the NPPF.

### **Adopted Cherwell Local Plan 2011-2031**

- 5.11 The Cherwell Local Plan has been through Examination and has been considered by Full Council. This plan has now been adopted by the Council. The Local Plan is consistent with the NPPF in that it requires a town centre first approach that directs retail and other town centre uses towards town centres and encourages the growth of such centres and aims to support Bicester town centre's viability and vitality.
- 5.12 Policy SLE2 of the adopted Local Plan 2011-2031 'Securing Dynamic Town Centres' seeks to ensure that Bicester's role is strengthened in terms of achieving economic growth, as a destination for visitors and in serving their rural hinterlands. The policy further advises that proposals for retail and other Main Town Centre Uses not in a town centre should be in 'edge of centre' locations, and only if suitable sites are not available in edge of centre locations should out of centre sites be considered; and, when considering edge of centre or out of centre proposals, preference will be given to sites that are well connected to the town centre. An impact assessment will also be required in accordance with requirements in the NPPF. It states that the council will consider if the proposals satisfy the sequential test and if they are likely to have significant adverse impact on one or more factors in the NPPF. This policy also requires that all proposals should comply with Policy SLE 4 which relates to improved transport and connections.
- 5.13 Policy Bicester 5 'Strengthening Bicester Town Centre' aims to support the viability and vitality of the existing town centre, encourage economic activity, assist with the connectivity between the existing town centre, a new Bicester Town Railway Station; Bicester Village; and adjoining and proposed residential areas; and, improve the character and appearance of the centre of Bicester and the public realm. Partial redevelopment of the town centre has been achieved with the recent Bure Place scheme and a second phase of development is planned through Bicester Policy 6. Work for the emerging Bicester Masterplan has identified how the area to the south of the town centre could be improved to consolidate and expand the town centre to provide space to help accommodate Bicester's growth need, this area is annotated on the plan as 'An Area of Search'. Remaining relevant policies in the plan largely concentrate on seeking a sustainable form of development through other disciplines such as SUDS, flood management and design.
- 5.14 The application site is not within Bicester Town Centre as defined in Policy Bicester 5 or within the 'Area of Search' identified in that policy, and is not allocated for retail development as part of the Development Plan.

5.15 **Sequential Test and Retail Impact Assessment**

The NPPF advises states that Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and, create attractive, diverse places where people want to live, work and visit. It also states that Local Planning Authorities should assess and plan to meet the needs of main town centre uses in full, in broadly the same way as for their housing and economic needs, adopting a 'town centre first' approach and taking account of specific town centre policy.

5.16 The NPPF sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan – the sequential test and impact test.

5.17 The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses. The sequential test will identify development that cannot be located in town centres, and which then would be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres.

5.18 The application submission has been supported by a Planning and Retail Statement prepared by Mango Planning and Development Ltd on behalf of the applicants which also includes an assessment of how the site has been sequentially tested, together with an Assessment of its Impact. This submitted planning and retail assessment produced by Mango Planning concludes that the proposed development satisfies the sequential test and will not have a significant adverse impact. This has been independently critiqued by CBRE on the council's behalf as part of the application process.

5.19 In considering the sequential test, the applicant must demonstrate that there are no sites within the town centre that are suitable and available and upon which the proposed development would be viable. The application proposes approximately 10,000sqm of floorspace with 266 car parking spaces on a site of 2.045 hectares. The sequential test has assessed the sites as follows:

5.20 **Land at Crumps Butts**, stating that this land is in multiple occupation and too small to accommodate the scale and format of the application proposal and that GVA Grimley in its consideration of the Aldi proposal on behalf of the Council stated in their critique 'that the site is better suited to smaller retailers, given its size, proximity to residential dwellings and the limited scope for comprehensive development to provide a larger format. The applicant's agent therefore concludes that this site is therefore unsuitable.

5.21 An assessment of **Bicester Town Centre** carried out by Mango Planning and Development Ltd in December 2013 identified 22 vacant units, with an update in January 2015 identifying 17 units, the vast majority of which are very small and therefore do not provide sufficient floorspace to accommodate the application proposal or a flexible interpretation of them. Whilst it was acknowledged that the Tesco Metro in Sheep Street was to close, it was also stated that this unit was too small to accommodate the proposal. It is understood that this unit has now been taken by another retailer, B and B Bargains.

5.22 **Land at Victoria Road** is located to the rear of Sheep Street and extends to approximately 0.8ha. The applicants agent concludes that the site is not only too small but a comprehensive retail proposal in this location would attract the same issues as the dismissed appeal for 36 live work units and the site is therefore unsuitable.

- 5.23 **Claremont car park** is stated by the applicant's agent to be unavailable and in physical terms too small to accommodate the application proposal and does not offer the frontage or prominence that the development would require and is therefore also considered to be unsuitable and unviable. The sequential test submitted as part of the application therefore concludes that there are no sequentially preferable sites available within Bicester town centre.
- 5.24 Moving further out of the town centre, the only suitable edge of centre site identified by the sequential test is the **Cattle Market car park** which is owned and managed by the District Council, concluding that it would create a large and prominent structure incompatible with surrounding buildings and residential properties.
- 5.25 The only out of centre site highlighted is the former Lear Corporation site at **Bessemer Close**. The site extends to 1.2ha and currently comprises a vacant industrial unit and associated car parking. The applicants state that this site is no longer available and moreover, the application proposal is for a high quality design with modern sustainable credentials. The ability to provide such a modern development is facilitated by the development of a cleared site. The cost of site clearance and remediation of the Bessemer Close site would reduce the amount of finance available for a high quality sustainable development. As such the sequential test considers the site to be unsuitable and unviable for the development proposed. An application relating to the redevelopment of this site for residential purposes (15/01043/F refers) has recently been withdrawn.
- 5.26 The submitted sequential test concludes that given recent acceptance of compliance with the sequential test for similar out of centre retail proposals and adopting a common sense approach to the sequential test, the application site, located on an established commercial area and accessible by a range of modes of transport is compliant with the sequential test. The sequential test however failed to specifically address and assess the potential availability or appropriateness of sites within Policy Bicester 5 'Area of Search'. This has subsequently been addressed and is discussed below.
- 5.27 Following an assessment of the above sequential test by the Council's retail consultant, the applicants were requested to clarify matters further in respect of the number of vacant units within the town centre, including the recently vacated Tesco unit and in respect of the site at Bessemer Close, as it was considered that the sequential test had not satisfactorily demonstrated that there were not sequentially preferable sites either within or closer to the town centre.
- 5.28 The subsequent response from the Mango Planning concludes that the available units within Bicester town centre are too small to accommodate the application proposal or even a flexible interpretation of it and that the Bessemer Close site is unsuitable as it is too small for the proposed development and that the site is unavailable and is now the subject of an application for 58 dwellings. Whilst this application has been withdrawn, it is accepted that the site remains unsuitable as it is currently too small to accommodate the proposal.
- 5.29 Following the further objection submitted on behalf of Bicester Sports Association, stating that their site which is within the 'Area of Search' identified by Policy Bicester 5, and is available, the applicants were requested to reconsider their sequential test. The applicant's agent responded stating that this site is not within the existing town centre, nor is it an edge of centre site as defined by Annex 2 of the NPPF and cannot therefore be considered to be sequentially preferable to the application site. This is accepted.

- 5.30 Further to the above, the applicant's agent has now assessed the suitability of the BSA site as an alternative to the application site. The site is currently in active use for sports uses and, as such, Paragraph 74 of the framework applies. This states that existing playing fields should not be built on unless certain criteria can be met. One of these is where the loss resulting from a proposed development would be replaced by 'equivalent or better provision in terms of quantity and quality in a suitable location'. There is presently no planning application for, let alone consent for new replacement facilities. It is therefore concluded that the site is not a suitable site for the purposes of the sequential test.
- 5.31 Having regard to the above, it is considered that the sequential test has been satisfied. The application must therefore now be considered further in terms of its impact and this is considered in detail below.
- 5.32 The NPPF states at paragraph 24 that only if suitable sites in main town centres or edge of centre locations are not available, should out of centre sites such as the application proposal be considered. The purpose of the impact test is to ensure that the impact over time (up to five years or ten for major schemes) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The impact test only applies to proposals exceeding 2,500 square metres gross of floor space, (such as the application proposal), unless a different locally appropriate threshold is set by the Local Planning Authority, with impact assessed on a like-for-like basis. Where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the local planning authority must then consider all other material considerations in determining the application.
- 5.33 In terms of assessing the impact of the development, the NPPF states at paragraph 27 that an application should only be refused if it is likely to have 'significant adverse impact' on the vitality and viability, of the town centre.
- 5.34 In 2010 the council commissioned an update to its 2006 PPS6 Retail Study. In 2012 a further study was commissioned which examined the capacity for comparison and convenience floorspace in the District. This study identified no additional capacity for convenience retail floorspace for Bicester on top of the floorspace as part of the Bicester town centre expansion. However, the study does identify more need for comparison retail within the town. The conclusions of that study found that overall, Bicester town centre is a healthy town centre which is well patronised with a good quality environment. Convenience retail floorspace relates to food, and comparison retail relates to non-food retail.
- 5.35 The Impact Assessment which has also been produced by Mango Planning as part of the Sequential Test, seeks to assess the potential impact of the development on Bicester town centre. In terms of the comparison goods assessment, whilst the like-for-like approach taken to the trade draw by the submitted impact assessment may be reasonable, the Council's independent assessor expressed a concern that the trade draw taken from Bicester town centre had been underestimated, as the submitted report anticipates that only 1% of the total turn-over of the new development would be drawn from Bicester town centre. The report also acknowledges that Bicester town centre offers a range of low to mid-range clothing retailers such as Dorothy Perkins, M&Co, New Look and Peacocks and it is unlikely that a TK Maxx store turning over at £4.7m would draw only 1% from the town centre. Further justification and clarification was sought from Mango on this matter. Mango has responded by noting that the number of clothes shops in the town centre is limited, hence trade diversion of £0.2m or 1%. However, Mango then point out that the existing stores trade at £1.81m (assuming they are trading at benchmark level), and that if the diversion was exclusively from these stores that would represent a 'sectoral impact' of 11%. They dismiss those as 'entirely reasonable' before going on

to suggest that trade diversion would be 0.15% of total comparison turnover.

- 5.36 Level of trade diversion is not a test in itself, in fact, a quantitative trade diversion assessment simply informs, alongside other information, an assessment of (a) likely impact on investment, and (b) likely impact on town centre vitality and viability. A key consideration in the latter case is the likely impact on vacancies. An 11% impact on these stores could leave one or more of them in danger of closing, particularly if any of these stores are trading below company average. Closure is even more likely under Mango's sensitivity test which implies trade diversion of 22%.
- 5.37 In short, even if the trade draw from Bicester town centre is as low as Mango suggest, there is a potential significant impact on a small number of existing stores. If one of the larger stores, or two or three of the smaller stores were to close, which is a realistic scenario if they face trade diversion of 11 to 22%, that would have a significant impact on town centre viability, particularly in the light of the recent closure of the Tesco Metro store in the centre.
- 5.38 Mango Planning were asked to clarify whether, were the proposed development to be approved, the M&S Simply Food store would remain in the town centre. Mango have advised simply that the applicant has no control over M&S and any decision they may take. This only serves to give further cause for concern, as the loss of M&S from the town centre would have further impact.
- 5.39 Given that Mango anticipate that the proposal will trade draw significant proportions of its trade from elsewhere, it is considered that the health of these other centres should also be assessed. Mango were requested to address this omission and responded only by commenting on proposed and ongoing investment in Oxford and Banbury, but have not considered their wider health and failed to deal with any potential impact on Aylesbury.
- 5.40 Mango were also requested to address the potential impact of the proposed development on letting vacant units in Pioneer Square. Mango did not consider this to be relevant, however, anyone who takes space in a vacant unit is making an investment, as well as making a positive contribution to vitality and viability, and it is therefore considered that it is entirely relevant to any assessment of impact. Mango has responded stating that the Sainsbury's led Pioneer Square is very nearly fully let and that the intended tenants would not look to the town centre in any event. Mango considers that the commentary on vacancies to be very misleading, stating that in January 2015 Bicester had a vacancy rate of 8.3%, well below the GOAD average of 12.6% and whilst the Tesco Metro has since closed, this store has been re-let to B&M Bargains as a mixed comparison goods outlet.
- 5.41 The additional information submitted by Mango on behalf of the applicants has been re-assessed by the council's Retail Consultant CBRE who conclude as follows
- In terms of impact, we are mindful that the Planning Practice Guidance makes clear at paragraph 015 (reference ID 2b-015-20140306) that it is for the applicant to demonstrate compliance with the impact test in support of relevant applications. We are not, however, content that Mango have satisfactorily demonstrated that there will not be a significant adverse impact
  - In particular, the impact of the possible closure of clothes stores in Bicester town centre has not been adequately addressed, with Mango focussing on a quantitative assessment of impact. The significance of the potential closure of three stores depends on the extent to which they are important drivers of footfall in the centre and the consequent impact that may result from a reduction in footfall. Those issues have not been properly addressed.
  - It remains our view, therefore, that there is the potential for, or rather the possibility of, a significant adverse impact on Bicester town centre, but the absence of a robust assessment of impact means that we cannot draw a firm



conclusion.

- 5.42 Mango Planning were also requested to address the impact of the development on the possible future delivery of the Local Centre on the Kingsmere Estate. Mango Planning have provided information from Countryside which satisfactorily demonstrates that the delivery of the Local Centre is being progressed and will be delivered in any case. It is therefore considered that the proposal would not impact on the delivery of the Kingsmere Local Centre.
- 5.43 In respect of the various objections received in respect of the sequential test and impact test, it should be noted that whilst the BSA land is within the 'Area of Search' identified in Policy Bicester 5, no planning application relating to the redevelopment of that site for retail purposes is currently with the council for consideration, and furthermore if such a proposal in this location was to be considered acceptable in principle, the loss of these sports pitches within Bicester would need to be suitably replaced.
- 5.44 As a response to the objections received in respect of the sequential test and the impact assessment, the submission has been assessed by CBRE who agree that there are no sequentially preferable sites within the town centre or in edge of centre locations. Further evidence was requested in respect of the former Lear Corporation at Bessemer Close. Clarification from the applicants has confirmed that this site is no longer available and has been removed from the market. It is now considered that the sequential test is satisfied and that there are no suitable alternative sites capable of viable development and out of centre sites must therefore be considered.
- 5.45 In conclusion therefore, it is considered that the sequential test has been met and that there are no sequentially preferable sites within or adjacent to Bicester town centre. The proposal would be likely however, to have a potentially significant adverse impact on the vitality and viability of Bicester town centre and as such is contrary to the Development Plan which seeks to protect the town centre and to direct town centre uses to the town centre; and planning policy relating to the growth of the town centre and the advice within the NPPF.

#### **Loss of Employment Land**

- 5.46 The application site is not specifically allocated for employment use within the development plan. It is however, identified for employment purposes as part of the overall mixed use development at South West Bicester allocated as a strategic urban extension under Policy H13 of the Non-Statutory Cherwell Local Plan. Bicester currently suffers from out-commuting and the provision of this land for employment purposes as part of the wider SW Bicester development sought to address this issue.
- 5.47 Bicester is identified as a key location for employment growth on the Oxfordshire Knowledge Spine through the City Deal and Strategic Economic Plan (SEP), which looks to support significant increases in employment at Bicester through infrastructure improvements and land availability. If retained for employment purposes OCC consider the site could make a valuable contribution to the generation of quality, high tech employment opportunities and provision of a comprehensive range of employment opportunities in the town.
- 5.48 The Council's Economic Development Officer raises concerns that this site has not been presented effectively to the market and that there is a shortage of modern and refurbished b-class premises, and that the site is therefore important to retain for b-class employment as an important balance to the residential and retail development that has been completed and continues nearby. He states that this should contribute to the availability of local employment opportunities to reverse out commuting to higher paid employment areas beyond Bicester and therefore serve the needs of

Bicester residents and businesses whilst contributing to the sustainable goals of the One Shared Vision for Bicester.

- 5.49 Oxfordshire County Council have also expressed concerns with the proposal in terms of loss of skilled jobs that the current approved use could provide and the potential increase in out commuting from Bicester as a result of losing a key employment site.
- 5.50 Consideration must also be given to the current employment conditions and the strong message from Central government that we should be doing all we can to promote jobs to the area and boost the local economy. The applicant's agent argues that the job numbers initially envisaged by Countryside on this site (929 jobs) is not actually achievable and that this proposal will generate across the development in excess of 300 positions. There is however no analysis of how many of these will be permanent full time positions and how many will be temporary or on a part-time basis, and how this actually compares with business employment use on the site. There are already a considerable number of retail jobs in Bicester, with more being provided as part of the expansion of Bicester Village.
- 5.51 As stated above, the application site is currently identified as employment land as part of the overall South West Bicester strategic urban extension. The Section 106 Agreement accompanying the outline planning permission (06/00967/OUT refers), requires that this land be set aside for employment purposes until the first occupation of 1,500 dwellings. During that period the site must be marketed to the 'best endeavours' in accordance with the marketing strategy, the details of which is specified in the agreement, and to use all 'reasonable endeavours' to agree the sale of the site for employment purposes. The proposal is contrary to the provisions of the Section 106 Agreement entered into by the developers Countryside Properties (Bicester) Ltd.
- 5.52 As a result of the above, marketing information and statement were submitted as part of the application, but it was considered that these were not sufficient evidence to show that the site was being actively marketed using 'best endeavours'. Indeed the Council's Economic development Officer in his consultation response stated that he had not been contacted by the land owner or the agent to indicate a lack of demand or to request help in marketing the site, and that he is being contacted by Bicester businesses that are struggling to expand locally.
- 5.53 The applicant's agent was therefore requested to justify the above further. A response has been received in the form of a Supplemental Marketing Statement which has been prepared by VSL and Savills on behalf of Countryside Properties (Bicester) Ltd. The report can be viewed in full on the application file and includes a response to the issues raised by the Council's Economic Development Officer and Ziran Land. The report concludes that the evidence set out demonstrates that the Kingsmere Commercial Centre site has been marketed in accordance with the Marketing Strategy as required by the Section 106 Agreement. It should be noted in this respect that If the application is approved, the Section 106 Agreement attached to the outline consent will need to be varied accordingly.
- 5.54 However, notwithstanding the above, the critical shortage of employment land in Bicester is not currently or wholly borne out by the evidence of the Employment land Study and the adopted Cherwell Local Plan 2011-2031 seeks to allocate strategic sites for employment use in Bicester, these being Bicester Business Park, Bicester Gateway, North East Bicester Business Park and South East Bicester. Having regard to the amount of land allocated for employment uses, along with land which already has consent, the level of harm in respect of the loss of this site for employment purposes requires careful assessment. It is considered that having regard to the above and the information submitted as part of the application that a refusal based on the loss of employment land cannot be justified in respect of this site on loss of

employment land.

**5.55 Transport Impact**

The application has been submitted with a Transport Assessment produced by Turner Lowe Associates on behalf of the applicant which assesses the traffic and highway issues associated with the proposed development. The report states that it utilises parameters that have been agreed with the Highway Authority for other proposed developments in the recent past to avoid the introduction of new information wherever possible. Vehicular access to the development will be taken via the new signalised junction on the A41 serving the Kingsmere development and via the new access road which currently serves the Premier Inn and Brewers Fayre Public House. Servicing of the retail units is proposed from a dedicated service area via the Esso Service Station access from the A41 roundabout and the servicing for the A3 uses is proposed from the proposed car park within the development. A total of 266 car parking spaces are indicated within the original submission to be provided as part of the development. It is suggested that there will need to be some control over the use of the car park to avoid abuse of its use by those visiting Bicester Village.

5.56 The Transport Assessment concludes that the site is accessible on foot (especially considering the new footway to be provided) and its location in relation to the surrounding areas is likely to encourage trips to be made on foot and therefore a potential reduction in car use. The Assessment also states that the site is well served by public transport.

5.57 The proposed submission and the submitted Transport Assessment have been assessed by the Highway Authority who advises that whilst the traffic generation patterns for retail are different to employment land uses, the impact upon junctions adjacent to the site would not be significant when considered against the permitted use.

5.58 The Highway Authority also advise that a Framework Travel Plan would be required for the development setting out the overall objectives for the promotion of sustainable travel and to encourage walking and cycling to the site from the wider area, good quality access points need to be provided on direct routes linking in to the walking and cycling networks. Conditions are recommended in these respects.

5.59 In terms of public transport, a good quality bus service between Oxford and Bicester town centre operates along the A41, but there are no stops within convenient walking distance of this development. The highway authority would therefore require through a Section 106 Agreement, the provision of a new pair of bus stops, including lay-bys, hard-standing areas, shelters, premium Route flag/pole/information case units and electronic real-time information units by the developer.

5.60 In terms of the proposed layout, the primary vehicular route into the site will be via the A41 signalised junction and the already constructed access road which currently serves the Premier Inn and Brewers Fayre Public House. A second vehicular access however was also indicated to the western side of the car park onto the adjacent residential side street. This was not considered appropriate and has since been omitted although a pedestrian/cycle access, still remains. It is considered that this is essential in terms of promoting convenient walking and cycling access to the development from adjacent residential areas. The highway authority have not commented on the internal car park layout, however, the car parking spaces appear to be smaller than the councils standard of 2.5m x 5m with 6m manoeuvring between (measurements taken from the submitted plans). Whilst a tracking plan for servicing has been submitted, if the parking spaces are short, the tracking will not work. In terms of the council's adopted car parking standards for such a proposal, the number

of spaces generated by the retail units is approximately 396, significantly greater than the 266 indicated (a revised landscape plan indicates that this number has now been reduced to below 250).

- 5.61 In response to the above, the applicant's highway consultants advise that the parking spaces indicated are 4.8m x 2.4m with 6m between and consider the scheme is therefore in accordance with national guidelines. However, scaling the most recent amended plans, the indicated car parking spaces are smaller than 2.4m x 4.8m and a number of the disabled spaces encroach into the circulation space. In terms of the number of spaces, it is argued by the applicants that each unit will not have its own car parking as developments such as this have shared trips. A comparison has also been made of other recent developments in Cherwell District, such as the Phase 2 Castle Quay development, Banbury Gateway and Sainsbury's in Bicester Town Centre and the car parking provision made in respect of those developments. A Car Park management Plan is proposed as part of the application to ensure that the car park is available for visitors to the development and not used as an over-flow car park for Bicester village. It is suggested that this Plan would be developed over time and tailored to the needs of the development. The Plan would provide for monitoring and changes to be made in terms of the length of stay and enforcement methods. A condition relating to this is recommended by the highway authority.
- 5.62 A number of objections have raised concerns regarding the likely traffic to be generated by the proposal and therefore its impact on the local highway network and the adequacy of the Transport Assessment. A number of concerns have been raised by third parties regarding the adequacy of the submitted TA and the likely traffic that will be generated by the proposal and therefore its impact upon the surrounding road network. The various objections were passed to OCC as highway authority and your officers therefore requested that the submitted TA was re-assessed in the light of those objections. These objections together with the TA have been re-assessed by OCC as Highway Authority who confirms that the original highway response which did not raise objections to the Transport Assessment remains appropriate. In terms of servicing access to the retail units, they also confirm that tracking has been supplied for the HGV's and is acceptable to the highway authority. The most recent set of amended plans (received 21<sup>st</sup> September) show changes to the service area and revised tracking plans are therefore necessary. The highway authority has been requested to assess the revised layout plans. Members will be updated at the meeting.
- 5.63 In response to the specific points raised by Bicester TAG, the highway authority provide the following additional comments:
- They state that no amended transport assessment has been supplied. A TA was provided with this application, specifically assessing the uses proposed. It was carried out by Turner Lowe Associates, Traffic Engineering Consultants dated February 2015.
  - They state that the development could generate 9000 movements in the peak. This is way in excess of the stated generation, which is based on accepted TRICS data and assumptions about shared, pass-by and transferred trips which are related to rates accepted at Banbury Gateway. The total weekday pm peak generation is set out in table 6.1 of the TA, page 16
  - They state that the development will have entirely different traffic generation and peak hour movements. The TA finds that the impact of the development will not be significant enough to alter the peaks on the adjacent network, which are the usual pm Mon-Fri peak, and a Saturday lunchtime peak. Both peaks have been assessed.
  - They express doubt that the highway works designed to address the needs of the Bicester Village extension and the new Tesco development will cope with the traffic generated from this development. The assessment against which the highway works were modelled and predicted to operate with spare

capacity, allowed for the traffic from the previously consented employment site. When these flows are subtracted and the flows predicted from the current proposal are added, the highway scheme is still predicted to operate with spare capacity

- They express concern about the car park access being through residential streets and close to a secondary school. Details of the vehicular accesses should be conditioned and the safety of the design of the accesses will be assessed. However, the additional traffic in itself is not necessarily a safety hazard – it is down to the design.
- They express concern about overspill parking. The parking is well below the parking standards for the uses proposed and I would question whether the standards for these uses should be considered maximum standards – perhaps you could check what it says in CDC policy. Although of course, the more parking there is, the more vehicle trips are encouraged. The parking management plan proposes a 2 hour maximum stay to deter Bicester Village customers but does say that this might have to be revised if insufficient for the proposed development. I would suggest that the parking management needs to be strengthened with an alternative proposal – perhaps a ticket system requiring validation from one of the outlets? The developer could be required to provide a sum for the introduction of residents' parking controls in adjacent streets if overspill parking becomes an issue, but this would need further discussion.
- The modal share data is based on Bicester shopping habits as a whole and it will be challenging to achieve this from an edge of town shopping development. Stringent targets should be set as part of the travel plan, based on predicted mode share.

5.64 Section 4 of the NPPF 'Promoting Sustainable Transport' at paragraph 32 advises that all developments that generate significant amounts of movement should be supported by a Transport assessment or Statement, and that plans and decisions should take account of whether

- Opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.65 This application is supported by a Transport Assessment which has been assessed by the Highway authority as reasonable, and neither have they raised objections to the proposal in terms of traffic generation or highway safety.

5.66 Having regard to the advice from the County Council as highway authority, it is concluded that the effect of the proposal on the local highway network will not be severe in highway terms and it is therefore in accordance with the advice within the NPPF in this respect and a refusal on highway grounds is not justified.

#### 5.67 **Sustainability**

Sustainability is one of the key issues at the heart of the NPPF and the proposal must therefore demonstrate how it achieves sustainable objectives, including the need to show how it promotes sustainable transport bearing in mind that this is an out of centre location. The sequential test however, does demonstrate that there are no sequentially preferable sites for a development of this nature and so access by other means than the private car must be explored. The submitted transport assessment states that 36% weekday and 29% Saturday of customers will arrive on foot. A

Framework Travel Plan is required setting out the overall objectives to the promotion of sustainable travel, and each of the units will need to produce a supplementary plan that is linked to the objectives in the framework travel plan. This requirement can be dealt with by condition. In terms of cycle and footpath links, the Design and Access Statement advises that proposed footpaths to the north of the site will provide accessible pedestrian links to the Kingsmere development which provide connections into Bicester centre. Along the Oxford Road it is proposed that the development will tie into the proposed pedestrian and cycle works as part of the new Tesco Superstore which in turn will provide links to Bicester Village and Bicester town centre. It also states that through the site there are generous footways and areas of public realm.

- 5.68 Guided by the NPPF, the principles of sustainable development are in three dimensions. The economic role can be demonstrated by ensuring that the development is of the right type and in the right place, that is, is it a sequentially acceptable site. Socially, the development should be of a high quality built design and be accessible, reflecting the community's needs. In terms of the environment the development should contribute to protecting and enhancing the environment. These aspects are all considered elsewhere within the report.
- 5.69 Measures have also been taken in terms of the design and method of construction of the buildings and the submitted Design and Access Statement advises that the development is intended to meet the sustainability standards set out in the Kingsmere Design Code. Policy ESD 3 of the Cherwell Local Plan requires that all new non-residential development will be expected to meet at least BREEAM 'very good' and therefore, should the application be approved, it is considered that this condition should be imposed.

#### **Design and Layout**

- 5.70 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'
- 5.71 Paragraph 61 states 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'
- 5.72 Paragraph 63 states 'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'
- 5.73 Paragraph 65 states 'Local Planning Authorities should not refuse planning permission for buildings or infrastructures which promote high level of sustainability because of concerns about compatibility with the existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)
- 5.74 Policy ESD 15 of the newly adopted Cherwell Local Plan 2011-2031 advises that design standards for new development whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states

that 'control will be exercised over all new development, including conversions and extensions to ensure that the standards of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of that development'.

- 5.75 The Design Code which was approved in July 2008 and relates to the development at South West Bicester, sets out the key issues to be addressed by developers and their agents. The Design Code seeks to ensure consistency throughout the development and to ensure that specific requirements are adhered to. Whilst this is a new outline application, it is considered that the principles of the Design Code remain a consideration in shaping the proposed development on the site, and should be an initial starting point for designing and formulating the proposal to ensure an appropriate scheme which pays due regard to its location and the adjacent uses within the Kingsmere development. It was understood from Countryside, that previous interest in the land for employment purposes had been rejected on the grounds that a large building was sought rather than a series of smaller units and that this was not what was considered appropriate for the site. The scheme submitted for consideration essentially proposes a single large building, contrary to the aspirations of the Design Code, which whilst there is no obligation for this development to comply with the Design Code, it is a useful document in helping to define the baseline against which the scale, design, form and appropriateness of the development can be judged.
- 5.76 Having regard to its location and context in terms of the adjacent residential properties, the Design Code identifies what form the development on the employment site should take, requiring buildings to front the boundaries of the site and to pay proper regard to the residential properties opposite, which will be essentially 2-2.5 stories in height as required by the Design Code. A maximum height of 14.5m is also specified, and surveillance of the adjacent streets from the development is also required.
- 5.77 Whilst it is noted that this application is in outline, the only matter being reserved for future consideration is landscaping, and therefore the scale, form and design of the proposal must be considered as part of this submission.
- 5.78 The application is accompanied by a Design and Access Statement. Policy ESD 15 of the adopted Cherwell local Plan 2011-2031 advises that the design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design and Access Statement.
- 5.79 The appearance of new development and its relationship with its surroundings and built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance. The Design and Access Statement states that 'the inspiration behind the design approach was a collection of juxtaposed furniture pieces. Each item has a unique identity which relates to the integrity of the whole composition. The forms comprise of a variety of angles and alternating heights and widths which allow for a rhythm that can be sculpturally translated into a building façade'. The Design and Access Statement goes no further however in explaining how this translates into the wider area and why this is an appropriate form of building and development for this site and the town of Bicester generally. The Design and Access Statement also lacks detail and fails to justify why the site has been identified, why it is suitable for the development proposed and how the concept of the proposal has evolved to seek to justify the scale of the buildings, the choice of materials and how the final designs taking into

consideration the immediate development together with the site's opportunities and constraints. No specific design principles have been set to guide the design approach and there is very little graphic support to show the development or test the design principles.

5.80 The three larger retail units which are located at the north eastern end of the site and serviced via the adjacent Esso Garage and restaurant access were originally proposed to be constructed of a mix of modern cladding systems, composite metal cladding systems and large areas of glazing to the front elevations which face out into the internal car park. The plans have been subsequently amended by the agent and now indicate the use of brick and stone to the main façade with timber entrances. The applicants consider that these amendments better reflect the requirements of the Design Code. The roofs vary in height to help try to break up the size and scale of the building, indicating a variety of flat roofs and mono-pitch butterfly roofs. Some glazing is also proposed to the A41 Oxford Road to provide some visual relief to the building from this significant frontage. In terms of scale, the buildings are significantly larger than envisaged should the site be developed for employment purposes, which is more easily able to result in a series of small and larger scaled buildings than two significant buildings positioned as proposed on the site. The larger retail building has an elevation of 40m to the residential properties and a general height of 12m to some of the flat roofed areas but rising to 17m at the highest part of the 'butterfly' roofs. The A3 and Gym building which is located adjacent to the Primary Street which serves the Kingsmere development are slightly smaller in scale, having a general flat roof height of 12m and a maximum height of 15m. This higher element was designed to give an area of raised height to reinforce the elevational design and provide interest to the building. The proposed materials for this building, are again a mix of modern cladding systems, although the latest set of revised plans also now include brick as a material. In terms of the overall scale of the buildings proposed, these will be seen in the context of the adjacent existing development, these being the adjacent petrol filling station and Little Chef, new residential properties, the single storey primary school building and the adjacent Premier Inn and Brewers Fayre buildings. The Premier Inn building as constructed has a maximum height of 11.5m to its entrance and the Brewers Fayre only 8m. The proposed buildings as part of this submission are substantially larger than these both in terms of their height and scale.

5.81 It is considered that the principles behind the design proposals, seeking to create a clean, modern development are generally what would be expected for such modern retail units, but, as expressed above, there is concern that the scheme is inappropriate for this location having regard to its prominent position and the form and nature of the immediately adjacent development. The Design Code specifically requires the development on this site to create enclosure along the streets and for buildings to provide surveillance to those residential streets adjacent. The initial scheme failed in this respect, providing blank elevations to the main streets and a poor outlook for the occupiers of the proposed residential units. Similarly the A3 units turned their back on the primary street, one of the main access routes into the Kingsmere development, with a delivery layby indicated and servicing of these units from this street. This was not considered acceptable in terms of providing an active frontage to the street, natural surveillance over the street and an appropriate relationship with the adjacent residential development and primary school site. Servicing of the restaurant uses and the placing of bin stores were not considered appropriate to this important frontage and one of the main entrances into the Kingsmere development. The applicants were advised that any development must define the frontages and contribute to the attractiveness, life and security of the adjoining street by incorporating windows and doors into facades where possible to ensure natural surveillance and an active frontage. Servicing is indicated on the latest revised plans (21<sup>st</sup> September 2015) to the frontage and car park area, it is not clear from the submission however, that it will be possible for delivery vehicles to access from the car park which appears tight and no tracking plans have been submitted.



The applicant's agent has been requested to respond to this point.

- 5.82 Following a meeting and discussions with the agents, revised plans have been received. The main amendments relate to the A3 and gym block to the Primary Street frontage which has been revised to include larger areas of glazing and relocation of the service/bin store areas to ensure a more active frontage to this street with access into the restaurant areas and a narrow seating area along this frontage. Whilst the revised scheme is an improvement and has addressed some of the issues raised in respect of creating a more active frontage, the outdoor seating area is very narrow and will effectively result in very little interaction with the adjacent primary street frontage. Furthermore, no soft landscaping is provided along this frontage resulting in a very hard and urban form. Any landscaping shown is to such small areas it will likely be impractical to provide and maintain effectively. In terms of the larger retail building to be occupied by M&S, Next and TK Maxx, it is considered that this remains unfortunate in terms of its scale, form, relationship and visual appearance to the adjacent residential street as well as the locality generally. In terms of the most recent revised plans relating to the 3 retail units (September 21<sup>st</sup>), whilst the position of the building has been amended, it is set in only 10m from the edge of the site to the adjacent residential side street and whilst it is proposed to provide a landscaped bund to this area to provide some soft relief, the space remains minimal in terms of providing any substantial and meaningful planting to this elevation to mitigate the impact of the development on the adjacent proposed residential properties. Additional cross-sections have now also been submitted indicating a distance of approximately 21m from the side elevation of this building, which extends for 40m along this boundary, and the indicated front elevations of the proposed adjacent 2-2.5 storey residential properties. Whilst this distance is greater than previously indicated, it is considered that the relationship between the retail buildings and the residential properties remains unacceptable in terms of their size and scale.
- 5.83 As previously stated, whilst this application is in outline only, the only matter for future consideration is landscaping, and therefore, access, scale and layout must be considered in respect of this application. Having regard to this, whilst the finer details of the landscaping scheme are reserved for later consideration, the development and the layout must ensure that there will be sufficient space for meaningful landscaping. Due to the form and scale of the buildings proposed and the car parking provision, there is very little scope for any meaningful planting. Concern was raised in that Unit 3 was positioned so close to the boundary with the A41 that it would be likely that much of the existing hedge would be lost during construction. The amended plans now show the building line amended to move it off this boundary line, and whilst this is an improvement, it remains close to the boundary. Furthermore, the servicing area to the rear of these units will be visible from the A41 roundabout, and the proposed scheme proposes to reduce the height of the existing hedge to the A41 boundary to allow clear views to the development from passing traffic. As stated above, the indicative landscaping to the residential street remains inadequate in terms of providing an effective screen to the buildings and the proposed servicing area. Having regard to the shortfall of car parking provision as identified in paragraph 5.60 above, and the lack of space for any meaningful landscaping, together with the scale and form of the development proposed, including the proximity of the buildings to all boundaries of the site, and its relationship and proximity to the proposed residential properties, the proposal is considered to be an inappropriate and unacceptable overdevelopment of the site. Whilst revised plans have been submitted which seek to address the concerns raised in terms of the scale and form of the development, the development remains unacceptable for the reasons above.
- 5.84 Having regard to the above therefore, it is considered that the scheme proposed fails to comply with the requirements of the NPPF in seeking to ensure that the new development contributes positively to making places better for people, would be contrary to Policy C28 of the adopted Cherwell Local Plan 1996 and Policy ESD15 of

the Adopted Cherwell Local Plan 2001-2031 and would result in an inappropriate form of development on this prominent A41 frontage which is out of scale and character with the locality and proposed residential properties.

### **Ecology**

- 5.85 The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.86 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity’ and;
- 5.87 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European protected Species are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that ‘a competent authority, in exercising their functions, must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions’
- 5.88 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.89 Under Regulation 41 of the Conservation Regulations 2010, it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if three strict derogation tests are met:-
1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
  2. Is there a satisfactory alternative
  3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.90 Therefore where planning permission is requites and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation Habitats and Species Regulations 2010 provides that a local planning Authority must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.91 In respect of this application site, the constraints have highlighted that there are Northern Lapwing and Eurasian Badger within proximity of the site, and whilst these are not specifically protected species as identified by the Regulations, they are Notable, UK BAP Priority and Section 41 Species.
- 5.92 The Council’s Ecologist has assessed the ecological information submitted with the application which is a monitoring report for the wider site, which reveals that it is not being managed as per the agreed ecological management plan, which as a result, many habitats are degrading. No survey has been specifically submitted in respect of the application site, and the design and access statement submitted with the

application refers to biodiversity being a key element but does not elaborate on any of their plans in this regard. The applicants have been requested to address this issue and an ecological appraisal has since been carried out.

- 5.93 A Phase 1 Habitat Survey was carried out on 17 July 2015 in order to ascertain the general ecological value of the site and to identify the main habitats and features present. The vast majority of the site itself (including all internal areas) was recorded to comprise recolonizing ground/ruderal vegetation with other features limited to the recently constructed access road leading to the site, along with associated pavements, lighting and sub-station. The only habitats present are restricted to the vegetation to the northern and eastern boundaries.
- 5.94 On the basis of the survey work, the report considers that the habitats present within the site offer no more than low ecological value and any opportunities for faunal species (including protected, rare or notable species) are extremely limited and there would appear to be no over-riding ecological constraints on the proposed redevelopment of the site. Accordingly it states that suitable mitigation and compensation measures are largely limited to:
- Minimising any loss of eastern boundary vegetation and installation of protective fencing to safeguard retained boundary vegetation
  - Mitigation measures in regard to nesting birds (suitable timing of vegetation clearance)
  - General construction safeguards
  - Although areas are limited, where possible new planting should use native species of wildlife value
  - Where possible a variety of bat and bird boxes be incorporated into the development.
- 5.95 All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). The appraisal and recommendations above are considered appropriate in this respect. In terms of net gains in biodiversity, it is regrettable that the submission does not provide sufficient space for any significant areas of new planting, however, it is suggested that bird and bat boxes can be incorporated into the building construction. It is suggested that this can be dealt with by condition. The Council's ecologist has assessed the report and advises that the mitigation measures recommended are acceptable and appropriate for the site.
- 5.96 Consequently it is considered that article 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected or other species found to be present on the site will continue, and will be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policies within the adopted Cherwell Local Plan.
- Flood Risk Assessment**
- 5.97 The Environment Agency has not objected to the proposal as the application site is not within a high risk area, being located within Flood Zone 1. However, as the site exceeds 1 hectare in size, the NPPF sets out a Flood Risk Assessment should be submitted for all developments. The application was accompanied by a Flood Statement and Drainage Strategy Statement which are not considered sufficient. A Flood Risk Assessment was requested and has now been submitted. This has been assessed by OCC as flood authority who raise no objections subject to the imposition of a condition.
- Planning Obligation**
- 5.98 The proposal generates a need for infrastructure contributions to be secured through a planning obligation, to enable the development to proceed. These contributions relate to the provision of bus stops along the A41 which will be secured through an agreement with OCC.

- 5.99 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- Necessary to make development acceptable in planning terms
  - Directly related to the development, and
  - Fairly and reasonably related in kind and scale to the development
- 5.100 It is considered that without the bus stop provision above there would be a detrimental effect on local amenity and the quality of the environment and the need to ensure that all new development is sustainable.
- 5.102 The applicants have also suggested that they would be willing to include a contribution as part of a Section 106 towards town centre initiatives. This matter is currently being explored further.

### **Engagement**

- 5.103 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application and through seeking to work with the applicants to enable them to provide sufficient information and revised plans which seek to address issues raised.

### **Conclusion**

- 5.104 Having regard to the assessment above, it is considered that the development proposed would have a significantly adverse impact on the vitality and viability of Bicester Town Centre, and furthermore represents an inappropriate form of development and an over-development of the site which would be out of keeping with the character of the locality and detrimental to the residential amenities of the adjacent residential development. The application is therefore recommended for refusal on the following grounds.

## **6. Recommendation**

### **Refuse:**

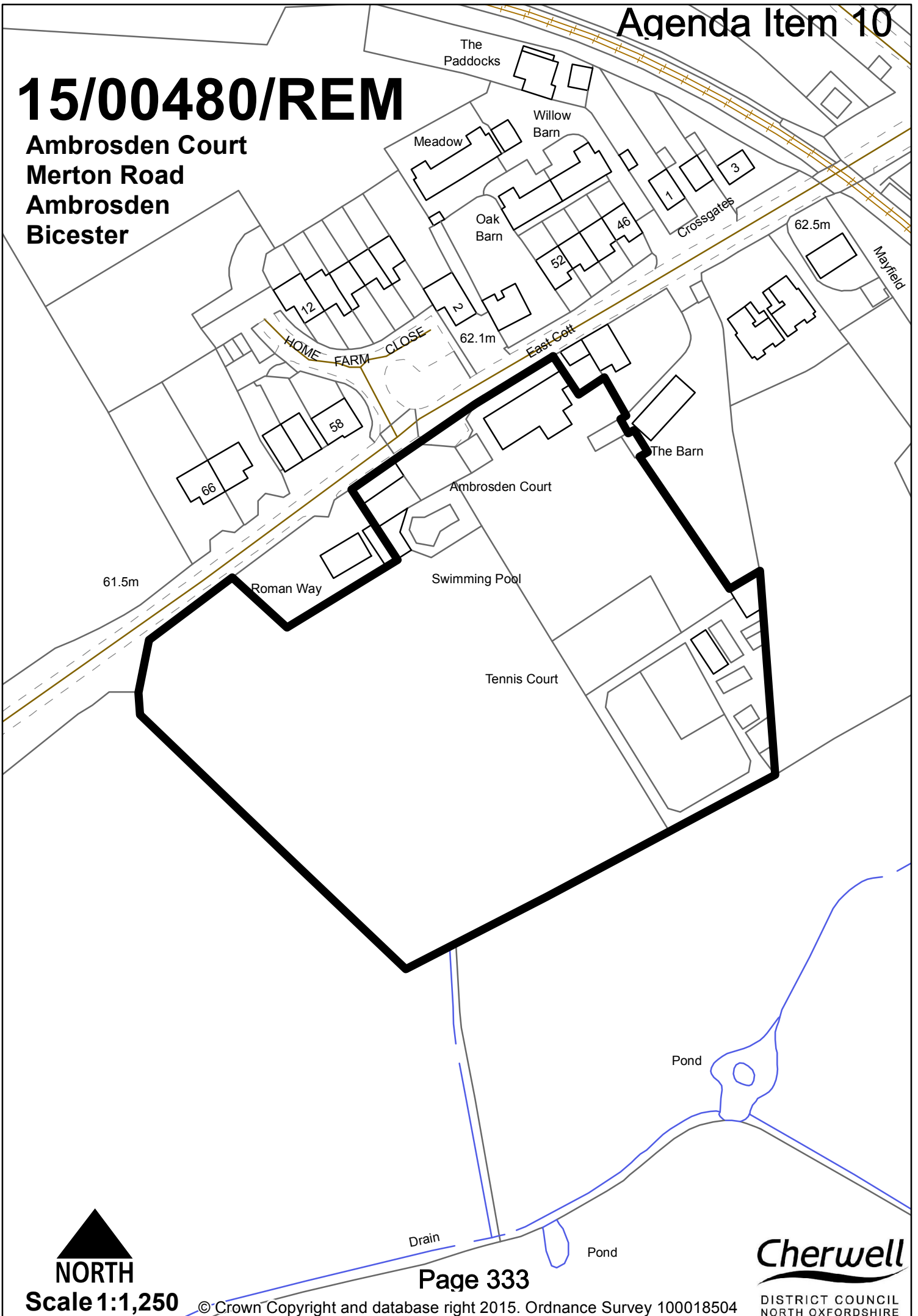
1. It has not been demonstrated by the submission that the development proposed will not have a potentially significant adverse impact upon the vitality and viability of Bicester Town Centre, and is therefore contrary to Policy SLE2 of the adopted Cherwell Local Plan 2011-2013, Paragraph 015 of the Planning Practice Guidance and Paragraphs 26 and 27 of the National Planning Policy Framework.
2. The development proposed, by virtue of its form, scale and height, together with substandard car parking and landscaping provision, would be out of scale and character with the adjacent residential development and detrimental to the visual amenities of the street scene, and of the area; and result in a poor relationship with the adjacent residential development, contrary to saved Policy C28 of the adopted Cherwell Local Plan 1996 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.
3. In the absence of a satisfactory planning obligation, the Local Planning authority is not convinced that the necessary infrastructure directly required as a result of this scheme will be delivered. This would be contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

# 15/00480/REM

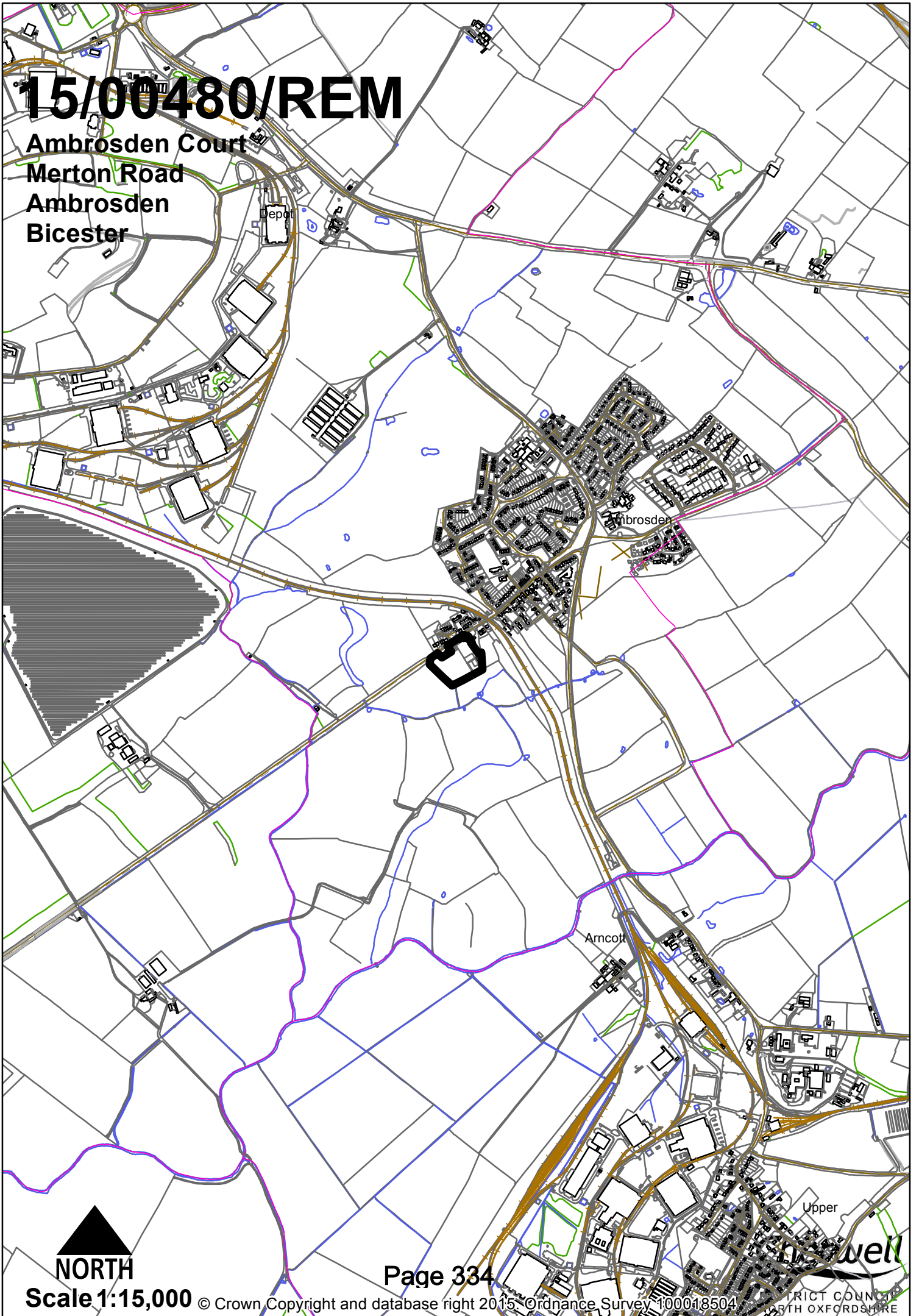
**Ambrosden Court  
Merton Road  
Ambrosden  
Bicester**



**NORTH**  
**Scale 1:1,250**

# 15/00480/REM

Ambrosden Court  
Merton Road  
Ambrosden  
Bicester



Scale 1:15,000

**Site Address:** Ambrosden Court, Merton Road, Ambrosden

**15/00480/REM**

**Case Officer:** Matthew Parry

**Recommendation:** Approval

**Ward Councillor:** Councillor Lynn Pratt

**Ward:** Ambrosden and Chesterton

**Applicant:** Croudace Homes

**Application Description:** Reserved Matters to 13/00621/OUT - Appearance, landscaping, layout and scale for 45 dwellings - (Amended Plans - Amended design and layout of buildings and road layout, together with alterations to landscaping and site enclosures)

**Committee Date:** 1<sup>st</sup> October 2015

**Committee Referral:** Call-in by Ward Councillor due to concerns raised by the Parish Council

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## 1. Application Site and Locality

1.1 The application site relates to a large detached stone-built house on the western edge of Ambrosden together with its large rear garden and an adjoining field used for livestock grazing that is approximately 1.63 ha in size. The site is therefore comprised of predominantly undeveloped greenfield land that forms part of the wider countryside setting to Ambrosden. The site is relatively open and flat with a combination of low-key vegetation and simple post and rail fencing marking the site's boundaries with the countryside beyond. There are however a couple of more mature trees within the site close to the site's eastern boundary with the neighbouring property of The Barn. High stone boundary walls abut and enclose the footway along the site's road frontage and extend down and along the site's eastern and southern boundaries with neighbouring residential properties. Unusually, the site wraps around the side and rear of the neighbouring house of Roman Way such that this existing dwelling is effectively sited mid-way along the site's Merton Road frontage.

## 2. Description of Proposed Development

2.1 Planning permission was granted in April 2014 at appeal for up to 45 dwellings on the site subject to the approval of reserved matters relating to layout, scale, external appearance and landscaping. Vehicular and pedestrian access to the site is not a reserved matter and therefore was considered in detail at the appeal. This application represents the first reserved matters submission following the granting of outline consent and continues with the upper limit of 45 dwellings in the form of a mixture of relatively traditionally styled detached, semi-detached and terraced two storey housing ranging from two to five bedrooms in size. Areas of open green space, play space, car parking, cycle parking and bin storage are also proposed together with the new residential streets. An affordable housing schedule has also been submitted that indicates the proposed siting of the affordable units that are required in accordance with the legal agreement associated with the outline consent.



### 3. Relevant Planning History

09/01346/OUT - Erection of 9 dwellings to the West and South of Ambrosden Court and replacement garage. Alterations to existing access to Merton Road. Access and layout only. **Refused 11.12.2009**

10/01219/OUT - Demolition of existing outbuildings, alteration of exiting access, construction of 5 no. new dwellings. **Permitted 08.10.2010 but not implemented.**

13/01221/REM - Reserved Matters Application (10/01219/OUT) - Approval of overall appearance of the scheme and the acceptability of landscaping proposals. **Permitted 07.10.2013 but not implemented.**

13/00621/OUT - OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road. **Refused 12.07.2013. Allowed at appeal 02.04.2014.**

13/01669/OUT - OUTLINE - Development of 45 dwellings with access from Merton Road - re-submission of 13/00621/OUT. **Refused 10.01.2014.**

### 4. Publicity

The application was publicised by way of press notice, neighbour notification letters and a notice displayed near to the site both in the case of the originally submitted proposals as well as amended proposals. 13 third party representations were received in relation to the original proposals and the comments made are summarised as follows:

- Merton Road has seen a significant increase in traffic in recent years which has made it dangerous for pedestrians and vehicle traffic as it is too narrow with inadequate footways. The proposals would exacerbate this.
- Ambrosden has already been subject to enough new housing and does not need any more of the dust, noise and disturbance associated with construction.
- The local primary school is overcrowded and this development would put more pressure on it.
- Development such as this causes a loss of wildlife habitat.
- The pedestrian access arrangements are shown to link to a private footway to the front of Rowan Way which is outside the control of the applicant.
- Proposed house plots to the western edge of the site should be constructed of natural stone as they are visible on the approach to the village.
- The affordable housing should be more evenly distributed throughout the site.
- The proposals would encourage the parking of cars on Merton Road.
- The proposed development does not include any bungalows to serve the needs of local elderly people.
- It is preferable for houses along Merton Road not to have access out onto the street in the interests of dissuading cars from being parked along the road.
- Bollards and double yellow lines could be installed along Merton Road to prevent on-street car parking from this development.

- The internal road layout does not allow for the turning of delivery vehicles in some areas which would result in long distances of reversing within the site to the detriment of pedestrian safety.
- Studios are proposed above some garages and planning conditions should be used to prevent use as sleeping accommodation.
- The Council should ensure that bin storage is provided in appropriate locations throughout the site in the interests of visual amenity.
- It would be desirable for trees and planting to be continued along the boundary wall to the rear of plots 4, 5 and 6 to improve privacy for occupiers of The Barn (an adjacent dwelling).
- A stone garden wall runs along the entire eastern boundary of Ambrosden Court and this should be retained in the interests of protecting neighbouring amenity at The Barn.
- No balancing pond is shown with the proposals yet was shown in the indicative masterplan submitted in support of the outline application. It is not clear why this is the case and this could lead to surface water flash flooding.
- There does not appear to be a children's play area within the site yet there was an obligation to provide this as part of the outline consent.
- The development proposes the upper limit of the 45 dwellings approved at outline stage. A more sympathetic layout could be proposed to create a development that better responds to its rural context.

Following re-consultation on amended proposals, six objections were received from four different addresses and the comments raised are summarised as follows:

- The revised plans show a welcome improvement to the layout and a more appropriate palette of construction materials;
- Plot 1 is shown close to the boundary wall with the neighbouring East Cottage. Whilst no windows are proposed in the side wall a bathroom window is proposed in the rear at first floor level and this has the potential to allow overlooking of the garden of East Cottage.
- The front elevations of Plots 1-3 are shown to be constructed of stone but the rear elements are in brick. Residents of East Cottage would look out onto this unsightly change in materials.
- A number of mature trees are shown to be removed and not all would be replaced. There needs to be tree planting along the boundary with East Cottage to preserve the rural view from the property.
- There is limited provision of visitor parking within the development which could increase parking congestion along Merton Road.
- There are two terraces of houses either side of the vehicular access from Merton Road which each have pedestrian accesses out onto Merton Road. This would encourage residents, visitors and delivery vehicles to park in Merton Road rather than drive round into the development to park. Further on-street parking would impede traffic movements and endanger highway safety.
- The vehicular access is directly opposite that to Home Farm Close. This will make it dangerous from cars trying to exit at the same time which would be exacerbated by cars parked in Merton Road.
- The dropped pedestrian kerb is in a poor location where the footways are of insufficient width to turn prams or wheelchairs and then navigate past telegraphs poles in the footway.
- The proposal for a balancing pond has been removed which makes it more likely that surrounding properties will experience flooding.
- The houses along the northwest and southwest boundaries of the site should be constructed wholly of natural stone rather than featuring some areas of brickwork.

## 5. Response to Consultation

### **Cherwell District Council:**

Strategic Housing – Comments were made on the original proposals only and stated that the location, mix and specification of the proposed affordable housing appears to be suitable. An improved mix of market housing could be provided so that a greater number of smaller and accessible dwellings are provided.

Conservation – Comments made on the original proposals only. A Heritage Impact Statement has been produced which provides background to the approach taken to the setting of the grade II listed building of Holly Cottage. The significance of the building is identified as being its historic interest to the village of Ambrosden, its architectural appearance and the view of the building whilst entering Ambrosden. The Heritage Impact Statement discusses its materials, architectural style and position on the plot and in relation to the road (set back 5m from the edge of the road). The approach taken with the design of the properties facing Merton Road is to set them back a similar distance from the road and to create design of similar characteristics with wide fronted houses with centrally positioned doors and constructed of stone. There has been no attempt to replicate the thatched roofing material. The approach proposed is what would usually be expected for respecting the setting of a listed building - by taking design cues from the building, but not replicating it and making the development subservient to the building. There are, however, significant concerns with this approach in this instance. The proposed terraces are very bland; there is no vertical emphasis and the individual houses are not distinguished from each other. The presence of the existing property of Roman Way means that they cannot form a continuous line along the road frontage. The proposed solution does not provide a suitable setting for the listed building or the approach into the village of Ambrosden. The listed building and the properties immediately opposite to the south of the road are the only historic buildings in the locality. These are surrounded by modern development. The walls surrounding the current building of Ambrosden Court are the key element of the area which give a sense of local distinctiveness and provide a positive setting to the listed building. The existing walls should be retained with the housing set behind these walls, this would preserve the existing setting of the listed building. If this approach is not possible the alternative would be to set the development back to a far greater extent, similarly to that on the opposite site of the road at Home Farm Close. This would create a greater sense of consistency in the street scene and a greater distinction between the modern development and the start of the historic settlement. The listed building would remain the dominant building in the streetscape from the western approach to the village.

### **Oxfordshire County Council:**

Local Highway Authority – No objection subject to conditions including the need for the specification of the works linking the public highway to the development to be approved and the requirement for appropriate vision splays to be provided at all times.

Archaeology – No objections subject to conditions requiring a written scheme of investigation to be agreed and a staged archaeological evaluation of the site.

### **Other External Consultees:**

Thames Water – No concerns with respect to foul sewerage capacity.

Environment Agency – No objection as matters of flood risk were considered at outline stage where development has been restricted to that in flood zone 1 only and therefore not at particular risk of flooding. Conditions on the outline consent relate to sustainable surface water drainage.

Ambrosden Parish Council – Comments made on the amended proposals are summarised as follows. The Parish Council objects to the proposals for the following reasons:

- The revised proposals remove the existing footway that currently exists to the east of Roman Way. The removal of this footway disconnects Roman Way from the rest of Ambrosden forcing the residents of Roman Way to cross the road to walk to the village. This is detrimental in highways terms and the footway should be reinstated.
- The dropped kerb on the North side of Merton Road will be positioned where the footway is only 900mm wide. Pedestrians who have buggies or wheelchairs will not be able to negotiate this dropped kerb without being tipped into the road, due to the geometry of the footway. This presents a highways safety issue, footway widening and carriageway reduction in this area should be considered.
- The construction of this development will have a significant impact on the elderly and infirm owners of Roman Way, as it is on all three sides of the development. Where possible attempts should be made to make the impact as low as possible. The following conditions should be applied to the development to ameliorate the impact to below nuisance levels.
  - a. Limit of working hours to 8.30 to 5pm Monday to Friday. No weekend or bank holiday working.
  - b. The new stone boundary walls proposed to Roman Way Shall be erected prior to commencement of development and site setup.
  - c. That the site compound location should be approved and agreed prior to commencement.
  - d. No materials to be stored within 20m of the boundary with Roman Way
  - e. No burning of materials on site.
  - f. No equipment or generators to be run between the hours of 5pm and 8.30 am
  - g. No delivery lorries to wait on Merton Road or Park Farm Close.
  - h. Banksman and traffic control to be used at all times a site entrance.
  - i. Services to Roman Way to not be obstructed.
  - j. Wheel washing condition.
- While the amendments to the area around plots 33-36 are acknowledged, it is imperative that vehicles are restricted from stopping or parking on Merton Road, outside these houses, as this will block the visibility splays to Roman Way, and conflict with the traffic calming and ramp. An impervious post and rail fence or stone wall, softened with a hedge should run from the boundary with Roman Way westwards to link up with the new proposed hedge on the western boundary of the site.
- Outline application 13/00621/OUT, was accompanied by illustrative plans, and included a number of bungalows. These bungalows were positioned to the south of Roman Way, and limited the impact of the development on Roman Way as well as providing a mix of dwellings. The bungalows should be reintroduced into the scheme and, if not positioned as previously shown, the proposed dwellings 37-41, should be 1.5 storey with rooms in the roof. An improved housing mix was also thought necessary by the Council's housing team where the provision of smaller market housing was encouraged.

- The front elevation and building material plans show that plots 1-3 will be fronted by stonework. However the rear extension to plot one will be brick. Therefore there will be an unsightly change in exterior from the windows and gardens of East Cottage. Furthermore this brickwork to the rear of the plot is not in keeping with the current boundary walls nor respectful of the period nature of the nearest residential dwellings. The west facing walls of plots 26-33 should be faced in stone.
- Planning conditions should be applied to ensure that these annexes cannot be used as for sleeping accommodation, the running of businesses, or separate dwellings.
- Permitted development rights should be removed due to the small garden sizes.
- Unsightly bins can damage the visual amenity of an area and contribute to increased levels of anti-social nuisance such as odour and litter, so bin storage should be carefully planned. The Parish Council consider that a planning condition should be imposed ensuring that bins should not be stored in the front or side gardens of dwellings.
- The situation with respect to vehicular parking and deliveries has been improved. We however have concerns about the lack of close visitor parking to plots 33-36. Two visitor spaces should be introduced to the west of plot 32. The parking spaces to plots 3 and 45 are not workable. While tracking diagrams have been produced, these utilise a small family vehicle and not a large family car with larger turning circles will not be able to use these spaces without considerable manoeuvring
- Members of the public have requested that we repeat the local knowledge that the tennis court and green house area of Ambrosden Court has flooded a number of times over the past 40 years. While we note that the Inspector found this issue was not sufficient to stop development, the houses to the southern part of the development site should be provided with appropriate flood escape routes, and a flood escape plan, and flood warning system should be provided. We also have concerns that the developers have not adequately demonstrated that the foul drains have sufficient capacity to take surface water as proposed. Conditions should be applied to ensure that a fully modelled drainage strategy has been approved by the Environment Agency to ensure that water courses and neighbouring dwellings are not contaminated with sewage in periods of heavy rainfall.

## **6. Relevant National and Local Planning Policy and Guidance**

### **Development Plan Policies**

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s Development Plan are set out below:

#### **Cherwell Local Plan 2011 - 2031 Part 1**

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC11 - Local Standards of Provision - Outdoor Recreation

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

ENV1 - Development likely to cause detrimental levels of pollution

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

CDC's Home Extensions and Alterations Design Guide (March 2007)

**7. Appraisal**

Officers' consider the principal planning issues in this case to be:

- Background and Planning History;
- Design and Layout;
- Housing Mix;
- Impact on Neighbouring Dwellings;
- Amenity and Landscaping;
- Parking and Access Considerations.

Background and Planning History

7.1 Planning permission was granted for up to 45 dwellings on the site at appeal in April 2014. The application was made in outline with all matters reserved except for access. At that time, insufficient housing was projected to be constructed within the District over the following 5 year period to meet the objectively assessed needs of the District and hence, in accordance with the NPPF, planning permission was granted given that the harm identified did not significantly and demonstrably outweigh the benefits associated with the new housing. The principle of developing the site for up to 45 dwellings has therefore been established and the dwellings to be provided on this site have been included in calculating the Council's housing delivery trajectory over the next five year period.

7.2 Whilst consideration of the appeal did not relate to either the scale, layout, appearance or landscaping of the development, all other matters were considered including principle, amount of development, accessibility, land contamination, flood risk and impact on public infrastructure. A number of conditions were imposed on the outline consent relating to those matters considered at outline stage and many

of the pre-commencement requirements of these conditions have now been discharged. The reserved matters details must fall within the scope and therefore the limitations of the primary outline planning permission and any conditions or planning obligations attached to it.

- 7.3 As a consequence, 35% of the dwellings on the site have already been secured as affordable in tenure as well as the provision and maintenance of play areas and general public green space within the site. Conditions relating to flooding were also imposed and, notwithstanding third party comments, it has thus already been established that a balancing pond is not required on the site (as it would not be effective due to the ground conditions) despite the indicative plans submitted to accompany the outline application.
- 7.4 As 'access' was not a reserved matter in the outline consent, the means of accessing the site and its suitability was considered by the Inspector at appeal and found acceptable subject to a number of conditions. This included a requirement to create a traffic calming build-out on entry to the village from the west along Merton Road as well as a dropped kerb between either side of Merton Road to enable improved pedestrian connectivity to the village centre. As a consequence a number of the concerns raised by third parties about the safety and suitability of the vehicular access, traffic generation, and pedestrian connectivity are not material to the consideration of this application except in-so-far as they relate to specific effects on them arising from the detailed design and layout now proposed.
- 7.5 Consequently, in considering these reserved matters, the Council can only assess the scheme in terms of its detailed layout, appearance, scale and landscaping. It cannot revisit the principle of development or other matters that were considered as part of the outline application.

#### Design and Layout

- 7.6 Policy ESD15 of the Local Plan 2031 requires new development to respect its context in terms of scale, form, massing, layout and design detailing so as to contribute positively to an area's character and identity. Its requirements are consistent with the Government guidance set out in the NPPF which emphasises the importance of high quality design in achieving sustainable development whilst adding that "*it is proper to seek to promote or reinforce local distinctiveness*" without unnecessarily imposing arbitrary architectural styles or particular tastes.
- 7.7 The majority of the surrounding buildings are two storey and feature traditional pitched roof forms. The two 1960's era bungalows directly opposite the site frontage are the exception to this. There is however no overriding consistency to the design detailing or pattern of development in the immediate locality with both more historic natural stone buildings in addition to a range of mid-twentieth century housing. The provision of predominantly two storey housing should therefore be visually appropriate and be in the best interests of making efficient use of land as well as delivering a mix of housing to meet identified need. Two terraces of three houses are proposed to either side of the vehicular access and these are shown to be sited close to the road frontage incorporating natural stone front boundary walls so as to continue the sense of rhythm and enclosure to the street provided by the existing high stone boundary walls to East Cottage and Ambrosden Court. Officers support this approach which should reinforce the distinctiveness of the street. The terraces themselves feature traditionally designed uniform stone cottages with a symmetry that defines the site entrance and creates an active interface with Merton Road without dominating the streetscene. In addition to their natural rubble stone external walls, the houses in the terraces along the site frontage all have traditional modest canopy porches, vernacular casement windows and red brick chimneys to ensure they reflect traditional vernacular architecture.

- 7.8 A Grade II listed cottage lies slightly further to the east of the site on the opposite side of Merton Road. National and local planning policy attaches significant weight to its preservation as a heritage asset to which harm can only be justified where outweighed by public benefits. The Council also has a statutory duty to consider the desirability of preserving its special interest. Whilst Ambrosden Court is not a building of heritage significance it is nonetheless a building of pleasant appearance with its high stone walling making it a notable feature in the streetscene. Its loss however has already been accepted as part of the extant outline consent and the Inspector established at appeal that a development of 45 dwellings on the site could be comfortably designed in such a way that it would not unacceptably affect the heritage significance of the nearby listed building. At present the listed cottage is surrounded by a range of buildings including, in particular, a number of 1960's era homes that have adversely affected its setting and create an unremarkable setting to the building. As stated previously, the new houses proposed along the road frontage are of traditional vernacular domestic form and scale and, given that they are located on the opposite side of the road to the Grade II listed cottage and therefore visibly more discrete from it in the streetscene, the immediate impact of the proposed development on the Grade II cottage would be limited and probably immaterial in the context of the generic mid-twentieth century housing surrounding it. Notwithstanding that, even if the design and layout of the development was concluded to have a minor adverse effect on the setting of the listed building, the Inspector's decision has already made it clear that the wider public benefits of the new housing outweighs any modest harm in this respect.
- 7.9 Further to the west along the road frontage, new houses are shown to be positioned further back into the site with houses at Plots 33-36 set in from both the boundaries with Merton and the site's western edge to help soften the transition to the countryside with generous soft landscaping and low-key boundary treatments proposed along these site edges to assist in creating this effect. Further back into the site the houses are all shown to be set away from the site's countryside boundaries to avoid development appearing too prominent within the natural landscape in both short and long distance views. Indeed houses along the site's southern boundary are predominantly 1 ½ storey in height with a minimum of 10m separation distances to the boundary. The southern boundary is proposed to be delineated through a combination of an extension to an existing 2m high natural stone wall as well as a 1m post and rail fence which are considered to be traditional vernacular boundary treatments that will help ensure the development integrates appropriately with its rural context.
- 7.10 Within the site the proposed development has a comparatively organic layout with no overriding uniformity to the street pattern or strongly prevailing house type which reflects the variety of materials to be used as well as the house sizes. The new houses within the site are proposed to be constructed in a relatively traditional style with steeply pitched roofs, clipped eaves and vernacular verge detailing using a combination of natural Cotswold rubble stone and brick. Buildings in the more prominent positions along Merton Road are shown to be constructed principally using natural stone though in some cases utilising red brick elements to the rear which is a common arrangement in traditional local architecture. A couple of the key buildings (Plots 31 and 32) are shown to be constructed of natural stone with brick quoins to add some presence within the site on the arc of the main new estate road which officers consider to be a suitable approach to take. Plots 24 and 25 on the opposite side of the corner take a similar approach to the materials but have a layout that follows the configuration of the road to ensure a consistent active interface with the new estate road. Plots further within the site are generally to be constructed in brick which officers consider to be appropriate given that this part of the site is not in an architecturally sensitive location. A condition is recommended



that requires the prior approval of a sample panel of stone walling as well as a sample of the brick(s) to be used.

- 7.11 Within the site, development is proposed at a density sufficient to ensure that the site has a spacing between and around built and natural features that enables it to respect its rural setting. To this end the development includes public green spaces and play areas as well as generous planting belts along the western site boundary as well as further soft landscaping along Merton Road. A small number of parking courts are proposed within the development though these are modest in size and within areas that are actively overlooked by the proposed dwellings to ensure that these do not become disused areas of the site. These parking areas are also shown to be landscaped with areas of grass verges and low-key planting to help create a more pleasant communal environment for future occupiers.
- 7.12 Consequently, subject to conditions requiring the prior agreement of samples of construction materials and suitable boundary treatments, officers are satisfied that the general design and layout of the development respects its rural context whilst delivering a quality of residential environment within the site that ensures it will function as a successful addition to the village. Officers are therefore satisfied that in this respect the proposals accord with the requirements of all relevant development plan policies as well as Government guidance set out in the NPPF.

#### Housing Mix

- 7.13 The outline consent required a minimum of 35% of the new housing on the site to be affordable units which in this case equates to 16 dwellings. These are shown to be distributed throughout the site in a manner that avoids undue clustering and ensures they are equivalent in quality to the market dwellings in accordance with Government guidance set out in the PPG. The proposed affordable homes are also of a size and type (mainly 2 and 3 bedroom units) that accords with the local affordable housing need identified in the Oxfordshire Strategic Housing Market Assessment (SHMA). Officers are therefore satisfied with the affordable housing proposed.
- 7.14 Policy BSC4 of the Local Plan 2031 requires new residential development to provide a mix of homes to meet current and future housing need to help create mixed and balanced communities. The development proposes a range of 2, 3, 4 and 5 bedroom dwellings which in officers' view constitutes a suitable mix. Whilst the scheme features a relatively high proportion of 3 bedroom dwellings, the Oxfordshire SHMA concluded that Cherwell District had a greater proportionate need for 3 bedroom dwellings than the rest of the county and so officers consider the mix and type of housing provided to be appropriate and in general accordance with the requirements of Policy BSC4. Some third party comments have suggested that the development should include bungalows to cater for elderly residents. Whilst recent Government guidance in the PPG has indicated support for bungalows as part of meeting the housing needs of older people and those with mobility restrictions, there is no specific development plan policy basis on which to require such provision and, in any event, for reasons already set out officers are content with the housing mix proposed. It should be noted however that the affordable units are proposed to accord with Lifetime Homes standard as required by the legal agreement associated with the outline consent.
- 7.15 All new dwellings are shown to be served by rear gardens of a satisfactory size and layout with no new dwelling unduly overlooked or overshadowed by any other. Whilst houses along the site's southern boundary are shown to feature dormer windows these properties are only of 1 ½ storey heights and the majority of the dormers would only allow views over the wider countryside. Where dormer windows are proposed in the front roof slopes these would only face towards the front

elevations of houses on the opposite side of the estate road rather than overlook rear gardens and these would be separated from each other by generous distances. Furthermore, all new open market and affordable dwellings are shown to be served by a sufficient level of accessible dedicated car parking spaces as well as pedestrian access to their rear gardens which provides them direct access to storage for cycles and refuse bins. For these reasons officers are satisfied that the proposals would deliver housing of an acceptable mix and quality that assists in meeting the identified housing needs of the District and in this respect accords with the provisions of the development plan.

#### Impact on Neighbouring Dwellings

- 7.16 Policies ESD15 of the Local Plan 2031 and C30 of the Local Plan 1996 require new residential development to adequately safeguard existing residential amenity in terms of outlook, privacy, natural lighting and impact on indoor/outdoor space. These requirements reflect the core principles set out in the NPPF which states, inter alia, that *“planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 7.17 East Cottage abuts Merton Road and lies adjacent to Ambrosden Court. It is separated from the application site by a high stone wall that runs perpendicular to Merton Road all along the site’s eastern boundary. This boundary wall is proposed to be retained as part of the development. Plot 1 would be sited close to the boundary with East Cottage but it would not project for any significant distance past windows to habitable rooms in the neighbouring dwelling such that light and outlook to its key rooms would not be unduly affected. Furthermore, the layout of the garden serving East Cottage is such that its principal usable garden area is sited further away from the boundary with Plot 1 and so the new house would not overbear the main part of the neighbouring garden to any significant degree. Moreover, no windows or other openings are proposed in the east elevation of Plot 1 that could allow actual or perceived overlooking into East Cottage or its garden ensuring that the overall quality of the outdoor living conditions at East Cottage would not be unacceptably reduced. Officers do however recommend that permitted development rights be removed by condition to allow control over such alterations in the future. Notwithstanding representations made by occupiers of East Cottage during the application process, in officers’ opinion a rear facing obscure glazed bathroom window in Plot 1 would not give rise to a significant perception of loss of privacy and so it is not reasonable to think that these windows would be harmful to neighbouring amenity. East Cottage would also retain a relatively open, pleasant outlook both in views from rear windows in the house as well as from its garden with only a section of the view from the property being adversely affected by the presence of built development. The proposed retention of the stone boundary wall between the application site and the neighbouring property should also help preserve privacy for occupiers of East Cottage as well as a consistency to the outlook.
- 7.18 The Barn is a dwelling that lies to the rear of East Cottage and adjacent to the eastern boundary of the application site. This dwelling enjoys a large open rear garden with southerly views from the house out to the countryside beyond. The retention of the existing high stone eastern boundary wall should prevent general loss of privacy at this neighbouring property though of course there will be the potential for some overlooking to occur from first floor windows in the terrace comprising Plots 4, 5 and 6. However, the distance from these houses to the middle of the The Barn’s rear garden is about 30m and even further to its conservatory and main outdoor seating area. This distance should prevent these new dwellings from feeling unduly intrusive for occupiers of The Barn. The retention of mature trees in the proposed green space between Plots 7 and 8 and the avoidance of built development close to existing trees within the rear garden of The Barn should also ensure there is a softer boundary to the development as experienced from the lower

part of The Barn's rear garden. The orientation of The Barn such that its footprint is at an angle with respect to Plots 4, 5 and 6 should also ensure that future occupiers of the new dwellings cannot look directly into front or rear facing windows in The Barn and vice versa.

- 7.19 Roman Way is an existing two storey 1970's era dwelling that is sited quite unusually with the application site wrapping around its eastern, western and southern boundaries. Roman Way has its principal garden area to the front and side of the house as the gap between the house itself and the rear of its plot is small. It is bounded by the natural stone garden walls of Ambrosden Court to its eastern boundary and part of its southern boundary too but with low timber fencing around the remainder. Care is needed to ensure that the living conditions experienced at this dwelling are adequately preserved in accordance with the requirements of development plan policy.
- 7.20 Plots 43-45 are proposed to form a terrace to the east of Roman Way though are sited forward of this existing dwelling. The distance between Plot 43 and front facing windows in Roman Way is such that the outlook from these windows is unlikely to be significantly adversely affected or that natural light into the house would unacceptably reduce particularly given that the existing 2m high stone wall along the eastern boundary of Roman Way is proposed to be retained which would help to reduce the apparent change to the outlook from Roman Way and reduce any loss of privacy. The garden area serving Roman Way is unusual in that its layout means that it is mainly to the front and side of the dwelling rather to the rear and therefore ostensibly less private than is typically the case. However, at present the closest existing properties are dwellings on the opposite side of Merton Road and therefore the garden would not be significantly overlooked for prolonged periods despite being highly visible to passing traffic. In an effort to protect this privacy, the proposed adjacent house of Plot 43 is not proposed to contain any first floor side facing windows looking towards Roman Way and its rear facing windows are positioned such that they project beyond the front elevation of Roman Way and therefore would not allow overlooking into the dwelling or of its main garden area.
- 7.21 Similar to Plot 43, the proposed adjacent dwelling to the west of Roman Way - Plot 36 – does not have any openings in its side elevation that could allow overlooking of the house or garden of Roman Way. Plot 36 is set back further into the site and therefore almost in line with Roman Way though separated from it by approximately 25m. Whilst it does abut the main private garden of Roman Way the separation distance is such that the relationship between Roman Way and Plot 36 well exceeds the typical distances expected to flank walls (at least 14m) as set out in the Council's Home Extensions and Alterations Design Guide. Such a separation distance therefore ensures that the garden serving Roman Way should not be unduly overshadowed or overborne by Plot 36.
- 7.22 Some concern has been raised by third parties about the potential for adverse impact on Roman Way as a result of development proposed to the rear. The houses of Plots 37-40 are separated from the rear boundary with Roman Way and would present only a relatively modest width flank wall towards Roman Way's garden. Whilst it would be sited to the south of Roman Way, the effect on daylight and sunlight would not be expected to be significant in the context of the separation distances involved and the relatively wide expansive garden that Roman Way enjoys. Furthermore, it is proposed to erect an extension to the existing high natural stone wall that runs along the southern boundary of Roman Way which should help to preserve adequate privacy for occupiers of this existing dwelling. Some concern has been raised about the potential for noise and disturbance to originate from use of the small parking court to the rear of Roman Way that is shown to serve Plots 37-40. However, officers find this to be unlikely given the small size of the parking area

and its visible position within the wider residential environment which should ensure that it is well-used and overlooked rather than a clustering point for anti-social behaviour. In the interests of discouraging any unwitting use of the privately owned footway to the front of Roman Way by occupiers of the new housing, a low post and rail fence is proposed to be erected around the site's western boundary to link up with the existing boundary fencing around Roman Way.

- 7.23 Officers recognise that there is the potential for construction work to cause genuine disturbance to the occupiers of Roman Way given that the application site surrounds this existing property. Consequently officers recommend that a condition be imposed requiring submission, approval and adherence to a Construction Environmental Management Plan that would set out parameters for hours of working, noise levels, dust, vibration and other matters. Subject to this condition as well as others requiring the erection/retention of specified boundary walls and the removal of householder permitted development rights for the new dwellings, officers are satisfied that reasonable quality living conditions would be preserved for occupiers of neighbouring dwellings in accordance with the requirements of Policy ESD15 of the Local Plan 2031 and Policy C30 of the Local Plan 1996 as well as Government guidance set out in the NPPF.

#### Amenity and Landscaping

- 7.24 Landscaping was a reserved matter on the outline consent and therefore falls to be considered as part of this reserved matters application. Policy ESD15 of the Local Plan 2031 requires new development to be designed to deliver high quality, attractive places to live and work by respecting landscape features and creating new ones through the planting of trees and hedgerows. Policy ESD13 of the Local Plan 2031 requires new development to be consistent with local character and not to cause undue intrusion into the open countryside.
- 7.25 As stated earlier in this report, officers consider the scale and layout of the proposed new development to be in keeping with both its built and natural context. The height of the houses along the southern and western site boundaries is relatively modest and they are shown to be set in from the boundaries by some distance to ensure a soft edge to the development. In order to help achieve this, significant new planting is proposed all along the western boundary of the site though final details of the size and species would need to be determined by condition. There are two main mature trees within the site itself which are both proposed to be retained and incorporated into a public amenity area. Details would need to be provided by condition of measures to protect these trees during construction as well as those trees off the site.
- 7.26 Officers have already discussed the various boundary treatments proposed to the site which are considered to be visually appropriate to deliver a suitably vernacular transition to the wider countryside. The proposed play area and green spaces appear to be sensibly distributed and integrated throughout the site in safe, secure locations whilst being within easy reach of all of the new houses. Details of the local play area are required to be submitted to the Council for approval through clauses within the legal agreement associated with the outline consent.
- 7.27 Small areas of grass verge and trees are proposed within and around the car parking courts which help to soften their appearance. Similar to the other green spaces, ownership and maintenance of these areas would transfer to the District Council in addition to a financial contribution towards their maintenance in accordance with the terms of the legal agreement.
- 7.28 Consequently officers are satisfied that the proposed landscaping of the development complements the design and layout of the houses to ensure that it

successfully integrates with the rural context and delivers a good quality residential environment within the site in accordance with the requirements of Policies ESD13 and ESD15 of the Local Plan 2031 and Government guidance set out in the NPPF.

#### Access and Parking

- 7.29 The means of access to the site was considered as part of the outline application at appeal and the proposals were found to be acceptable in this respect. As access is not a reserved matter the position of the vehicular access is therefore fixed and no longer for consideration. Conditions were imposed on the outline consent requiring a traffic calming build out to be constructed at the entrance to the village from the west as well as the installation of dropped kerbs in the footways to enable suitable pedestrian access from the site into the village. These works would need to be carried out by the developer under an agreement with the County Council and be in place prior to first occupation. The traffic calming measures and dropped kerbs have already been approved under condition and are shown simply in the interests of completeness on the proposed site layout plan. A number of third parties continue to raise concerns about the suitability of the access, traffic calming and position of the dropped kerbs but these are no longer for debate.
- 7.30 However, as part of determining the reserved matters it is still necessary to consider whether the particular design and layout of the detailed development would create any adverse effect in itself on highway safety as well the suitability of parking and road layouts within the site. Notwithstanding a number of third party comments, officers do not accept the notion that houses along the site frontage should not have entrances out onto Merton Road. Such an approach would go against well-established principles of good urban design where active relationships to streets are essential rather than turning its back on it. Indeed other houses on the opposite side of Merton Road have entrances in their front elevations and any deviation from this would appear awkward and inconsistent with the established streetscene. Whilst a front pedestrian entrance might generate on-street parking of an occasional delivery vehicle or visitor's car, they would be likely to be few and far between given that there are only six new dwellings proposed along the main site frontage. Any very occasional interruption to traffic movements would be more than outweighed by having a successful form of development that relates well to the built form of the existing village. Furthermore, the required provision of a traffic calming build out should reduce vehicular speeds into and out of the village should make the occasional parked car far less of a danger to highway safety than the current arrangements. In any event, it is reasonable to think that if the Inspector had genuine concerns about the impact of an occasional parked car along Merton Road (which would be inevitable from a development of 45 dwellings on the site) he would have suggested this in his decision but no such inference was made. The County Council as Local Highway Authority (LHA) has raised no concerns about the scheme.
- 7.31 Following receipt of amended plans, the existing footways leading from Roman Way into the village have been shown to be reinstated and indeed widened back into the site to allow for sufficient vision splays on exit from the site. This should also ensure that there is no impediment to residents of Roman Way from safely walking into the village. Within the site itself, car parking is shown to be provided both on-plot and in parking courts. The County Council as LHA has reviewed the proposals and is satisfied that there is sufficient car parking space shown within the site to serve the new homes as well as space for the manoeuvring of cars as well as delivery, servicing and refuse vehicles. They are also satisfied that each car parking space is sufficiently accessible. However, in order to ensure that there is no loss of off-street parking capacity, a condition is recommended that restricts the conversion of garages into living accommodation.

- 7.32 Consequently officers are satisfied that the proposals demonstrate a layout that does not prejudice safe and suitable access to and from the site by car or on foot which the Inspector has established is acceptable to serve the development. Moreover the layout demonstrates satisfactory parking, turning and manoeuvring areas within the site to ensure that congestion does not occur or that car parking stemming from the site would be likely to spill out onto Merton Road. Nevertheless, officers do recommend a condition requiring the submission and approval of details of bin and cycle storage facilities to serve each new dwelling in the interests of the amenities of future residents as well as visual amenity.

#### Other Matters

- 7.33 As already set out earlier in this report, matters considered at outline stage cannot be revisited as part of the reserved matters except where new issues are introduced as part of the details of the scheme. Third party comments regarding increased flood risk are therefore not of relevance to this application as this issue was addressed at outline stage where all built development was restricted to areas of the site within flood zone 1 and the potential for a sustainable drainage scheme had to be investigated. The reserved matters scheme is consistent with the outline permission in this respect and so is no longer for consideration. Similarly, the ecological impact of the development was considered at outline stage and conditions imposed on the outline consent requiring further surveys to be submitted prior to commencement of development as well as placing restrictions on the time of year that hedgerow removals can be carried out. An ecological report was submitted alongside the original outline application which set out proposed mitigation measures and recommendations to enhance biodiversity and a condition was also imposed requiring these measures to be carried out. The archaeological implications of the development as well as land contamination were also considered and found acceptable subject to conditions such that there is no need or ability to re-visit these matters now given that the reserved matters proposals are consistent with that granted outline consent. Consequently Members are reminded that as part of this application consideration can only be given to the detailed design, layout and landscaping of this already approved development and third party representations should be seen in this context.

## **8. Conclusion**

- 8.1 The principle, amount of development and means of access to the site have already been established. Officers now consider the details of the scale, layout, external appearance and landscaping of the development to be acceptable given that they result in a development that forms an appropriate visual relationship with its context whilst safeguarding existing residential amenity and delivering an appropriate residential environment within the site for future residents. Officers are therefore satisfied that the proposals are in accordance with the provisions of the Development Plan as well as Government guidance contained in the NPPF and therefore recommend approval accordingly.

## **9. Recommendation**

**Approval, subject to:**

## Conditions

- 1 Except where otherwise stipulated by condition, for the purposes of the layout, scale, external appearance and landscaping of the approved development, the development shall be carried out strictly in accordance with the following plans and drawings in addition to those approved with respect to matters of access as part of the original outline consent:  
Site Layout: DES/023/100G  
Storey Heights Layout: DES/023/102F  
Materials Layout: DES/023/101G  
Affordable Housing Layout: DES/023/105F  
Enclosure Layout: DES/023/103F  
Lighting Strategy: DES/023/107F  
Refuse and Cycle Storage Layout: DES/023/106F  
Parking Strategy Layout: DES/023/104F  
Drainage Strategy: DES/023/108F  
Plots 1-3: DES/023/200 E  
Plots 4-6: DES/023/201 A  
Plot 7: DES/023/202 B  
Plots 8 \_ 9: DES/023/203 B  
Plots 10 \_ 17: DES/023/204 B  
Plot 11: DES/023/205 B  
Plot 12: DES/023/206 B  
Plot 13: DES/023/207 B  
Plots 14 \_ 19: DES/023/208 B  
Plots 15 \_ 16: DES/023/209 C  
Plots 18 \_ 31: DES/023/211 A  
Plots 24 \_ 25: DES/023/212  
Plots 26-30: DES/023/213 B  
Plots 32: DES/023/219 B  
Plots 33-36: DES/023/214 E  
Plots 37-39: DES/023/216 B  
Plot 40: DES/023/216 B  
Plots 41 \_ 42: DES/023/217 A  
Plots 43-45: DES/023/218 E  
Garages 1: DES/023/220 A  
Garages 2: DES/023/221 A  
Garages 3: DES/023/222 A  
Car Ports: DES/023/223 C  
Street Scenes Sheet 1: DES/023/300 E  
Street Scenes Sheet 2: DES/023/301 D

- 2 Prior to the commencement of any works of construction as part of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) of natural rubble stone shall be constructed on site and then inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the buildings shown to be constructed in stone on the approved materials layout plan (ref: DES/023/101 G) shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Such details are required prior to the construction of any development on the site to ensure its satisfactory appearance in the interests of environmental sustainability.

- 3 Prior to the commencement of any works of construction in connection with the carrying out of the development hereby approved, samples of the brick types to be used in the construction of the external walls of the development as well as samples of all types of external roof coverings to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved samples so as to accord with the specifications set out in the approved Materials Plan (ref: DES/023/101 G).

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Such details are required prior to the construction of any development on the site to ensure its satisfactory appearance in the interests of environmental sustainability.

- 4 Prior to the construction of any building above slab level, full details of the proposed doors and windows to be used at 1:20 scale including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Such details are required at this stage to ensure that the buildings are constructed in a manner that is visually appropriate and therefore environmentally sustainable.

- 5 Prior to the commencement of any works of construction in connection with the carrying out of the approved development, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - In the interests of the amenities of future occupiers and to ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Such details are required at this stage in the interests of ensuring the proper planning of the development rather than potentially retro-fitted at a later stage.

- 6 Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to each dwelling shall be provided to accord with the current standards of Cherwell District Council.

Reason: In the interests of the amenities of future occupiers of the site in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 7 Prior to the construction of any new site boundary wall, a sample panel of natural stone walling for use in the construction of the walls shall be erected on site and approved in writing by the local planning authority. All new stone boundary walls shown in plan no. DES/023/103 F shall be erected in accordance with the approved sample panel and such boundary walls shall in turn be fully constructed prior to first occupation of any of the approved dwellings.



Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the first occupation of any dwelling, the car parking, garages, car ports and manoeuvring areas serving it shall be provided in accordance with that shown in plan ref. DES/023/104 F and shall be constructed from porous materials or with provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the car parking, garages, car ports and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed at all times except where used for the parking and manoeuvring of motor vehicles.

Reason - In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the first occupation of any dwelling within the development hereby permitted, covered and secure cycle parking facilities shall first be provided to serve that dwelling in accordance with details set out in plan ref. DES/023/106 F. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the dwelling.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

- 10 The garage(s) shown on the approved plans (ref. DES/023/104 F) shall be laid out such that they are available for the parking of motor vehicles at any time and shall not be converted to any other purpose (including to provide living accommodation) without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway to prevent parking congestion in accordance with Government guidance contained within the National Planning Policy Framework

- 11 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the principal elevations of dwellings identified as Plots 1-3, 33-36 and 43-45 and Merton Road other than that shown on the approved "Enclosure Plan" ref. DES/023/103 F without the prior express planning consent of the Local Planning Authority.

Reason - To retain an appropriate interface with the rural streetscene in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 12 Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no new windows or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the approved dwellings referred to as Plots 36, 37 and 43 in approved plan ref. DES/023/100 G without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the existing neighbouring dwelling known as Roman Way in accordance with the requirements of Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 13 Notwithstanding the provisions of Classes A, B and E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, the approved dwellings shall not be extended, nor shall any structures be erected within the curtilage of the dwellings without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the future occupants of the dwellings in accordance with the requirements Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 14 Prior to the carrying out of any works of construction on the site in connection with the approved development, the proposed means of enclosure surrounding the boundaries of the existing curtilage of the dwelling known as Roman Way as shown in plan ref. DES/023/103 F shall be fully laid out and, where this involves construction of new stone walling, this shall be in accordance with the approved sample panel of boundary walling as specified in condition 7.

Reason - To protect the living conditions experienced by occupants of Roman Way in accordance with the requirements of Policy C30 of the Cherwell Local Plan 1996 as well as Government guidance set out in the National Planning Policy Framework.

- 15 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect surrounding residential properties together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. These details are required prior to commencement to ensure that, from the outset, the developer adequately safeguards reasonable living conditions at neighbouring dwellings during the course of construction works.

- 16 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. Such details are required at pre-commencement stage to ensure important landscape features are retained and incorporated into the development in the interests of creating an appropriate new residential environment.

- 17 All hard and soft landscaping set out in the approved landscape scheme shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces) by the end of the first planting and seeding seasons following the first occupation of the development or on substantial completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 18 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions that details methods for the protection of retained trees during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. The details are required prior to commencement of development as it is essential that tree protection measures are addressed at this stage to ensure important existing landscape features are retained and protected during the development.

- 19 The development approved shall only be carried out in accordance with the lighting strategy set out in plan no. DES/023/107 F. No other external lighting in public areas shall be used without the prior written consent of the local planning authority.

Reason - To ensure an appropriate balance is achieved between the creation of a safe environment and the preservation of biodiversity and the character of the natural landscape in accordance with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 20 Prior to the first occupation of any of Plots 33-36 (inclusive), the 1m post and rail fence shown in plan no. DES/023/103 F shall be erected in full in the position shown in the approved plan and retained as such thereafter.

Reason - In the interests of ensuring a satisfactory relationship with the Merton Road streetscene and protecting neighbouring amenity in accordance with the requirements of Policies C28 and C30 of the Cherwell Local Plan 1996.

Informatives

- 1 Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk)

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

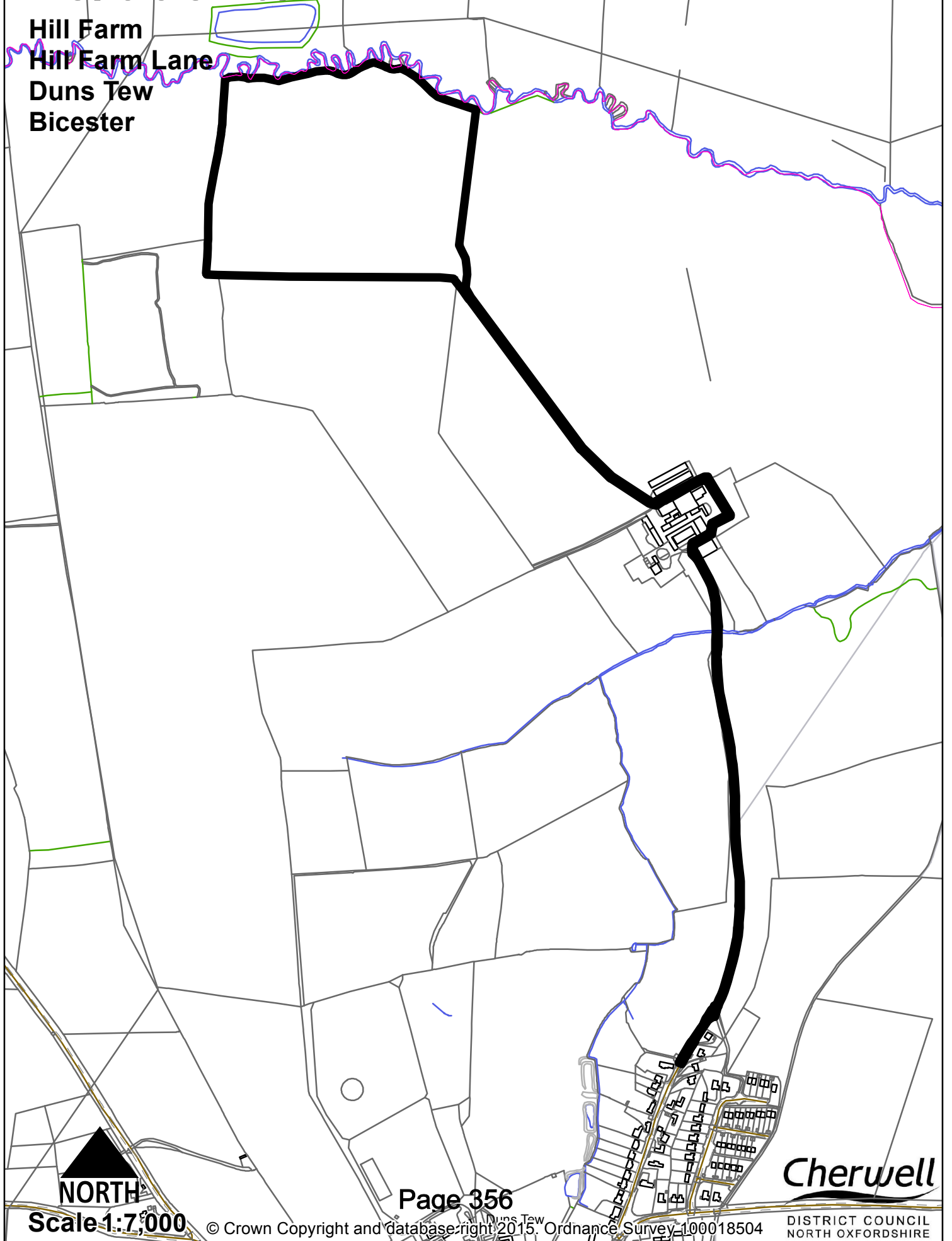
**CONTACT OFFICER: Matthew Parry**

**TELEPHONE NO: 01295 221837**

# Agenda Item 11

## 15/00570/F

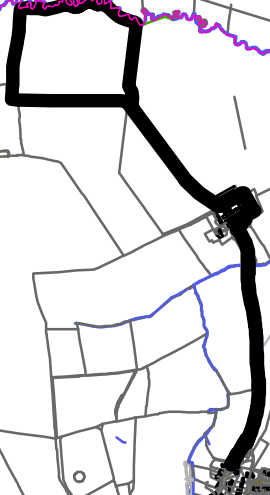
Hill Farm  
Hill Farm Lane  
Duns Tew  
Bicester



**Cherwell**

**15/00570/F**

Hill Farm  
Hill Farm Lane  
Duns Tew  
Bicester



**NORTH**

**Scale 1:24,000**

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**OneWell**

ISTRIC COUNCIL  
DUNSTON AND HIRI

**Site Address: Hill Farm, Hill Farm Lane,  
Duns Tew, Bicester**

**15/00570/F**

**Ward:** The Astons and Heyfords

**District Councillor(s):** Cllrs Kerford-Byrnes and Macnamara

**Case Officer:** Matthew Parry

**Recommendation:** Refusal

**Applicant:** Earthworm Energy Ltd

**Application Description:** Erection of 5MW PV Solar Farm and associated infrastructure

**Committee Date:** 1<sup>st</sup> October 2015

**Committee Referral:** Major Development

## **1. Site Description and Proposed Development**

- 1.1 The application site relates to an 11ha agricultural field in arable use that forms part of the agricultural holding of Hill Farm as well as a strip of lane through other fields to provide an extended vehicular access track. The farm complex is situated approximately 0.5km to the north of Duns Tew, a village in the southwest of the District close to the border with West Oxfordshire. The farm is accessed via a private track that follows local topography as it runs across gently rolling farmland to lead towards the main farm buildings. These buildings comprise a number of traditional vernacular agricultural buildings including two Grade II listed 18<sup>th</sup> century barns as well as more modern utilitarian farm buildings.
- 1.2 The application site itself slopes gently from south to north so that it rolls down into a gentle valley where a small stream (Deddington Brook) runs immediately adjacent to the site through the valley. Further to the north the landscape rises up again towards the village of Deddington beyond. The western boundary of the field is formed by a clipped hedgerow with fields beyond whilst the southern boundary is delineated from other farmland by a post and wire fence and occasional shrub. There is no formal boundary separating the application site from fields to the east. To the southwest lies a dense woodland block comprising mainly Ash trees.
- 1.3 The site is not covered by any national or international level designations though until the adoption of the new Local Plan Part 1 it was within an area defined as of High Landscape Value within the Cherwell Local Plan 1996. The boundary of the Duns Tew Conservation Area lies approximately 1km to the south and the edge of the Deddington Conservation Area is almost 1.2km to the north. There are a number of public rights of way that pass in close proximity to the application site. The northern edge of the site lies within Flood Zone 3 and is within the floodplain of Deddington Brook.
- 1.4 The application seeks consent for the installation of an array of 20,000 photovoltaic panels set out in rows running east to west across the field. Four associated transformer/inverter units are also proposed along with four pole mounted CCTV installations and 2m high perimeter fencing. A 450m extension to the existing crushed hardcore farm track is also proposed to allow vehicular access to the solar arrays for the purposes of construction and maintenance. Proposals also include the provision of 5m wide wildflower buffers along the eastern, western and southern boundaries of the site as well as an area of grassland and tree planting to the north.

## **2. Application Publicity**

2.1 The application was publicised by way of a press notice, site notices and notification letters to residents of nearby properties. 20 third party representations have been received to date and the comments can be summarised as follows:

### Objections

- The proposed development would be an eyesore within a picturesque countryside landscape;
- Solar arrays should be concentrated on brownfield land and on the roofslopes of existing buildings not developed on greenfield land in the countryside;
- The proposals would spoil the experience of walking in the area and the enjoyment of the countryside;
- The land would be lost from arable farming which would be unsustainable;
- The solar farm would be detrimental to the setting of the Duns Tew Conservation Area;
- The view from the bridleway to the north would be completely spoilt;
- There are other far more suitable locations for solar installations than this;
- The solar farm would be unsightly and highly prominent in private views from nearby Tomwell Farm;
- The applicant has not satisfactorily demonstrated the need to develop agricultural land of this quality and has not shown that agricultural use of the land will continue after the development of the solar farm;
- The applicant has not sufficiently demonstrated the energy generating potential of the proposals and therefore has not provided sufficient justification for the scheme;
- The applicant should demonstrate with certainty that the proposed development could be removed from the land once no longer necessary and that any planning condition requiring this needs to be genuinely enforceable;
- There is an inadequate assessment of the landscape impact from Plumdon Lane, the bridleway to the north of the site;
- The proposals would increase traffic flows through the village.

### Supporting Comments

- The proposals make an important contribution to the need for energy generation from renewable sources and the proposals are supported subject to the landscape mitigation measures suggested by the consultants;
- The proposals represent a means of diversifying the farm's revenue streams and thus safeguarding it against market volatility.

2.2 A further representation has been received from the Campaign for the Protection of Rural England (CPRE) objecting to the proposals and highlighting recent ministerial statements that emphasise the importance of solar farms being sensitively located and encouraging their location on existing roofslopes and the least productive agricultural land.

## **3. Response to Consultation**

### Oxfordshire County Council:

Local Highway Authority – When constructed and operational the proposed solar farm should not generate any significant highway movements, only occasional maintenance visits. However, there would be greater activity, including HGV deliveries, during the construction period and a condition should be imposed requiring a construction traffic management plan to be submitted and approved prior to development commencing to mitigate this impact on the local highway.



Archaeology – Following a redesign of the cable trench layout, the proposals would result in far less ground disturbance and the effects can be comfortably addressed by conditions requiring the approved of and adherence to a written scheme of investigation during the construction works.

Cherwell District Council:

Landscape Officer –The submission of a more comprehensive LVIA is welcomed and enables a more considered response. Whilst from the south the site would not be particularly visible in long distance views from public or private vantage points, there are elevated viewpoints (as experienced myself from Plumdon Lane) as opposed to the somewhat reduced area of field on the photo-records for viewpoints 8 and 9. There also appears to be an anomaly with the Viewpoint 8 photo-record as the red horizontal line does not indicate the entire extent of the field. Because more of the field is going to be seen than shown in the photos, the Magnitude of Change is going to be high rather than medium as set out in the LVIA from these due to the stark contrast between rural character and solar arrays. This creates a Significance of Effect of high that with the appropriate level landscape mitigation to the northern part of the site in the form of an established woodland belt this may potentially be reduced to a medium significance of effect though unfortunately the Landscape and Ecology drawings do not propose the appropriate level of landscape mitigation for visual receptors on Plumdon Lane and, in any event, it is not clear within the application submission that the planting specified can actually be delivered by the applicant.

Ecologist –The submitted ecology survey is fine in depth and scope and I concur with its findings. There are few ecological constraints on site if the recommendations are adhered to. The suggested enhancements within the report in terms of buffers to the brook to the North, Eastern and Western boundaries and to the woodland to the South West will go a long way to ameliorating any impact on biodiversity. The security fencing should allow access by badgers underneath for foraging. Lighting should not be used in this location due to the likely use of the woodland by bats. The proposals for planting of wildflower grassland around the panels will have some benefits for wildlife.

Other External Consultees:

Deddington Parish Council – Object to the proposals due to the loss of agricultural land, visual intrusion into the countryside and the availability of more suitable sites including roofslopes of commercial buildings.

Duns Tew Parish Council – No objection.

Environment Agency – No objection subject to conditions that:

- Prevent built development in the area of the site in flood zone 3;
- Ensure the boundary fencing allows free flow of flood water;
- The development in carried out in accordance with the submitted Flood Risk Assessment;
- A scheme is submitted for the management of a 10m wide buffer along the neighbouring brook.

**4. Relevant National and Local Planning Policy and Guidance:**

Adopted Cherwell Local Plan 1996 (Saved Policies)

C8 - Sporadic development in the open countryside

C14 - Countryside Management Projects

C28 - Layout, design and external appearance of new development

ENV1 - Development likely to cause detrimental levels of pollution

Adopted Cherwell Local Plan 2011-2031 Part 1

ESD1 - Mitigating and Adapting to Climate Change

ESD2 - Energy Hierarchy

ESD5 - Renewable Energy

ESD6 - Sustainable Flood Risk Management

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

**Other Material Planning Considerations:**

National Planning Policy Framework (NPPF) – Document that sets out the Government’s planning policies for England and how these are expected to be applied.

Planning Practice Guidance (PPG) – This sets out regularly updated guidance from central Government to provide assistance in interpretation of national planning policy and relevant legislation.

Ministerial Statement by Secretary of State for CLG on 25<sup>th</sup> March 2015 – This reaffirmed the need for local planning authorities to consider the impact on the natural environment as a result of insensitively sited large scale solar farms. It also highlighted the need for priority to be given first to developing previously-developed sites and non-agricultural land. This ministerial statement has now been included in a recent update to the Government’s Planning Practice Guidance.

Overarching National Policy Statement for Energy (EN-1) - Sets out the Government’s policy for delivery of major energy infrastructure. Whilst primarily of relevance to nationally significant infrastructure projects (NSIPs) examined by the Planning Inspectorate it is a material planning consideration of some weight for local planning authority decisions on proposals for smaller scale energy developments.

National Policy Statement for Renewable Energy Infrastructure (EN-3) – Taken together with the Overarching National Policy Statement for Energy (EN-1), this document provides the primary basis for decisions by relevant Secretaries of State on nationally significant renewable energy infrastructure projects. The document is however likely to be a material planning consideration of some weight for local planning authorities when determining proposals for similar smaller scale developments.

**5. Appraisal**

5.1 Officers consider the following issues to be of relevance in the determination of this case:

- Planning Policy Context;

- Need for Renewable Energy Developments;
- Visual Impact and Effect on Landscape Character;
- Impact on Heritage Assets;
- Loss of Greenfield/Agricultural Land;
- Ecology
- Effect on Residential Amenity;
- Flood Risk;
- Traffic and Highway Implications;
- Archaeology.

#### Planning Policy Context

- 5.2 National planning policy and Government guidance with respect to renewable energy developments has been fluid in recent months with the latest changes taking place in March 2015. However, at its core, national planning policy in the NPPF continues to support renewable energy developments and the contribution they make to achieving the transition to a more sustainable low carbon future. Large scale ground-mounted solar farm developments make a contribution towards meeting this sustainability objective and Government guidance is clear that such developments will continue to have a place amongst a diversity of energy generating developments. However, concerns have been raised that some solar farms have been inappropriately sited so that they significantly detract from the intrinsic beauty of the countryside and unnecessarily reduce agricultural production of the land. These concerns are reflected in recently updated planning guidance in the PPG and a policy statement in March 2015 by the previous Secretary of State at the Department of Communities and Local Government. This guidance and the ministerial statement assist in the interpretation of national planning policy set out in the NPPF and should be afforded significant weight in decision making.
- 5.3 The Council has recently adopted Policy ESD5 of the Local Plan 2031 which reflects updated national policy and guidance. The policy supports renewable energy development in the District provided that there are no unacceptable adverse impacts on either the local landscape, biodiversity, historic environment, Green Belt, residential amenity or the highway network. In considering this proposal Members should principally assess the development against the requirements of this adopted development plan policy whilst having regard to national policy/guidance as a material planning consideration of significant weight.
- 5.4 Whilst of greater relevance to major energy infrastructure projects, the Government's National Policy Statements for Energy produced by the Department of Energy and Climate Change (DECC) are also material though they pre-date recent changes to national planning policy and guidance such that their weight to local planning authority decisions could have declined slightly of late. Nevertheless they highlight the *"UK's need to diversify and decarbonise electricity generation such that the Government is committed to increasing dramatically the amount of renewable generation capacity"*. In the short to medium term it states that *"much of this new capacity is likely to be onshore and offshore wind, but increasingly it may include plant powered by the combustion of biomass and waste and the generation of electricity from wave and tidal power"*. This statement does not mention solar energy specifically though given recent changes to Government guidance in the PPG it seems that the current Conservative Government has taken a markedly less supportive position in relation to on-shore wind farms than the previous Coalition Government such that this energy policy statement is perhaps no longer up-to-date and consistent with national planning policy.
- 5.5 The NPSs go on to state that an increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive<sup>24</sup> and will also help improve energy security by reducing dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities. However, it goes on to state that some renewable sources (such as wind, solar and tidal) are

intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity there is the more generation capacity required overall to provide back-up at times when the availability of intermittent renewable sources is low.

- 5.6 Overall however, officers are satisfied that the requirements of Policy ESD5 are entirely consistent with national planning and energy policy such that full weight should be afforded to it and these proposals principally assessed against its requirements. Consequently, the development plan provides support for renewable developments subject to, in this case, the proposals avoiding significant harm to the local landscape character, biodiversity, historic environment, residential amenity and the highway network.

#### Need for Renewable Energy

- 5.7 Under the requirements of the EU Renewable Energy Directive and the associated UK Renewable Energy Strategy (2009), the UK has an obligation to ensure that 15% of its energy consumption comes from renewable sources by 2020 in order to limit greenhouse gas emissions and promote cleaner transport. As the UK is a net importer of energy resources, future security of domestic energy production is also seen as increasingly important by central Government in light of international political turbulence and the threat this poses to the steady and affordable supply of fossil fuels to the UK. The UK's wider national and international commitments in this respect are reflected in the core planning principles of the NPPF which seeks to support the transition to a low carbon future in a changing climate by, inter alia, encouraging the reuse of existing resources and the use of renewable resources.
- 5.8 The overall inherent need for renewable energy generation is provided further support in paragraph 98 of the NPPF where it states that local planning authorities should not require applicants for such energy developments to demonstrate the overall need for renewable or low carbon energy. This implies that the overall need for, and benefits of, such development is beyond doubt. Paragraph 97 of the NPPF goes further and states that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources and that they should have a positive strategy to promote energy from renewable and low carbon sources.
- 5.9 As a consequence, officers would suggest that it is beyond question that there is a significant need for additional renewable energy developments across the UK in order to assist in meeting the UK's statutory obligations and achieve the transition towards a more sustainable economy. The need for an increase in generation of such renewable energy is therefore a material planning consideration to which significant weight should be given. To this end, the PPG is clear that the energy generating potential of renewable energy developments should be considered as part of decision making and that the greater the energy generating potential (as a ratio to adverse effects), the greater the benefit and the greater weight that should be afforded to it. In this case the proposals would generate approximately 5MW of energy that would be sufficient to provide power approximately 1515 homes per annum and provide a source of decentralised electricity for the National Grid. Officers think it fair to describe the proposals as of moderate scale in the context of others solar farms across the country and, whilst energy generation equivalent to supplying 1515 homes is a very modest contribution towards meetings the UK's obligations under the EU Directive, it nonetheless makes a material contribution at a local level. Notwithstanding the acknowledged benefits, the Government is however increasingly clear that renewable energy developments should be acceptable for their proposed location and recognises in both recent formal Ministerial Statements as well as national policy (NPPF) and guidance (PPG) that inappropriately sited large-scale ground mounted solar farms can have a negative impact on the rural environment that can outweigh their environmental benefits.

### Visual Impact and Effect on Landscape Character

- 5.10 As set out above, both national and local planning policy is in principle supportive of solar farm developments provided that proposals should not give rise to unacceptable harm to, inter alia, views of the local landscape and landscape character. The application site lies within a gently undulating landscape that is characterised by large open cultivated fields, prominent slopes and valley sides, small woodland copses and a well-defined pattern of hedges and hedgerow trees that are interspersed with small villages and farm buildings. The Cherwell District Landscape Assessment of 1995 found that the majority of the site lay within a landscape character area defined as the 'Ironstone Hills and Valleys' of which its key characteristics are the complex topography, unspoilt ironstone villages as well as its remote, isolated and tranquil countryside. The Oxfordshire Wildlife and Landscape Study (OWLS) was completed in 2004 and provides a more detailed local assessment of landscape character to which it found the site lay partly within the 'Clay Vales Landscape Type' and the 'Farmland Slopes and Valley Sides Landscape Type'. As the majority of the application site would be principally viewed from the north (for reasons set out later on) officers consider that it would be experienced more in the context of the 'Farmland Slopes and Valley Side Landscape Type' with its notable mixed pasture and arable land, prominent slopes and valley sides, woodland copses, hedgerow patterns which together follow long distance views across the valleys including back towards the village of Duns Tew.
- 5.11 Whilst adopted Policy C13 of the Local Plan 1996 is no longer extant, until recently the development plan categorised the site and its surrounding area as within an Area of High Landscape Value which indicates the local value of this landscape.
- 5.12 The site is remote and isolated within the countryside given its position within the natural landscape rather than within or adjacent to an existing built-up area or other built development. As a consequence it would be perceived and experienced directly against the rolling agricultural fields of the countryside rather than within the context of other features of urbanisation such as a settlement, collection of buildings or other infrastructure. Officers therefore have no doubt that the deployment of a large expanse of rows of blue solar panels together with associated perimeter fencing, CCTV poles and inverter units have the potential to appear as a stark and alien urbanising feature within its surrounding unspoilt rolling farmland countryside setting. The proposals do however include provision for the augmentation of boundary hedgerows as well as an aspiration for woodland planting to the north of the site on the opposite side of Deddington Brook.
- 5.13 Notwithstanding this, due to the topography of the land and building heights, in immediate private views from the residential farmhouse property at Hill Farm itself as well as the nearby Tomwell Farm, the proposed solar farm would appear as an inherently stark and alien urbanising feature within the surrounding countryside that would visibly conflict with the established local landscape character and inherently detract from the characteristic long distance countryside views. Similarly, on entry to Hill Farm via its access track as well as from adjacent fields, there would be private views of the solar farm development that make it obtrusive within the landscape though views from other private property would be very limited.
- 5.15 Landscape character can of course be affected by development whether or not it is publicly visible and it is right and proper to consider this as a material planning consideration. Indeed the requirements of Policy ESD5 make no distinction between public or private views – only that renewable energy developments should not have a significant adverse visual impact on the local landscape. However, it is reasonable to conclude that the impact on publicly available views should be given greater weight given that they are more likely to be experienced by greater numbers of people. Whilst a number of public rights of way run in close proximity to the site, due to intervening topography and hedgerows to the south, of greatest concern to officers is the visual impact of the proposed development on the experience of local landscape character by users of a bridleway to the north – Plumbdon Lane.

- 5.16 This bridleway runs parallel to the site along the rising hill slope to the north and links the A4260 with Hempton Road in Deddington via Tomwell Farm. From the A4260 the bridleway initially features hedgerow trees to either side so that it forms an enclosed pathway. The vegetation however then opens up to leave larger gaps either side of the bridleway so that it has a more spacious feel. Hedgerows mark the edge of the bridleway from here on but there are numerous gaps within them and in places the hedgerows are sparse. Closer to Tomwell Farm the gaps open up more significantly leaving expansive views southwards over the countryside towards Duns Tew beyond. The application site, and in particular the main field, would have a prominent position in these views and the intervening land is outside the applicant's control.
- 5.17 Officers have very significant concerns about the effect on the experience of landscape character and views from this bridleway given its elevated position with respect to the application site. As stated previously, the main field is remote and isolated such that it would be seen in the context of a wide views of undulating farmland where the erection of vast rows of solar panels and associated fencing would appear wholly discordant within this traditional countryside landscape. Whilst the arrays themselves would have their rear sides facing Plumdon Lane rather than the shinier blue panels and therefore reduce risk of glint/glare to the north, they would stand out as an expanse of dark coloured panels and support columns that would markedly draw the eye.
- 5.18 Where necessary, the NPPF and PPG encourage the use of mitigation measures to seek to ensure renewable energy developments are appropriate to their context. To this end the application proposes new hedgerow planting to the south and east of the site as well as areas set aside for wildflowers. The planting of a woodland belt beyond the north of the site has also been proposed as well as the augmentation of a hedgerow strip further to the south. Both of these are outside the site and are not shown in the application details to be within the control of the applicant such that these proposals cannot be relied upon or taken in account. As identified in the OWLS 2004, hedgerows and copses of woodland are historically characteristic features of the local landscape though many have been lost due to modern farming operations. The creation and/or augmentation of these natural landscape features is therefore a benefit of the proposals both in terms of landscape character and biodiversity. However, their principal objective is to screen the development and mitigate its visual harm to the intrinsic beauty of the countryside. However, in this respect it would fail. As stated previously, the Plumdon Lane bridleway is in an elevated position with respect to the north of the site on a hillside slope. Planting along the bridleway is not within the control of the applicant and there is no evidence to suggest that there is any reasonable prospect of this being able to occur. However, of greatest concern is that the elevated position of the bridleway prevents any new woodland within the site's northern boundary having a mitigatory effect as the viewing angles involved would prevent effective screening at least until the new woodland belt has become mature which could be many years into the intended 25 year operational life of the development. Willow trees are also suggested as suitable and whilst native and in principle an appropriate species, they are prone to cracking and are deciduous so that they would provide far less screening in winter months which only reduces their effectiveness. Grasses are proposed to grow amongst the solar arrays which would to a degree soften their appearance in time but not significantly so particularly as vegetation on the site needs to be kept low to prevent overshadowing of the solar PVs. Moreover, even where substantial tree planting within the site's northern boundary would have been an effective natural screen, it is not clear that the applicant could deliver the 5MW scheme being proposed given the area of the site that would need to be set aside for the woodland planting as well as allowance made for overshadowing from new trees and access for their maintenance.
- 5.19 When assessing solar farm developments the PPG advises LPAs to consider the need for and effect of fencing, lighting and security measures on the landscape. Artificial lighting is not proposed which should prevent the development providing evidence of itself at night time and officers support this approach. However, officers have discussed

the proposed security measures with the applicant's agent to which it has been suggested that there is no option but to include such measures given that the solar arrays represent a multi-million pound investment. Whilst the CCTV columns would add height to the overall development there are limited in overall size and bulk with only a small handful proposed which should ensure that individually they do not have a further adverse landscape impact given in the context of the mass of main solar PV arrays proposed. The applicant has proposed comparatively little justification for the perimeter fencing and it is not clear whether it is in the interests of public safety or to prevent criminal damage. It seems reasonable to assume that such fencing is not always necessary given that Government guidance encourages LPAs to consider not only its impact but also its necessity. Whilst the fence proposed is of a more rustic deer-proof post and wire specification, it is approximately 2m high and runs for a length of approximately 1.2km which would create the impression of the development being within something of a compound. Given the scale and nature of the fencing proposed it would only serve to exacerbate the overall urbanising effect of the development within the countryside so that, whilst not determinative in itself, it would add to the significant harm caused to local landscape character.

- 5.20 Notwithstanding the above, officers broadly agree with the conclusions of the applicant's landscape and visual assessment (LVIA) with respect to the visual impact on the landscape from other viewpoints. In this regard, a combination of the rolling topography of the landscape, established intervening vegetation together with the low height of the operational development proposed, would prevent the proposed development from being significantly visible in longer distance public or private views from the villages of Duns Tew, Deddington or Nether Worton. Similarly, officers agree that intervening undulations in the landscape would prevent anything other than glimpsed views of small elements of the proposed development from surrounding public roads including the A4260 and the road from Duns Tew to Hempton. Given the speed and nature of the majority of users of these roads (i.e. motor vehicle traffic) the effect on the perception of wider landscape character would be minor given that only very limited glimpsed views of the development would be available even before the maturation of proposed new planting. Consequently the significant harm to landscape character that officers' have previously identified would not be materially perceptible from these vantage points.
- 5.21 However, in summary, officers have concluded that as a result of the sites remote location in a traditional rolling farmland countryside setting that the proposed development would appear as a wholly alien and obtrusive urbanised feature within the landscape which would be particularly prominent when experienced in wide ranging public views from the bridleway to the north. Whilst the development is proposed to be temporary, from commencement of development to its complete removal from the site there would be over 25 years of significant harm to the local landscape which is not an insubstantial period of time and indeed equivalent to affecting an entire generation. In this respect and notwithstanding its temporary 25 year operational life, the proposals would cause significant harm to local landscape character contrary to the requirements of Policy ESD5 of the Local Plan 2031 as well as national policy in the NPPF.

#### Impact on Heritage Assets

- 5.22 The impact of new development on the historic environment is a material planning consideration and the NPPF, PPG and Policy ESD5 of the Local Plan 2031 require the effect on the historic environment to be considered as part of determining applications for renewable energy developments. National policy in the NPPF emphasises the importance of preserving the historic environment as part of achieving sustainable development and resists harm to designated heritage assets unless outweighed by public benefits appropriate in scale to the significance of the heritage asset. The Council also has a legal duty under the Planning (Listed Buildings and Conservation Area) Act 1990 to give special regard to the desirability of preserving the special character and interest of conservation areas, listed buildings and their settings.

- 5.23 The closest heritage assets to the application site are the two Grade II listed barns of Hill Farm. These early 18<sup>th</sup> century limestone rubble walled buildings are of architectural significance in themselves though their farmland setting is clearly important to their special interest given that the surrounding land has a clear historical and functional relationship to the use of the buildings. However, whilst the proposed solar array is within visual range of the listed barns, the separation distance ensures that the proposals would give rise to a relatively minor change to the setting of the listed barns when seen in the wider farmland context particularly as the field on which the solar PV arrays are proposed slopes away from the listed barns making it unlikely that they would both be seen in the same context from westerly and southerly viewpoints if mitigatory hedgerow planting was carried out as proposed. From the north, and Plumdon Lane in particular, the listed barns would be seen more in the context of the new solar arrays however from this distance the listed buildings reduce in their visibility within the landscape and therefore appreciation of significance. Moreover, the separation of distance of close to 500m should ensure that the agricultural farmland setting of the listed barns is not materially adversely affected.
- 5.24 The Duns Tew Conservation Area covers a significant proportion of the village with its closest point just over 1km to the south of the application site. However, whilst not within the Conservation Area, proposals such as this still have the potential to have an adverse impact on its setting. In this case the site's significant separation distance from the Conservation Area as well as the intervening topography and vegetation ensures that the proposals would not have any appreciable effect on the special character and appearance of the Conservation Area. Consequently in this respect officers are satisfied that the proposals would not give rise to material harm to this designated heritage asset. Whilst during the construction phase of the proposed development an increase in construction traffic movements through the village would be expected, the proposed development would not be expected to involve large numbers of vehicles over a long duration such that in this regard officers are not unduly concerned about the impact on the tranquil rural character of the village or its Conservation Area.
- 5.25 Ilbury Camp hillfort is a scheduled ancient monument (SAM) and therefore designated heritage asset located about 2km to the northwest of the site. The site commands clear views of the surrounding terrain in all directions which reflects its historic significance as a defensive position. The heritage value of the hillfort is considered to be high and its setting is integral to its historical interest. However, due to the significant separation distance between the site and the SAM as well as the limited height of the proposed development and its position within a valley, the adverse effect on the open views around the SAM would be very limited such that the proposals would have a negligible impact on its significance.
- 5.26 Consequently, and for the above reasons, officers are of the view that the proposals would not give rise to material harm to the historic environment and in this respect the proposals are considered to accord with the requirements of Policy ESD15 of the Local Plan 2031 as well as national policy set out in the NPPF.

#### Loss of Greenfield/Agricultural Land

- 5.27 The proposals would result in the loss of nearly 11 hectares of arable farmland to facilitate the installation of the solar PV equipment and its associated infrastructure. The loss of agricultural land can have a detrimental effect on the ability of the country to provide a sustainable and secure domestic food source for the population. Recently updated Government guidance in the PPG that references a statement by the previous SoS on 25/3/15 emphasises the importance of effective use of land by first focussing large scale solar farms on previously developed and non-agricultural land. The guidance also adds that where a proposal involves greenfield land its use should be shown to be necessary and that where on agricultural land, poorer quality land should be used in preference to higher quality land.



- 5.28 The recent changes to the PPG make it clear that LPAs should now be placing a greater emphasis on encouraging solar PV arrays on brownfield sites including rooftops of suitably sized buildings where these are not of high environmental value. The Government is clear however that it still envisages a place for large scale ground mounted solar farms in the UK's energy mix but such developments on agricultural or greenfield land should be shown firstly to be necessary and then that poorer quality land has been prioritised. To this end, and following discussions with officers, the applicant has submitted an Alternative Sites Assessment to consider whether other sequentially preferable and available land exists within the locality that could better accommodate the development. The applicant sets out the challenges associated with mounting significant numbers of solar PV arrays on the roofs of existing large commercial buildings. They add that even where a sufficient area of roofslope is available it can often be problematic to secure their use given that many are tenanted with landlords not keen to have rooftops 'locked in' with solar development for 20+ years. Similarly, they add that tenants on varying lease durations are sometimes unable to enter into long term solar PV 'sub-lease' arrangements without landlord consent and it can be problematic resolving the issue of the benefit sharing of the output between the tenant/landlord. Installation of solar PV onto existing rooftops also places a further load on the roof which can often lead to a requirement to enhance the structural capacity of the building which can render the project financially unviable. The applicant also claims that it is rarely financially beneficial for landowners of brownfield land to develop it for ground mounted solar PV arrays given the higher alternative land values for other developments.
- 5.29 Such arguments do appear however slightly at odds with the approach set out in the PPG given that they would appear to provide a barrier to the use of rooftops of almost all large commercial buildings. Accepting these arguments leaves it difficult to see how the NPPF can be interpreted in light of guidance in the PPG which encourages the need for LPAs to consider prioritisation of previously developed land when considering proposals for large scale ground mounted solar PV farms. Notwithstanding that, the applicant has assessed an area within 1.25km radius of the proposed grid connection point which is the maximum financially viable extent over which to lay the necessary cabling to the grid connection. Given the isolated location of the grid connection point this inevitably leaves almost no previously developed land (other than residential properties) within the applicant's search area. Within this confined search area officers do not dispute the applicant's conclusions that there are no 'sequentially' preferable suitable brownfield sites available nor that there is other agricultural land of poorer quality available that is suitable in all other respects.
- 5.30 The PPG does not specify to what extent LPAs should consider whether the applicant has sought to assess the opportunities that exist for the development to be located where it makes more efficient use of land. Nevertheless, having regard to national policy in the NPPF on sequential tests relating to developments outside town centres and in areas of high flood risk, applicants should demonstrate assessment of suitable and available sites within a search area proportionate to the scale and nature of the proposed development. The applicant should also demonstrate a degree of flexibility in scale and format when assessing potential for suitable, available alternatives.
- 5.31 The applicant has not however robustly demonstrated why the Alternative Sites Assessment has only considered sites within a radius of just one grid connection point. Given financial viability constraints associated with cabling, this leaves only a very small area over which to assess alternatives and indeed incorporates almost no previously developed land of any genuine scale that could be potentially be suitable for a similar number of ground or roof mounted solar PV arrays. Whilst officers recognise that the proposals do not amount to a solar farm of substantial size in the context of some proposed and operating elsewhere across the country, it is certainly not small scale either and officers consider it reasonable for the applicant to have considered a significantly larger search area that they have that in officers' view should have included

larger parts of the District as well as parts of neighbouring West Oxfordshire too. In this respect officers can see no robust justification as to why only one grid connection point has been considered.

- 5.32 It is recognised that the agricultural land on which the solar farm is proposed does not meet the definition of best and most versatile as defined in the NPPF. However, based on the conclusions of the applicant's own assessments and Natural England's Agricultural Land Classification the land is mostly in subgrade 3b which is defined as moderate quality. Whilst not of the highest quality it is still necessary to demonstrate that poorer quality agricultural land has been considered and prioritised first before considering more productive land once previously-developed sites have been discounted. As stated previously, officers are satisfied that within the 1.25km search area there is no suitable lower quality agricultural land available that is both appropriate to the type of development proposed and acceptable in other planning terms too (for example other lower quality land may instead be of greater landscape sensitivity, at risk of flooding or north facing). However, for reasons similar to the concerns raised about the applicant's consideration of suitable and available previously developed sites, officers are not satisfied that a suitable and proportionate search area has been considered relative to the scale and impact of the proposed development.
- 5.33 Notwithstanding the above concerns, where use of agricultural land is shown to be necessary Government guidance makes it clear that solar farm developments should continue to allow agricultural use of the land around solar arrays. Whilst arable farming of the land would be prevented, the proposals include provision for the grazing of livestock around and between arrays which would ensure control of vegetation growth on the site that could otherwise undermine effectiveness of the solar PV arrays. Therefore, whilst arable cultivation of the land would cease for a generation as a result of the development, the land would continue to make a contribution to agriculture. If approved, a condition would be required to secure this however.
- 5.34 In summary on this matter, officers have significant concerns that the applicant has not carried out a sufficiently robust assessment of alternative preferable sites in a search area that is proportionate to the scale and impact of the development proposed. In the absence of this and given the significant harm identified to the landscape as well as the loss of productive agricultural land, officers cannot conclude that the proposals represent efficient use of land having regard to national policy and guidance set out in the PPG.

#### Ecology

- 5.35 The Council has a statutory duty when carrying out its functions to have regard to the purposes of conserving biodiversity. Further to this the NPPF makes clear that a key principle of sustainable development is to achieve net gains for nature. To this end Policy ESD10 of the Local Plan 2031 seeks net gains for biodiversity as part of development proposals and Policy ESD5 resists renewable energy developments where these would have an unacceptable adverse impact on biodiversity. The PPG states that LPAs should consider the need to seek biodiversity enhancements around solar arrays when assessing applications for development of this type. In this case there are few ecological constraints on the site and the proposed planting and augmentation of native hedgerows along the site's boundaries to create wildlife corridors together with the planting of wildflower grasses within the site would be likely to improve ecological habitat beyond that offered by the existing arable farmland. It should be noted however that the applicant's suggestion for mitigating the visual impact of the development would be the planting of a woodland belt along Deddington Brook on the site's northern boundary in place of the proposed wildflower meadow. As officers have already suggested, this is unlikely to be materially effective during the lifetime of the development and unfortunately it would also significantly reduce the net gains for biodiversity in comparison to that currently proposed.

5.36 The perimeter fencing is proposed to allow access underneath by badgers and no artificial lighting is proposed on the site which together should ensure that the established habitat and pathways of protected species is not unduly interfered with. Consequently, in this respect, officers are satisfied that the current proposals would provide material net gains for biodiversity in accordance with development plan policy requirements as well as national policy. If approved however, conditions would be required on a planning permission to ensure these proposed gains are actually delivered.

#### Effect on Residential Amenity

5.37 Policy ESD15 of the Local Plan 2031 also states that the Council will consider the amenity of both existing and future developments in terms of inter alia privacy, outlook and natural lighting. This policy is reflective of one of the core planning principles underpinning the NPPF which states that new development should provide a good standard of amenity for all existing and future occupants of land and buildings.

5.38 The main field of the application site is situated a significant distance away from the nearest dwelling (over 500m) and the operational development proposed is low in height. As a consequence the development would not give rise to any harm to the general quality of the outlook, light or privacy that occupiers of any dwelling currently enjoy. It will however be visible within private views from a small number of residential properties, most notably the house at nearby Tomwell Farm to the north from where the proposed development would appear stark and inherently alien within the landscape. Whilst disappointing to occupants of this property, the significant distance involved ensures that it would not have a material adverse impact on the quality of living conditions at the dwelling. Officers are also mindful of well-established case law and Government guidance that makes it clear that the land use planning system generally concerns matters of wider public interest and, as such, private views are not a material planning consideration.

5.39 Whilst noise and disturbance is not anticipated from the proposed development once operational and traffic movements to and from the site would be negligible, the construction process would lead to additional traffic movements through Duns Tew that could affect local amenity and some construction noise could emanate from the site albeit the construction process is relatively short in duration. In order to mitigate this potential adverse effect, a construction traffic management plan would need to be secured by condition if the application was to be approved that would need to set out appropriate routes and timings for construction traffic so that the impact on local parking and traffic noise could be minimised. A condition restricting construction working hours should also be imposed too. Subject to these conditions officers are satisfied that the proposals would not have a significant adverse effect on nearby residential amenity in accordance with the requirements of the relevant policies of the development plan as well as Government guidance.

#### Flood Risk

5.40 Policy ESD6 of the Local Plan 2031 reflects national policy in the NPPF by resisting development that would increase flood risk either locally or elsewhere. Within this it seeks to concentrate development to flood risk zones that are appropriately to its vulnerability. The northern part of the site adjacent to Deddington Brook is located within an area defined as flood zone 3 by the Environment Agency (EA) with a proportion of this being the functional flood plain (flood zone 3b) of the watercourse. No development other than permeable perimeter fencing and wildflower planting is proposed within flood zone 3 and so the EA is satisfied that the proposals would not be at undue risk of flooding or increase flood risk. Only a small section of the security fencing is proposed in flood zone 3 and as this is of wire construction it will allow any flood water to flow freely through it. In accordance with the NPPF, proposals should take the opportunities available to provide a betterment to flood risk and to achieve this the submitted flood risk assessment (FRA) proposes a 0.3m wide and 0.3m deep swale across the site for the

detention of surface water run-off. If the application was to be approved, conditions requiring the development to be carried out in accordance with the FRA would be required to be imposed. Subject to such a condition, officers have no concerns about the proposals in respect of flood risk and in this respect the proposals are considered to accord with the requirements of both national and local planning policy objectives.

#### Highway Implications

- 5.41 Solar farm developments generally give rise to only very occasional traffic movements once operational for the purposes of maintenance. As a result officers and the County Council (LHA) are not concerned about the impact on local traffic flows or highway safety. Whilst the construction process would be only over a relatively short duration, relatively significant numbers of heavy vehicles could enter and exit the site every day which could prove disruptive to the local road network if unmanaged. For this reason, if Members are minded to approve the application officers recommend the imposition of a condition requiring the submission and approval of a construction traffic management plan to be agreed in consultation with the LHA.

#### Archaeology

- 5.42 Where a site on which development is proposed has the potential to include heritage assets with archaeological interest, the NPPF states that local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The site is located in an area where little archaeological investigation has been undertaken and therefore the archaeological interest of the site and its immediate environs is unknown. Archaeological features have been recorded in the wider area however along the same water course and valley bottom occupied by this proposed site. During the consideration of the application a revised cable trenching plan was submitted which reduced the potential impact on any surviving archaeological deposits. There will however still be a need for some archaeological field investigation but this can be undertaken through works under a condition on any planning permission. Therefore, should planning permission be granted, a condition would be necessary that requires the implementation of an agreed staged programme of archaeological investigation during the period of construction. Subject to such a condition, officers are satisfied that the proposals would not have an undue impact on any deposits of archaeological significance and therefore accord with both national and local planning policy in this respect.

#### Other Matters

- 5.43 Government guidance in the PPG is clear that solar farms are normally temporary structures and planning conditions can and should be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. The common life of a proposed solar farm is 25 years and the application proposals are no different in this respect. Allowing for the construction period and the time necessary to decommission the development and remediate the land, the proposed development would have a visual and agricultural impact lasting approximately 25-27 years. Whilst this impact would therefore not be permanent, in the context of temporary consents this period of time is very significant in length and so the weight afforded to the adverse impacts should not be significantly less than if considering a proposal for similar permanent development. However, if Members were minded to approve the application, a condition should be imposed requiring the removal of the development and remediation of the land after a period of 25 years so as to reduce the long term impact of the proposed development.
- 5.44 The SoS has been made aware of this application and may consider whether to call-in the application for his own determination. The Department for Communities and Local Government (DCLG) has asked to be kept informed of progress on the application and has reserved the right to call in the application in the event that the Council resolves to grant planning permission. If Committee resolves to grant planning permission, before issuing the decision officers would need to notify the DCLG of this decision so that they

can consider whether the SoS instead wishes to determine the application himself. Where the application is refused, there is no requirement to notify the DCLG.

## **6. Conclusion**

- 6.1 A golden thread running through national policy in the NPPF is a presumption in favour of sustainable development. Sustainable development consists of three principal dimensions – environmental, social and economic. These should not be considered in isolation and it is necessary to consider the benefits and harm associated with development across these three dimensions of sustainability in order to conclude whether a proposal is indeed a sustainable one.
- 6.2 Officers have identified in this report that the proposals are likely to give rise to significant harm to local landscape character that cannot be appropriately mitigated as part of the development and that the applicant has not satisfactorily demonstrated that there are not more suitable sites available elsewhere locally to robustly establish that development of this agricultural greenfield site in the countryside is necessary. In this respect the proposals would clearly give rise to environmental harm as well as potentially social and economic harm arising from lost agricultural land that contributes towards sustainably providing food for the nation. The proposals however also provide notable environmental benefits in terms of delivering a renewable source of energy to the national grid that would contribute towards meeting the UK's statutory climate change obligations as well as delivering some net benefits to local wildlife. The proposals would also have associated economic benefits due to their contribution towards ensuring a more safe and secure domestic source of energy generation to the national grid that is not subject to international volatility. It could also assist in securing or creating a number of temporary jobs during the construction period as well as a modest number of jobs once operational. Moreover, the proposals could assist in helping to diversify the farm business to make its operations more secure and resilient to market changes in the future.
- 6.3 Overall however, officers have concluded that the visual harm to the local landscape and its character would be significant and that the need to develop this greenfield site has not been robustly demonstrated to the required standard having regard to Government guidance in the PPG and recent statements by the SoS. This harm outweighs the benefits stated above such that the proposals are not considered to represent sustainable development and found to be in conflict with the requirements of Policies ESD5 and ESD13 in addition to national policy set out in the NPPF.

## **7. Recommendation**

**Refusal, for the following reasons:**

**1. The proposed development would introduce a stark and alien industrial feature on a scale that would have a significant urbanising effect on an area of isolated rolling farmland countryside, and that would be prominent in views from the north and therefore appear wholly out of keeping with the established landscape character. Consequently the proposals are found to be contrary to the requirements of Policies ESD5 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as national policy set out in the National Planning Policy Framework.**

**2. The proposed development is on greenfield, agricultural land and development in this location has not been shown to be necessary in a robust assessment of suitable and available alternative sites including previously-**

**developed or poorer quality agricultural land. In the absence of this information the Council cannot conclude that the proposals have taken all reasonable opportunities available to make use of more preferable sites having regard to Government guidance set out in the Planning Practice Guidance. Consequently the proposals are considered to be contrary to the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1 as well as national policy set out in the National Planning Policy Framework.**

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent to allow the submission of additional and updated supporting information to enable satisfactory consideration of the application. Unfortunately, having regard to both local and national planning policy as well as other material planning considerations, the proposals are not considered to represent sustainable development and have been refused accordingly.

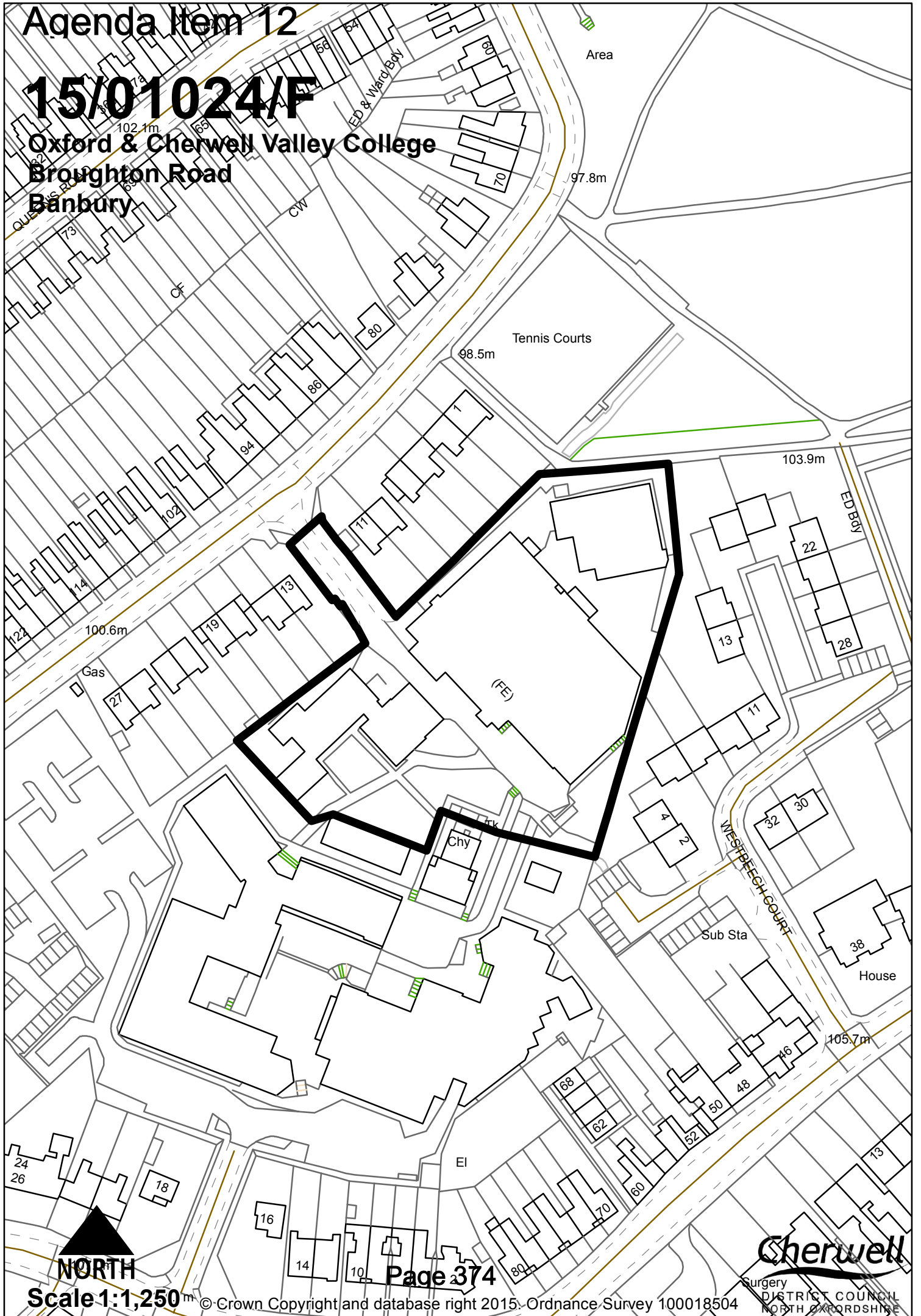
**CONTACT OFFICER: Matthew Parry**

**TELEPHONE NO: 01295 221837**

# Agenda Item 12

# 15/01024/F

**Oxford & Cherwell Valley College**  
**Broughton Road**  
**Banbury**

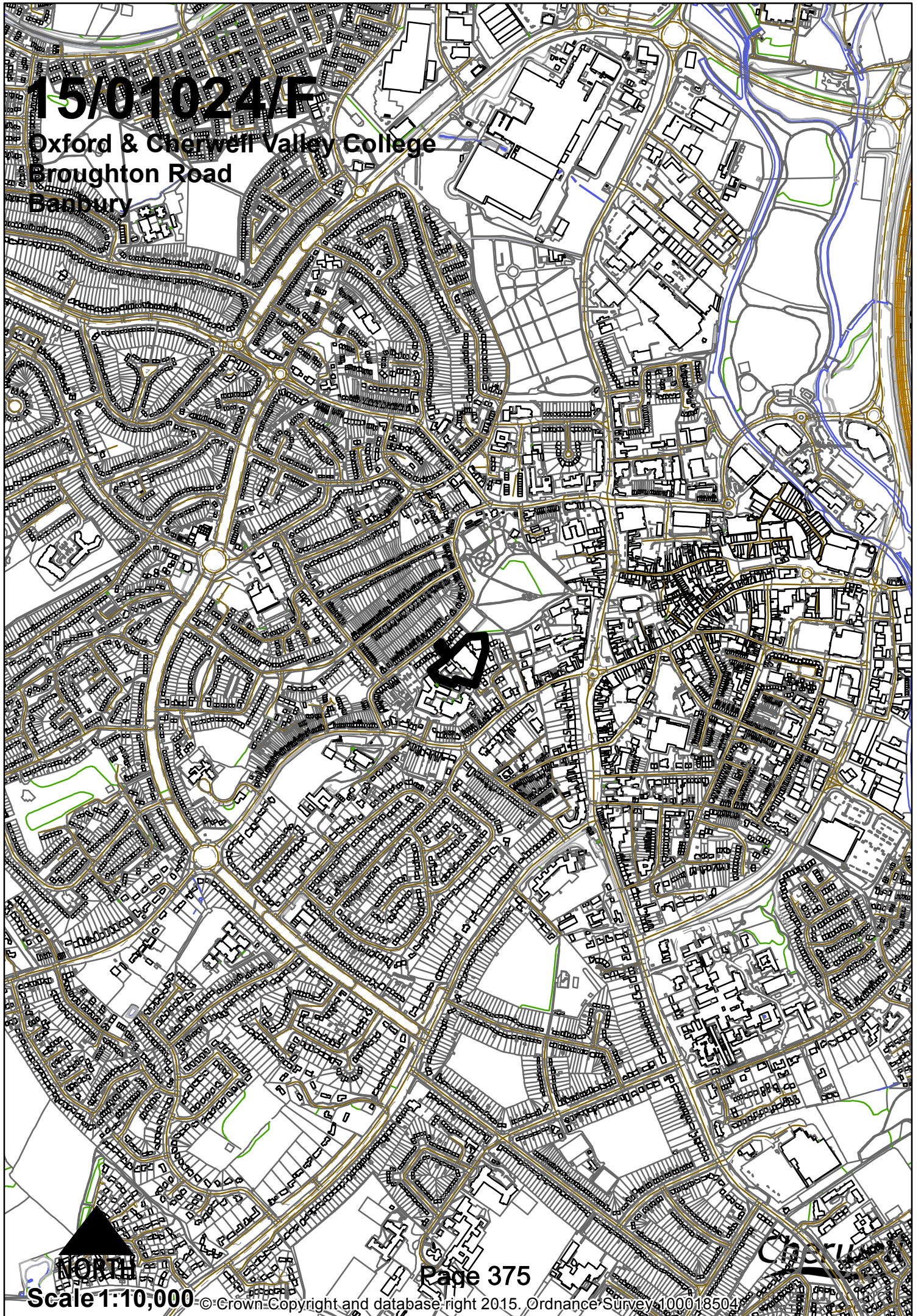


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15/01024/F

Oxford & Cherwell Valley College  
Broughton Road  
Banbury



NORTH

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# **Oxford and Cherwell College, Broughton Road , Banbury**

**15/01024/F**

**Ward:** Banbury Easington  
and Morris

**District Councillor:** Cllrs Blackwell, Mallon

**Case Officer:** Bob Duxbury

**Recommendation:** Approval

**Applicant:** Bromford Homes Ownership Ltd. And Activate Learning

**Application Description:** Demolition of existing buildings and change of use from D1 non-residential to C3 dwelling houses comprising 78 1-bedroom and 2-bedroom extra care residential apartments with associated ancillary accommodation and 39 car parking spaces

**Committee Referral:** Major

**Committee Date:** 3rd September 2015

## **1. Site Description and Proposed Development**

- 1.1 The application relates to the OCVC site between Bath Road and Broughton Road. The proposal is to demolish college buildings on the Bath Road side of the site. These buildings are single and two storey commercial style buildings that have formerly housed departments that have now transferred elsewhere and the buildings are now empty and unused.
- 1.2 The proposal is to build linked blocks of 2 , 3 and 4 storey buildings to form a an extra care residential development consisting of 30 1-bed apartments and 48 2-bed apartments some of which would be rented, some for shared ownership and some for outright sale. The buildings have been configured to ensure the retention of important trees, whilst providing private garden spaces for residents and new parking whilst maintaining appropriate separation distances from neighbouring properties. The development contains a central community facility to include meeting space, lounge , dining and activity areas
- 1.3 The storey heights of the buildings attempt to respond to the slope of the site and the surrounding ground levels and seek to maintain 2 storeys where only 21 metres separation distance can be achieved and higher storey heights when the separation distances are greater. A limited area of 4 storeys has been restricted to the central portion of the site.
- 1.4 The design of the building is modern and contemporary but uses a pallet of traditional materials to respect the context within which it is sited
- 1.5 The sited is bounded to the north-west by nos. 1-21 Bath Road ( semi-detached two-storey houses), who's back gardens adjoin the site .To the north the site has a short boundary with People's Park, whilst to the east and south-east lie the 2-storey flats in Westbeech Court. The site would have a boundary to the south west with the retained part of the OCVC site.

- 1.6 The site is excluded from the Banbury Conservation Area but has common boundaries with it to the rear gardens of Bath Road properties and to People's Park.
- 1.7 The application is accompanied by a Design and Access statement; a heritage statement; a transport statement; an ecological report and an arboricultural report.
- 1.8 The trees to the rear of Bath Road properties and Westbeech Court are covered by a Tree Preservation Order
- 1.9 This application was deferred at the last meeting to allow a formal site visit to be held. I attach as appendix one a letter from the applicants agent responding to the criticisms raised by the local residents at the last meeting.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 23 July 2015.

10 letters have been received from residents of Bath Road (4 from same property). The following issues were raised

### Material planning comments

- Too high and modern looking concern about size, depth, width and massing;
- overshadowing; visually overbearing
- Overlooking and loss of privacy
- Security risk from gate to People's Park being left unlocked
- Insufficient parking
- Design out of keeping with surrounding area and impact upon Conservation Area
- Inappropriate and unsympathetic to appearance and character of the Cons Area
- Concern about bat habitat
- Concern about effectiveness of proposed fencing along rear boundaries of Bath Road properties and consequent impact upon privacy and security
- Increased traffic
- Concern about overlooking from balconies
- Comments re service vehicle access to college
- Bin storage?

### Non material comments:

- Lack of publicity
- Construction traffic and disturbance

- 2.2 A petition has been received (via Cllr Mallon) signed by 21 residents of Bath Road who object to the proposal on grounds that
- Building is too large. The modern design is not in keeping with the area and will destroy the view of all nearby residents
  - Overlooking of rear gardens due to height and proximity to rear boundaries will result in loss of privacy
  - Height and location of west wing will result in little or no sunlight reaching adjoining gardens in winter
  - Only access is from Bath Road and traffic volume already a constant issue especially at peak times
  - Parking is a major issue in Bath Road and this development will worsen the problem as it does not have sufficient parking
  - No clarity of use of access adjacent to west wing. If used by delivery and service vehicles it would have a significant effect upon the use of adjacent gardens
  - No details of service vehicle access and refuse bins. Current refuse vehicles serving collage cause significant nuisance to adjoining residents
  - Inadequate consultation by applicants

### **3. Consultations**

#### **3.1 Banbury Town Council:**

OBJECT - The development by virtue of its size and siting will result in overdevelopment of the site and will have an over dominant impact on the neighbouring properties. The development, due to its height, will negatively affect the setting of Peoples Park and Bath Road and will not be in keeping with the street scene, contrary to policies C28 & C30.:

#### **Cherwell District Council Consultees**

#### **3.2 Planning Policy Comments**

The application proposal would involve development within the built-up limits of Banbury and in principle would be in accordance with the new Local Plan policy for meeting housing requirements (Policy BSC1) and encouraging the re-use of previously developed land in sustainable locations (Policy BSC2). However, the proposed development would have to preserve and enhance the character of the Conservation Area.

It is noted that the level of affordable housing proposed accords with Policy BSC 3 of the adopted Local Plan 2011-2031 Part 1 and the needs for affordable housing is of course high as evidenced by the SHMA. The proposed development would also help meet the significant need identified for housing for those with care needs

Detailed design would need to be compatible with the surroundings in terms of scale, height and external appearance so that it would not have an adverse impact on the privacy and amenities of neighbouring properties.

Consideration should be given to Policy ESD 15: The Character of the Built and Historic Environment, which emphasises the importance of good design when protecting Conservation Areas and ensuring high design standards are met in the town centres where Conservation Areas exist, in particular where development abuts or takes places within designated Conservation Areas.

The site is in a sustainable location within walking distance to town centre services and facilities. There are bus stops nearby with frequent services to the town centre. Banbury bus and railway stations are also situated within walking distance therefore making the site easily accessible without having to use a car.

The application details suggest that the site is now surplus to requirements and is no longer needed for education purposes. This could possibly be a consequence of the recent expansion and redevelopment of the southern campus on the opposite side of Broughton Road. Consideration should be given on the need for education facilities in the area.

The redevelopment of site can be considered sustainable in term of it being close to town centre services, facilities and public transport and would contribute towards an identified need. However, consideration should also be given to the potential impact on the character and appearance of the Conservation Area and community facilities

From the conclusions above, there is no Planning Policy objection in principle subject to further detailed assessment of heritage and community facilities impacts.

**3.2 Design and Conservation Officer:** No comments received yet

**3.3 Landscape Officer:** Comments as follows:

The development will be visually prominent from the upper windows of dwellings 13, 15, 17 Bath Road. The Site Plan, no 1413-P-03, does not show any intervening trees between these dwellings and the northeast elevation. Spaces between the parking bays should be extended to allow for amenity trees with structured cell tree pits. Partial screening is appropriate as dense over shading to gardens could become an issue for these residents. Dappled shade trees should be considered.

Also visually prominent from upper floor windows of dwellings 5 -12 West Beech Court the development should be mitigated with trees within the hedge adjacent to the proposed amenity lawn. Three trees with foliage casting only dappled shade should be considered.

There are numerous worthy trees on the site boundary and within the site that require consideration is respect of hard surfaces conflicting with root systems. Please consult either our tree officers for the north on this matter.

There are no developer planning obligations for on or offsite play and POS for residential care, as indicated in the current SPD.

Planning Conditions required:

- Standard hard and soft landscape condition
- Tree pit details in hard areas condition

- Tree pit detail in soft areas condition
- Arboricultural method statement condition

I look forward to detailed landscape proposals. I recommend that non-toxic trees, shrubs and herbaceous plants are used for the safety of residents.

#### **3.4 Ecology Officer: Ecology Officer**

I have now received the bat emergence survey report for the above and it confirms there is a roost of pipistrelles in building E (all other buildings are free from bat constraints). It also outlines the type of activities which would constitute an offence which would of course include demolition.

Unfortunately there is no mitigation plan outlined at all and therefore we do not know how they plan to deal with the bat issue. In order to carry out our duty to assess whether they are likely to obtain a licence from NE (and consider the three tests) to demolish the building we need to know what they intend to do in terms of mitigation. Without this information I cannot assess the appropriateness of the mitigation and whether a licence is probable. Their ecologist should have advised them on this point and suggested (as a minimum) timings of work, supervision, any working methodology for demolition or pre-demolition checks, location of mitigatory roosts both temporary and long term opportunity replacement etc..

Whilst this is not a roost of high conservation significance we still need this information so if they already have this can they send it on? Otherwise their ecologist will need to put something together.

This matter has now been resolved to our satisfaction

**3.5 Waste and Recycling Officer** Has confirmed that the applicants intentions are acceptable

**3.6 Recreation , Health and Communities** Seeks an obligation to secure a public art scheme that provides an art work on site that relates the development to the existing streetscape in Bath Road and provides residents and visitors to the site with a focal point that enhances the sense of place

**3.7 Housing Investment and Growth Officer** confirms that they are satisfied that the affordable housing element offered – 16 rented and 7 shared ownership units are adequate. They will be spread throughout he block rather than clustered. These units and nomination rights will need to be secured by legal agreement

#### **3.9 Oxfordshire County Council Consultees**

**Transport** Key issues:

- The access proposed to be retained to the college through the site must be for no more than the 8 car parking spaces set out in the application documentation.
- Improvements needed for vehicle manoeuvring and pedestrian movement in the proposed car park.

- Details of the pedestrian access to People's Park need to be clarified
- More and better located cycle parking needed

Legal agreement required to secure:

Section 106 Town & Country Planning Act – Developer Contributions

A £5k contribution is required to cover the cost of promoting and delivering TROs to better manage on street car parking in the vicinity of the development if, following occupation of the development it is the view of the county council that this is needed.

Conditions are proposed relating to

1. Parking and manoeuvring areas
2. Retained access to parking on adjoining site –restricted
3. Pedestrian access to People's Park
4. Cycle parking provision
5. Surface water drainage
6. Travel plan
7. Travel information packs
8. Construction traffic management plan

**Detailed comments:**

*Sustainable location*

This brownfield site is well located in terms of sustainability being within walking distance of many services and shops in Banbury town centre. It is also very close to bus stops for the frequent B5 service and Banbury bus and rail stations are within a short walking distance. The site is therefore very well located for prospective residents who are more likely than usual not to have access to a car. Because it is so close to bus stops, and bus and rail stations, a very large number of potential employees and visitors could sensibly get to the site without having to use a car.

*Impact on transport network*

The Transport Assessment (TA) clearly demonstrates that the impact of the development in terms of additional vehicle trips will be minimal – even at peak times the number of new trips on the network will be barely noticeable.

Only 39 car parking spaces are provided (including for disabled people) which is certainly not excessive. This will help ensure that the vehicle trip generation for the site is kept to the level that is predicted in the TA. There is limited available on street car parking in the vicinity of the site mainly as a result of high demand from local residents and the fact that there are double yellow lines on the whole length of the southern side of Bath Road and also around the corners of most nearby junctions.

The TA reports a junction assessment of the Bath Road with Warwick Road and the results show a minimal impact as a result of the development. Given the advice received at the pre-application stage and the otherwise very thorough nature of the TA, it is surprising that an assessment was not also carried out for the junction of Bath Road and Broughton Road. However, given the very low levels of traffic generated by the site, this omission is not significant as it is highly likely that the impact on that junction will be similarly small.

The bus services on a Sunday are less good, but the pressure on the transport network is obviously less on that day so if the site attracts some more car travel

and parking then, it will be less significant than if that were the case on a weekday.

It is also worth noting that the TA does not take into account the fact that the current site, whilst vacant, could generate a certain level of traffic if it were in use. If the TA compared the new transport impact to what impact the current site could have if it were occupied, the additional impact would be even less.

Because of the sustainable location and the limited amount of car parking, a higher than normal amount of travel to and from the site will be by non-car modes. However, improvements will still be needed to the car park layout to ensure that walking and cycling are as attractive modes of travel for residents, staff and visitors as possible. Please see below.

#### *Pedestrian provision*

The introduction of a footway on the east side of the site access road is welcomed. However, at the end of the road, pedestrians appear to be expected to walk across the car park without any assistance – there don't even appear to be any dropped kerbs or tactile paving to help people with visual or mobility issues. It is recommended that some kind of raised and/or different coloured crossing from the end of the footway to the footway leading directly to the main entrance is provided. Even zebra crossing markings would be an improvement.

The shrubs that are proposed alongside the new footway on the site access road will need to be well maintained to prevent encroachment and a reduction in the width of the footway.

The provision of a gated access directly into People's Park is welcomed to help keep the walking distance to Banbury Town Centre to a minimum. It will also add significant amenity value for the residents. Details of how this gate will work and an assurance that it will always be available for residents to use are needed. The route from this gate to the front door of the development on the site plan is shown to be through the car park. This route really should return on a tarmac path to the main entrance along the front of the building so that pedestrians do not need to mix with cars.

#### *Cycle provision*

The local roads in the vicinity of the development have traffic calming and a speed survey carried out by the applicant suggests that traffic is generally travelling slowly near the entrance. The facilities for cyclists on the site itself appear very poor – there are only 4 cycle parking spaces shown and these are located away from the main entrance to the building. Whilst it is accepted that only a few of the residents will cycle, staff and visitors should be encouraged to use this mode of travel to get to the site. Space much closer to the entrance (an area of green opposite the end of the access road could work) for parking a minimum of 10 bicycles should be provided for staff and visitors. The details of the number, location and design of the cycle parking will need to be the subject of a condition attached to any planning permission should it be granted. The preferred design of the cycle parking would be for Sheffield type stands spaced 1000mm apart and covered (please see here for design and location advice: pdf

#### *Site Access*

The junction of the site access with Bath Road is not proposed to be changed. This is acceptable given the modest level of traffic predicted to be generated by the proposals and the fact that more than adequate visibility splays are in place. There appears to be width on the west side of the access road to widen the carriageway further so that vehicles could wait as others pass by on entering the site from Bath Road. Otherwise vehicles on Bath Road may need to wait for others to fully exit which is clearly not ideal.

The TA refers to the need for 8 car parking spaces on the retained adjoining college site to be accessed using the site access off Bath Road. This is acceptable although this number must not be exceeded – a planning condition is recommended to ensure this is adhered to in the future.

#### *Car park layout*

It looks like it will be difficult to get out of some of the car parking spaces and leave the site in a forward gear without having to undertake some complicated and protracted manoeuvres. This is especially true for a number of spaces beyond the last marked disabled bay in the north east portion of the car park. The spaces parallel to the northern boundary of the site also look quite tricky to get out of and leave the site in a forward gear. A planning condition is recommended to ensure a satisfactory and safe car park is provided with the development. Tracking drawings will be needed showing how cars can manoeuvre sensibly and leave the site in a forward gear

#### *Travel planning*

In order to ensure as sustainable travel as possible associated with the site, a travel plan statement is required which will provide the framework for travel information packs to be provided to all residents and staff on first occupation. The travel plan statement must be put together using the template contained within the OCC travel plan guidance document

### **Other infrastructure**

- The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.
- The following housing development mix has been used:

30 x One Bed Dwellings

48 x Two Bed Dwellings

0 x Three Bed Dwellings

0 x Four Bed Dwellings

- It is calculated that this development would generate a net increase of:

#### **97.5 additional residents including:**

97.5 resident/s aged 65+

97.5 residents aged 20+

0 resident/s ages 13-19

0 resident/s ages 0-4

#### **Legal agreement required to secure:**

- Adult Day Care £107,250.00

**Total** £107,250.00

Admin & Monitoring fee £1,500

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment is also required for the purposes of administration and monitoring of the proposed S106 agreement.

### **Details of contributions sought**

#### **Social & Health Care – Adult Day Care Facilities**

This development is served by Oxford Options and this development will place additional pressures on this adult day care facility. To meet the additional



pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Oxford Options

Contributions are based upon a new Day Care centre offering 40 places per day (optimum) and open 5 days per week; leading to an equivalent costing of £11,000 per place at 1<sup>st</sup> Quarter 2012 price base (this in non-revenue). Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

• The contribution for the provision of adult day care infrastructure in respect of this application would therefore be based on the following formula:

**£1,100 x 97.5 (the forecast number of new residents aged 65+) =  
£107,250.00**

#### **Indexation**

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

#### **General**

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

**Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a s106 obligation in respect of:**

- Library £8,287.50
- Central Library £1,672.13
- Waste Management £6,240.00
- Museum Resource Centre £487.50

**Total\* £16,687.13**

\*Price Base 1<sup>st</sup> Quarter 2012

Oxfordshire County Council is **not** seeking a contribution towards library, central library, waste management, or museum resource centre infrastructure from this application due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) which took effect from the 6<sup>th</sup> April 2015. The property response '*No objection subject to conditions*' relies upon funding for infrastructure as critical mitigation being delivered through CIL where there is no opportunity to gain contributions through Section 106 due to current legislation. OCC hold a statutory obligation to deliver services such as education through schools.

#### **Local library**

Details of contributions not sought solely due to pooling restrictions

This development is served by Thame Library which is of appropriate space standard and therefore no capital projects are planned.

The development proposal would generate the need to increase the core book stock held by 2 volumes per additional resident. The price per volume is £10.00 at 1st Quarter 2012 price base; this equates to £20 per resident.

• The contribution for the provision of supplementary core book stock in respect of this application would therefore be based on the following formula:

**£20 x 97.5 (the forecast number of new residents) = £1,950.00**

#### **Central Library**

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured is £4,100,000. 60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1M = £1,604,000.

Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026. £1,604,000 ÷ 93,529 people = £17.15 per person

• The contribution for the provision of central library infrastructure in respect of this application would therefore be based on the following formula:

**£17.15 x 97.5 (the forecast number of new residents) = £1,672.13**

#### **Strategic Waste Management**

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.

A new site serving 20,000 households costs in the region of £3,000,000 at 1st Quarter 2012 price base; this equates to £64 per resident.

• The contribution for the provision of strategic waste management infrastructure in respect of this application would therefore be based on the following formula:

**£64 x 97.5 (the forecast number of new residents) = £6,240.00**

#### **County Museum Resource Centre**

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000 at 1st Quarter 2012 price base; this equates to £5 per person

• The contribution for the extension of the Museum Resource Centre in respect of this application would therefore be based on the following formula:

**£5 x 97.5 (the forecast number of new residents) = £487.50**

:

## **Other Consultees**

### **3.10 Thames Water:**

#### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

#### Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**3.11 Environment Agency:** No comments received

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Cherwell Local Plan 2011 -2031

The Submission Cherwell Local Plan (February 2015) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The examination was suspended by the Inspector, shortly after commencing in June 2014 to allow further work to be undertaken by the Council. Modifications were required to meet the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA). The proposed modifications were subject to public consultation, from 22nd August to 3rd October 2014. The examination reconvened in December 2014 and the Inspector's report was published in June 2015, and was formally adopted by the Council on 22<sup>nd</sup> July 2015. Relevant policies are

BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density Policy

BSC4: Housing Mix

ESD3 Sustainable construction

ESD7 Sustainable drainage systems

ESD16: The Character of the Built and Historic Environment

Adopted Cherwell Local Plan (Saved Policies)

C2: Development affecting protected species

C4: Creation of new habitats

C23 Retention of features contributing to the character or appearance of a Conservation Area

C28: Layout, design and external appearance of new development

C30: Design of new residential development

ENV12: Contaminated land

## **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Planning Practice Guidance

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- The Principle
- Scale and Design
- Neighbour Impact
- Impact on Conservation Area
- Highway Safety and Parking
- Trees and boundaries
- Planning Obligations

### **Planning History**

#### **The Principle**

- 5.2 As Members will be aware OCVV has recently been promoting and undertaking development south of Broughton Road, and it would appear that the area of land to which this application relates is surplus to requirements for educational purposes. The site lies within a broader area of residential development, albeit that it will continue to be bordered by the active college site to the south and public open space to the north.
- 5.3 The principle of residential development on this site is considered acceptable and indeed any other alternative use is likely to have a greater impact upon the surrounding area. Policy BSC2 of the adopted Local Plan states

**Housing development in Cherwell will be expected to make effective and efficient use of land. The Council will encourage the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development.**

- 5.4 Notwithstanding this agreement in principle to the use of the land it is clearly necessary however to look at the impact of the proposal upon the adjacent Conservation Area, upon the amenity of adjacent residential properties and the adjacent public open space taking careful account of the scale, siting and design of the proposed building
- 5.5 The site is considered to be sustainable being located well relative to the town centre and all the facilities that are offered there, and would be a good location for elderly persons accommodation.

### **Scale and Design**

- 5.6 As set out in section one above the building is a series of conjoined blocks that are two, three and four stories high in various parts of the site. The site sits within a context of two and three storey brick houses of various ages and styles in Bath Road and Westbeech Court. The architects have attempted to use the land level changes and the distances of surrounding houses from their boundaries and their orientation to inform the position and size of the new building. The design proposals are a modern and contemporary design that uses a pallet of traditional materials –a mixture of local ironstone, brick, stone cills and stringcourses with a central glazed double height space
- 5.7 With regards to properties in Bath Road, there is a three storey block proposed to the rear of nos.13-21 Bath Road. The block is situated 11 metres from the back fence line of those properties and a minimum of 28 metres from the back of those houses. Obviously these residents will experience a considerable change from what is there now ( a tall single storey building about 3-4 metres off the boundary) ,with no windows overlooking at all, but it would be unreasonable to not expect any windows in a residential scheme The applicants have been asked to re-consider the format of the balconies that were proposed on some of the flats, but otherwise the degree of overlooking , and the over-domination that objectors referred is at an acceptable degree.

- 5.8 To the rear of nos.7-11 Bath Road the building is further away than described above. The 4-storey section is a minimum of 42 metres from the rear of the houses and some 28 metres from the the rear boundary of the houses which at this point is currently formed by a mixture of fences/concrete walls and substantial protected trees. The applicants intention is to provide a complete new fence line to the rear of all the Bath Road properties with a common boundary. It may be appropriate to consider fencing at greater than 2 metres is certain parts of this boundary to deal with changes in level and still afford a good privacy screen for these houses. Behind 1-5 Bath Road is located a 3-storey building that is angled towards these houses but is between 13-30 metres from the boundary. The former buildings along the rear of 1-11 Bath Road are located only 5 metres from the boundary and are industrial in character and size
- 5.9 Moving to the eastern side of the site there is a substantial change in level between the flats in Westbeech Court and the college site, with the college site being about 2 metres below the ground level of the corner of Westbeech Close by nos 15/16 and 17/18, albeit that the site level will be raised partially in this corner of the site. The 3-stoery block referred to in 5.8 above sits parallel with the Westbeech Court boundary. The block will be within 6-12 metres of this boundary, but 16-28 metres from the nearest flats. Direct intervisibility would also be significantly reduced by the substantial protected trees on this boundary.
- 5.10 The four storey element of the proposed building will be 17-30 metres from the boundary with Westbeech Court and 29 metres from the nearest flat (5/6 Westbeech Court). A three storey wing projects to the south towards  $\frac{3}{4}$  Westbeech Court and comes within 7 metres of the boundary and 15 metres of the flats at  $\frac{3}{4}$  Westbeech Court , but they are at right angles to one another and therefore overlooking is kept to a minimum. In this general area the existing college buildings are two storey high commercial style buildings situated in part within 1 metre of the boundary.
- 5.11 Overall your officers consider that the applicants have paid careful attention to the scale and siting of the building and believe that they have arrived at a building which will not be out of place with regards to adjacent property. Members attention is drawn to the comments from the applicant In appendix one, Your officers remain convinced that the relationship between the new building and houses in Bath Road is acceptable
- 5.12 The site has a short frontage (25-30 metres) with People's Park , which in this corner of the park has substantial trees. Although glimpses of the proposed building may be gained , especially after the fall of leaves, the relationship is considered acceptable

### **Neighbour impact**

- 5.13 In describing the relationship of the proposed building and the boundaries and houses surrounding the site the applicants have sought to maximise distances and minimise opportunities for overlooking .It is considered that the only relationships that need especial attention relate to those between 1-5 and 11-21 Bath Road, and 15/18 Westbeech Court. In the latter case the change in

levels, new fencing, existing trees orientation and distances are such that the relationship is considered acceptable. On the Bath Road properties named there may be an element of direct overlooking, especially from upper floors of the new block to the base of gardens. New fencing will to some extent assist and it is suggested that additional new planting is needed here also. On balance the relationship is considered tolerable. Elsewhere with regards to Bath Road properties the relationship is considered acceptable

### **Impact on Conservation Area**

- 5.14 The proposed building is large in footprint but is within a site that is itself large and has presently got large commercial/education buildings upon it, and therefore is already somewhat out of character with the surrounding residential areas, hence to some extent why it was excluded from the Conservation Area. The building will be, however, significantly taller and more bulky than the current buildings.
- 5.15 Views of the building from within the Conservation Area will be restricted to (i) the view up the access way from Bath Road,(ii) limited views between the semi-detached house in Bath Road and (iii) and filtered views from within People's Park. Only the view from (i) above will allow a clear view of the building which will be set back a minimum of 50 metres from the viewer, with the 4 storey element a further 20 metres back. Even in this view therefore the building will not be dominant, albeit that the building will be clearly visible from this point. Bath Road is made up of 2 and 3 storey properties and therefore taller buildings are not out of place, albeit that the building will be more of greater than normal domestic scale. From the other viewpoints it will be only possible to get partial glimpses of the building. Whilst larger than the frontage buildings to Bath Road the building will not overdominate those properties or the view from the street. Large trees and under-storey planting will filter the views from People's Park. Overall therefore the proposal will not detrimentally impact upon the character or appearance of the Conservation Area

### **Highway Safety and Parking**

- 5.16 The highway authority are content that the existing access onto Bath Road does not need improving, it being of adequate geometric standards and with acceptable visibility for the level of traffic that this proposed building will generate. They are also content that the local network and junctions can cope with the low level of extra car generation.
- 5.17 The level of car parking (39 spaces) represents 1 space for every 2 units, which may seem low, but reflects the fact that this is extra-care housing and is based upon the applicant's extensive experience of developing similar forms of housing elsewhere. It should also be borne in mind that the site is close to the town centre. It is therefore likely that a higher proportion of movements than normal can be expected to be by non-car modes. OCC accept this justification for the low level of car parking
- 5.18 The County Council also seek a legal agreement aimed at securing £5000 to facilitate the making of a Traffic Regulation Order to better control the on-street

parking in the vicinity. Given the comments about the adequacy of the parking I think this is difficult to justify in CIL Regulation terms.

### **Trees and boundaries**

- 5.19 A Tree Preservation Order exists on the site covering a few individual trees on the college side of the proposed building , the majority of which are due to be retained, and two groups of trees on part of the Bath Road and Westbeech Court boundaries, all of which are to be retained.
- 5.19 As noted above the applicant intends to provide a new unified fence along the Bath Road and Westbeech Court boundaries. Due to level changes on these boundaries the height of fences will need adjusting to maximise their effectiveness as privacy screens for both sides of the boundary. The applicant intends to do this with individual negotiation with neighbours. This is considered acceptable

### **Planning Contributions**

- 5.20 As noted at 3.8 above the applicant has offered 23 units of affordable housing in a mix of rented and shared ownership units. These will need to be secured by a legal agreement.
- 5.21 In section 3.9 above the County Council set out their requests for infrastructure funding, which can be summarised as a contribution of £107,250 for adult day care. They recognise that other potential funding requests for libraries, waste management and museum resource centre would not be compliant with the current CIL Regulations. The request for payments for an adult day care centre have been contested before by other providers of extra care housing, so this element will need further exploration/negotiation.

### **Consultation with applicant**

- 6.1 Good communications were maintained with the agent to ensure that the issues that arose during the application process were successfully dealt with.

### **Conclusion**

- 7.1 Based on the assessment above and subject a satisfactory S106, this application for extra care housing is recommended for approval

## **6. Recommendation**

### **Approval** subject to

- (i) The applicants first entering into a legal agreement to secure off-site infrastructure (if confirmed acceptable) and to secure affordable housing and nomination rights , and
- (ii) The following conditions
  1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.  
[Reason AR2](#)
  2. Except where otherwise stipulated by condition, the development shall be



carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and drawings contained in drawing issue sheet 1413 dated .....and other documents set out in Walker Troup Architects letter dated 3.6.15

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.  
Reason BR1
4. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.  
Reason BR1
5. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.  
Reason BR1
6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.  
Reason BR5
7. Prior to the commencement of the development hereby approved, all of the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site
8. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any of the units.  
Reason BR7
9. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

[Reason CR1](#)

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

[Reason CR1](#)

11. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS

12. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

[Reason CR2](#)

13. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and [insert] parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

[Reason DR3](#)

14. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

[Reason ER1](#)

15. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

[Reason JR7](#)

16. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for bats, which shall include timing of works, and the location, design and timing of any alternative roosts to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

[Reason KR1](#)

17. The Extra Care building hereby approved shall not be occupied until details have been submitted to and agreed in writing for a work of public art to be placed on site. The details shall including the size, design and siting of the work of art and the design process for it. The development shall be undertaken in accordance with the details so approved and provided on site prior to the first occupation of the building.

Reason: To comply with the Council's policy on the provision of public art and to enhance the setting and environment of the Proposed Extra Care Home in accordance with policy C28 of the adopted Cherwell Local Plan.

18. Prior to the first occupation of the flats precise details of the pedestrian gateway to People's Park , including it's locking arrangements shall be submitted to and approved by the Local Planning Authority , and the gateway shall thereafter be operated in the manner agreed.
19. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking

facilities shall be permanently retained and maintained for the parking of cycles in connection with the development

20. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

[Reason DR4](#)

### **Planning Notes**

#### **Thames Water Note – Surface Water**

The applicant is advised that in respect of Surface Water, Thames Water have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required. They can be contacted on 0845 850 2777.

#### **Thames Water Note – Water Pressure**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **Statement of Engagement**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.



Planning statement  
-for committee 18.9.



WALKER TROUP

ARCHITECTS

52 Lyndon Road  
Sutton Coldfield  
West Midlands B73 6BS

**PROPOSED EXTRA CARE DEVELOPMENT  
BATH ROAD BANBURY  
PLANNING APPLICATION REF 15/01024/F  
Ref 1413 - 15th Sept 2015.**

SUPPORTING STATEMENT

**The following statement is in response to the decision by the planning committee to defer the determination of the above planning application pending a site visit by the councillors in order to assess the impact of the development upon the residents of Bath Road.**

The applicant, Bromford Housing Association, has taken considerable measures to ensure that the development will be as sensitive to its local environment as possible. We acknowledge that the building is a big building but it will be a beautiful building offering local older people the opportunity for a safe and secure, independent lifestyle within a vibrant community in this Retirement Living development. The local community will be invited to be part of this development to bring them into the lives of residents and encourage residents to likewise become part of the existing community. The numerous facilities within the development, café, village hall, hairdressers, gym, including the landscaped gardens will offer enjoyment and activity for both residents and the community. The applicant, Bromford Housing Association, will remain owner, landlord and manager of the building for the long term. They successfully establish strong links with the local community and neighbours as they are in this for the long term. Housing for older people is a nationally recognised urgent requirement and this development provides financial options for all to access a flexible purpose built home.

We understand the objectors concerns are regarding the scale and massing of the building and that they have claimed there would be no view of the sky. We would point out that the planning decision should be made based on compliance with relevant planning policy and not in response to any emotive or subjective concerns. There is no 'right to a view' and this would include a 'view' of a blue sky, however there are rights to ensure an adequate amount and quality of day light and sunlight is maintained.

The right to light derives from the 1832 Prescription Act. This act did not provide specific criteria but set out the general right of a house holder to maintain a degree of air and light to their property. Legal judgements over the years have built up a set of criteria that are used today. Because they are based on various precedents there is no single pass/fail figure but rather a range of levels of skylight that should be adequate for given premises under given circumstances.

An opening into a building acquires a right-to-light if it has had uninterrupted enjoyment of a given amount of skylight for a period of at least twenty years. Even then **there is no right to maintain that exact same amount of light, but only to retain a reasonable proportion of that light.** To quote from The Building Research Establishment's guide 'Site layout planning for daylight and sunlight'

*'the right is only to the amount of light that is sufficient for ordinary purposes and does not compare directly with the recommendations in the BS 8206-2.'*

This statement is therefore made to point out how the application proposal complies with the recognised local and national assessment criteria, namely

- Local planning policy
- Local design guidance
- National design guidance – BRE guide
- Local precedent

## **1, Local planning policy**

The development has been carefully designed in accordance with informal guidance provided by Cherwell District Council in respect of separating distances. Consequently the design has been developed to exceed 22 m for two storey and 28m separating distance for three storeys.

22m is the recognised separating distance for conventional '2 storey' development and we have demonstrated on our section drawing 1413-P-40 what should be regarded as the 'normal condition' for back to back development. We have identified on this section the angle to the obstruction and sky line.

We note from Mr Duxbury's planning report to committee that no objections have been received from residents from West Beech Court where our design meets these standards albeit there is actually less of a separating distance than there is to Bath Road.

We further point out that Mr Duxbury, has recommended that in his view the proposal is acceptable having met with local residents and visited the site to assess the impact of the development.

## **2, Local Design Guidance**

Cherwell District Council has no formal planning guidance specifically that deals with separating distance however we can take the relevant principles from the following document:-

'Home extensions and Alterations. Design guide for householder planning applications dated March 2007.'

Chapter 5 states: - *'That rear extensions should be designed so that they do not cause loss of daylight, sunlight, privacy or amenity to neighbouring buildings or gardens'*.

Chapter 6 states: - Where the extension has a window at the rear, it should normally be at least 22m from a window of a neighbour's habitable room to prevent loss of privacy.

This guidance therefore implies that for 2 storey development the 22m distance is sufficient to satisfy concerns around *loss of daylight, sunlight, privacy or amenity to neighbouring buildings or gardens'*.

As a rule of thumb, for three storey development or higher, the separating distance is usually increased by 5m for each storey thus a minimum of 27m would normally be considered acceptable. In the absence of specific guidance we would refer to other local authority guidance documents where necessary.

The design achieves a minimum of 29m between the proposed facade and the properties to Bath Road and to illustrate this we have provided drawings numbered 1413-P-40 to show the closest relationship between the existing and proposed dwellings.

### 3, National Design Guidance- best practice

The daylight and sunlight tests used by Local Authorities when considering planning applications are set out in the Building Research Establishment ( BRE) Document 'Site Layout Planning for daylight and sunlight: A guide to good practice( 2011) .

We have provided drawings and data that demonstrate compliance with this guidance as follows:-

- **25 degree rule:** is a rule of thumb test for determining whether or not further daylight and sunlight studies are required.

The 25 degree test recommends that if the whole of the new development falls below the 25 degree line taken horizontally from the centre of the lowest habitable window . Then there is unlikely to be a substantial effect on daylight and sunlight.

Our proposal demonstrates that the increased separating distance and the eaves height of the proposed building results in an improved angle of 21 degrees rather than the 25 degrees, thus exceeding the amount of visible sky required. Using the table F1 in appendix F a VSC ( Visible Sky Component ) of 29.5 degrees can be interpolated using an angle of 21 degrees and a space to height ratio of 2.6 to the highest point of the obstruction. The benchmark VSC for loss of light being 27 degrees or less.

- **Overshadowing to gardens and open spaces:** BRE guidance recommends that at least 50% of the area of a neighbour's amenity i.e. back garden should receive at **least 2 hours of Sun light on 21<sup>st</sup> March.**

We have provided a CAD sunlight study for this showing that this is more than achieved with sunlight for 50% or more from 9.30am to sunset on the 21<sup>st</sup> March . See attached plan ref 1413-P-501

- **Privacy:** Item 5.3.1. of the BRE guidance states that **distance helps promote visual privacy but does not guarantee it.** Recommended privacy distances vary widely but are typically from 18m. A space to height ratio of just over two is normally enough to allow adequate day lighting on building faces: thus for low rise housing if these privacy distances are applied good daylight will ensue automatically.

Our proposal has a proposed eaves height of 8.50m and a ridge height level of 13.24m thus a 2:1 ratio requires a minimum separating distance of 26.48m. The actual distance to the ridge is 34m from the rear of Bath Road and 29.66m from the facade providing an actual ratio of 2.6:1 and 3.4 respectively.

### 4, Local Precedent

We note that the existing retained college building adjacent to the development has a taller eaves and ridge line and is closer to the existing boundary and the rear of existing properties to Bath Road. See attached plan ref 1413-P-41

### Conclusion

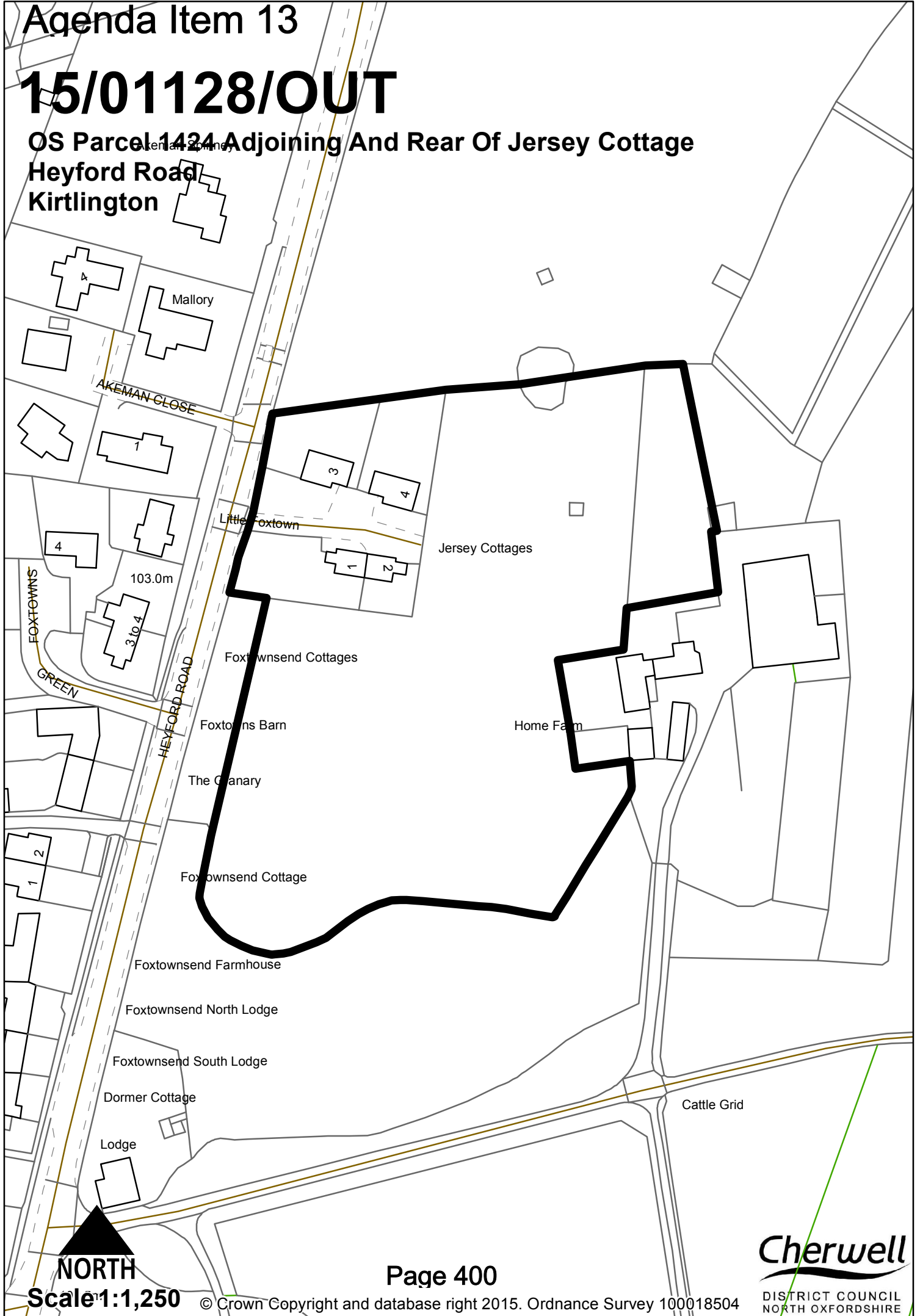
We acknowledge that the development will be visible from the neighbours habitable rooms and gardens however having followed planning policies and the recommended design guidance, It is our opinion that the proposed development meets the relevant criteria and consequently the impact of the development will be modest and not cause harm. We therefore see no technical reason why planning permission should not be granted.



# Agenda Item 13

# 15/01128/OUT

**OS Parcel 1424 Adjoining And Rear Of Jersey Cottage  
Heyford Road  
Kirtlington**

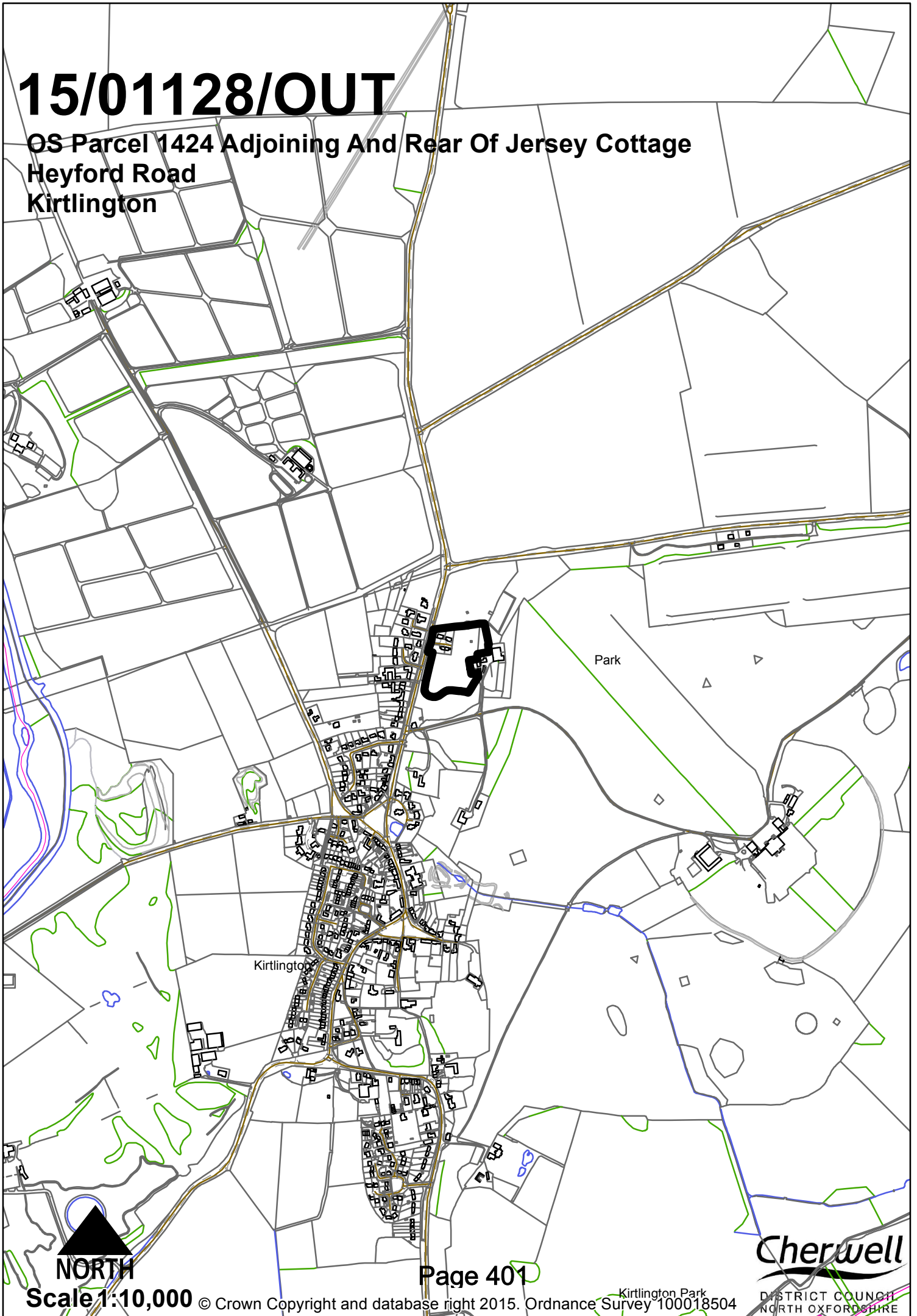


**NORTH**

**Scale 1:1,250**

# 15/01128/OUT

OS Parcel 1424 Adjoining And Rear Of Jersey Cottage  
Heyford Road  
Kirtlington



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Ward:** Kirtlington

**District Councillor:** Councillor Holland

**Case Officer:** Shona King

**Recommendation:** Refuse

**Applicant:** JF And CM Budgett, HC Tyler, SH Nicolson And Manor Farm Dev

**Proposal:** OUTLINE - Demolition of 1 to 4 Jersey Cottages, residential development for the erection of up to 34 dwellings, open space and associated works

**Committee Date:** 1 October 2015

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## 1. Application Site and Locality

- 1.1 The application site is located to the northern side of Kirtlington to the east of Heyford Road. It comprises 4 dwellings, 1-4 Jersey Cottages and paddock and is approximately 1.4ha in area.
- 1.2 The northern boundary of the site is defined by a hedge, trees and fences. The western boundary comprises a dry stone wall, approximately 1.6m high, with a belt of mature trees within the site. The southern boundary of the site is formed by woodland which extends along the entire southern boundary and merges with a larger block of woodland to the east of the site. The eastern boundary is defined with a post and rail fence which borders Home Farm and its associated agricultural buildings.
- 1.3 To the south of the site, beyond the woodland is the driveway into Kirtlington Park and parkland to the north is a paddock forming part of Home Farm. The western side of Heyford Road is characterised by a strong building line of dwellings fronting onto Heyford Road with a couple of cul-de-sacs, Akeman Close and Foxtowns. Conversions of traditional farm buildings have also taken place to the rear of Foxtownsend Farm.
- 1.4 The application site lies partly within the Conservation Area and partly within the Grade II Registered Park and Garden of Kirtlington Park. There are several Grade II listed buildings adjacent to the application site including Home Farm.
- 1.5 There are no Tree Preservation Orders within the site. The site is within 2km of a SSSI (Kirtlington Quarry) and there are records of Spotted Fly catchers, a legally protected species within 250m of the site. There are also records of common swift within 250m which are a UK BAP Priority and Section 41 Species and it abuts a UK BAP Priority and Section 41 Habitat, lowland mixed deciduous woodland. The site lies within a buffer zone for potentially contaminated land and is a site of medium level archaeological interest.

## 2. Description of Proposed Development

- 2.1 Consent is sought for the demolition of 1-4 Jersey Cottages and the erection of up to 34 dwellings with open space and associated works. The application is in outline

with only access to be considered at this time. Appearance, landscaping, layout and scale are reserved for subsequent approval.

2.2 Vehicular access is to be via the existing access serving Jersey Cottages. It is proposed to upgrade the access to provide footways either side of the estate road with 10m of footway either side of the junction with Heyford Road.

2.3 An indicative layout has been submitted showing 32 dwellings served by a single access from Heyford Road with an area of open space and a pond.

### 3. Publicity

3.1 The application was publicised by way of neighbour notification letters and a notice displayed near to the site. The comments raised by third parties are summarised as follows below and the letters can be viewed in full in the application documentation.

21 letters have been received and the following issues have been raised:

- Sewage and flooding
- Impact on heritage assets
- Impact on the visual amenities of the area
- Loss of trees
- Impact on village infrastructure
- Traffic congestion and highway safety
- Unsustainable development
- Loss of open countryside
- Contrary to the housing strategy
- Contrary to the Neighbourhood Plan
- Outside the built up area
- Impact on wildlife and habitat
- Air, light and noise pollution
- Loss of boundary wall
- Recent application to south of Kirtlington
- Number of dwellings for size of village
- Density of development
- Impact on the character of the area/village
- Site lends itself to development
- Not carbon neutral
- Location of the development
- Contrary to the local plan
- Lack of employment
- Poor transport links

### 4. Response to Consultation

4.1 **Kirtlington Parish Council**: The Parish Council objects to this application as it stands and its reasons are set out from (2) below.

#### 1. General comments

The application proposes the removal of existing housing which is of little design or architectural merit, therefore subject to design and layout the development could provide a visual improvement which could balance the impact on the Conservation

Area and Registered Park. Despite the site's location partially within the conservation Area and a Grade II Registered Park and Garden, houses on this site, if appropriately located, would be a good fit with the existing north-south settlement pattern of the village, and would be concealed behind the existing estate wall and the belt of trees fronting the Heyford Road (however, see the reservations below). The site is also sufficiently well screened from the historic parts of the Park (see Heritage Impact Assessment pp 10-11) not to affect the setting of Kirtlington Park House (Grade 1 listed).

## 2. Conservation Area, screening and the site boundary

- (i) As there are existing trees on the site (particularly around the site entrance and around the existing properties) and overhanging the red line boundary, this application should not have been validated without a BS5837:2012 compliant tree survey. This is needed and should include a tree removal plan.
- (ii) The belt of trees fronting the Heyford Road, including the estate wall, are features of great importance to the screening of the proposed development from the Heyford Road and the properties opposite, but they lie outside the red line boundary. The Parish Council requests an extension to the land within that boundary to include all the trees in order to ensure the permanent retention/improvement of the existing trees. Works to the estate wall are described in the Heritage Impact Assessment, but as the wall is not within the red line boundary, such works cannot be enforced.
- (iii) Any trees within the Conservation Area are subject to Tree Preservation Orders. Although the trees along the Heyford Road and to the south of the site are not Ancient Woodland, they are BAP priority habitat and as such need to be given adequate protection. The Heritage Impact Assessment states that woodland is likely to have existed in this tree belt and in the plantation to the south of the site since between 1811 and 1875. The roots of these trees will extend well beyond their canopy, and the roots are likely to have compensated for the restrictions imposed on them by the presence of the Heyford Road by putting on additional growth to the east. Natural England's Standing Advice for non-developable buffers to Ancient Woodland is 15m; however, as the trees are not Ancient, such a buffer may not seem enforceable. Given the importance of these trees, however, the Parish Council requests enforcement.
- (iv) If a 15m standoff from the existing trees is not achievable, back gardens should not back onto areas of existing trees, particularly the woodland to the south of the site. Although the layout is only illustrative, the houses at the southern end of the site will be in shade, which tends to lead to house owners requesting tree thinning works from the woodland's owner. There is also the temptation to tip garden waste over the fence into the adjacent woodland.
- (v) Only by retaining the existing trees along the Heyford Road and then augmenting this belt with another 15m wide buffer (with or without additional planting), would the proposed houses be adequately offset from the Heyford Road to reduce their visual dominance when viewed from the Heyford Road (see setting to listed buildings below). The situation in winter is particularly relevant to this point.
- (vi) There is currently inadequate screening of the site along its northern boundary with viewpoints available from the Heyford Road into the site when

entering the village from the north. The Heritage Impact Assessment suggests that this boundary will be reinforced with hedgerow planting, but the Parish Council considers this will not provide adequate mitigation of the visual effects of the proposed development.

### 3. Impact on adjacent Listed Buildings and the Foxtownsend area of the Conservation Area

The Heritage Impact Assessment states that the layout has considered the setting of the listed building of Home Farm and those at Foxtownsend Cottages on the opposite side of the Heyford Road. The Parish Council feels that the proposed development is not sufficiently screened from the west and north facades of Home Farm. If the additional trees along the Heyford Road can be imposed, this would go some way to mitigating any adverse effects of the proposed development on Foxtownsend Cottages.

### 4. Access

The main access proposals are inadequate to show the effects on existing trees and on the extent of estate wall that needs to be removed and replaced to accommodate the new footways. A revised detailed drawing is required. In the illustrative layout, properties are proposed butting up against the estate wall, which is not in keeping with the existing access into the park to the south of the site, where the Lodge is set back behind curved walls. The existing park entrance should have priority as a special and historic feature in the estate wall along the approach road to the village centre, and the Parish Council requires that the access into the proposed development does not compete with it. The Parish Council considers that the first properties fronting the entrance road are too close to the entrance, thereby restricting the vision splay. Furthermore, some of the existing historic wall also impedes the vision splay, and some remodelling of that wall would be necessary. Whereas the Oxfordshire County Council's Response to Consultation (p.3) requires one pedestrian provision across the A4095, the Parish Council requests a second pedestrian crossing nearer to the school.

### 5. Scale of development, density and mix of housing

In the context of the Cherwell Local Plan Examination, and following a Development Survey in the village, to which over 81% of the electorate had responded, Kirtlington Parish Council decided that an acceptable level of planned development within the parish for the period of the Local Plan would be 30 new homes, phased over the whole plan period until 2031. Although the net increase in housing in the planning proposal in this application is 30, it is not for phased development over the period, which the Parish Council insists is necessary, for infrastructure reasons and for gradual population growth, for the development to be sustainable. This formula of 30 new houses phased over the period is also part of Kirtlington's discussion within the Mid-Cherwell Neighbourhood Plan, in which the Parish Council also requires 100% of the affordable housing provision within Kirtlington to be for local families, as the District will gain affordable housing elsewhere within the Neighbourhood Plan.

The Parish Council considers that the site density is too great. With the constraints imposed by existing, adjacent trees, the requirement for improved screening along the northern boundary and restrictions imposed by settings to listed buildings, this site will not have the capacity for up to 34 dwellings. A revised illustrative layout should be provided. This density will also affect the number of cars, their parking and their use of the access.

### 6. Parking provision

The Parish Council considers the proposed car parking provision to be inadequate. This inadequate provision is throughout the whole illustrative plan, but it is particularly the case for the properties fronting the entrance road, where houses have little off-street parking, and for some houses the parking is not adjacent to the homes; residents can be expected to park as close to their front door as possible and so one would expect the road to become cluttered with cars. This is visually poor and dangerous for children. Furthermore, the Parish Council believes that parking provision should relate much more closely to the number of bedrooms per property.

## 7. Other layout concerns

Access to the rear gardens of the terrace houses is not clear. This gives rise to various concerns, such as access for emergency, waste bin management, etc.

## 8. Missing information

### (i) Archaeology:

The county archaeologist has lodged an objection until an archaeological field evaluation has taken place. This information may have a bearing on the suitability of this site for development; therefore such work must be carried out and submitted to all parties prior to further consideration of this application.

### (ii) Survey of Great Crested Newts:

The Extended Phase 1 survey was commissioned in May 2014 with a report published in July 2014. This timescale is likely to have had severe restrictions on the timing of Great Crested Newt (GCN) Surveys. There is a dried up pond on the northern edge of the site and there is a known historic population of GCN in the village pond. The report states that a GCN report will be produced, but it does not appear that this has been submitted as yet, and it should be submitted to all parties prior to further consideration of this application.

### (iii) Tree survey:

BS5837:2012 compliant tree survey, as stated in paragraph 2(i) above is needed and should be submitted to all parties prior to further consideration of this application.

## 9. Infrastructure

The primary school is currently at capacity with no physical space to expand since its recent extension. This is an infrastructure problem that would be of considerable significance for any development proposal which is not phased over the whole plan period to allow gradual, small increases in population.

The Flood Risk Assessment includes a response from Thames Water Utilities Ltd (dated 25 February 2015) to the following question "Is the requested address or area at risk of flooding due to overloaded public sewers?" to which they state "The flooding records held by Thames Water indicate there have been no incidents of flooding in the requested areas as a result of surcharging public sewers". The Parish Council refers the District Council to Mr. Andrew Banks's letter submitted in respect of this application, which describes the history of serious problems in this regard just downhill from the site. Following Mr. Banks's letter, the Parish Council has made a few enquiries around the village, and finds that individual parishioners have indeed had repeated sewage problems:-

- in addition to Mr. Banks's problems, his neighbours have had problems,

- in another case, downhill from the proposal site, foul sewage has flowed down the parishioner's driveway on several occasions,
- in another two cases foul sewage overflows into pasture near homes and into the river system.

These individual parishioners have written to Thames Water on several occasions, but the problems remain. Other parishioners told of repeated times of low water pressure. Following these enquiries, the Parish Council is writing to Thames Water about the current situation. Granting this application should, therefore, not be allowed until the current sewerage and water pressure inadequacies have been rectified and full information given as to how and when the additional load will be catered for.

#### 10. Prematurity

Kirtlington is one of the parishes taking part in the emerging Mid-Cherwell Neighbourhood Plan. The boundaries are already agreed with the District Council; working parties have been meeting and the first draft of the neighbourhood plan is ready for discussion with members of the Forum. This application prejudices the allocation of sites by the Mid-Cherwell Neighbourhood Plan forum for the whole area within its boundaries.

Furthermore, the application runs contrary to the recommendation in the Local Plan Examination Inspector's Report in paragraph 216, in which, referring to Category A villages, he requires the Local Plan Part 2 review process of categorization of rural areas to take place "before any new development sites are allocated therein". As Kirtlington Parish Council queries the village's categorization as A, this delay is relevant. So, accepting this planning application before Local Plan Part 2 runs contrary to the now adopted Local Plan.

#### 4.2 **Cherwell District Council:**

**Planning Policy Officer:** The site is located on the eastern side of Heyford Road to the northern edge of the village of Kirtlington. The site includes 4 residential properties in the north western part of the site and paddocks to the east and south. The site is bounded by paddock to the north, Home Farm to the east which includes the farmhouse and a number of outbuildings, woodland to the south, and Heyford Road to the west.

This is a part brownfield part greenfield site outside the built-up limits of the village. Most of the site falls within the Historic Park and Garden of Kirtlington Park and Kirtlington Conservation Area. Home Farmhouse is a Grade II Listed Building.

Kirtlington has a population of 988 people (2011 Census).

#### Development Plan Policies

On the 20 July 2015 the Council adopted the Local Plan 2011-2031 - Part 1. The Local Plan replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

The policies in the Local Plan 2011-2031 and the saved policies of the 1996 Local Plan most pertinent to this planning application are set out below.

#### **Local Plan 2011- 2031 - Part 1 (July 2015)**

Policy Villages 1: Village Categorisation

Policy Villages 2: Distributing Growth Across the Rural Areas

Policy BSC 1: District Wide Housing Distribution

Policy BSC 3: Affordable Housing



Policy BSC 4: Housing Mix  
Policy ESD 13: Local Landscape Protection and Enhancement  
Policy ESD 15: The Character of the Built and Historic Environment

**Local Plan 1996 - Saved Policies (policies not replaced by Local Plan 2011- 2031)**

Policy H18: New dwellings in the countryside  
Policy C8: Sporadic development in the open countryside  
Policy C18: Development proposals affecting a listed building  
Policy C28: Layout, design and external appearance of new development

National Planning Policy Framework

The main paragraphs of the NPPF which apply are as follows:

Paragraph 14 - Presumption in favour of sustainable development.  
Paragraph 17 - Core Planning Principles  
Paragraph 28 - Supporting a prosperous rural economy  
Paragraphs 29, 30, 32 and 34-36 - Promoting sustainable transport  
Paragraphs 47-50 - Delivering a wide choice of high quality homes  
Paragraph 54 - Planning housing development to reflect local needs in rural areas  
Paragraph 55 - Enhancing or maintaining the vitality of rural communities  
Paragraph 56, 57, 61-65 - Requiring good design.  
Paragraph 109 - Conserving and enhancing the natural environment.

Planning Practice Guidance

The paragraphs of the PPG most pertinent to this application from a Local Plan perspective are:

Paragraph: 001 Reference ID: 50-001-20140306 - Housing supply and affordability in rural areas, sustainability of villages and smaller settlements  
Paragraph: 001 Reference ID: 8-001-20140306 - Natural environment  
Paragraph: 007 Reference ID: 41-007-20140303 - Weight attached to emerging neighbourhood plans  
Paragraph: 014 Reference ID: 2a-014-20140306 - Housing needs  
Paragraph: 022 Reference ID: 2a-022-20140306 - Affordable housing  
Paragraph: 030 Reference ID: 3-030-20140306 - Five year housing supply

Non Statutory Cherwell Local Plan 2011

Whilst some policies within the Non-Statutory Local Plan may remain material, others have in effect been superseded by those of the Local Plan 2011 – 2031 – Part 1. The Planning Policy Team should be contacted on 01295 227985 if advice is required on individual policies.

The following are the main policies which apply for this application:

Policy H19 New dwellings in the countryside  
Policy EN30 Sporadic development in the countryside

Other Material Policy Considerations

Five year housing land supply

The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report which was published on 31 March 2015. The AMR concluded that the district has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This is based on the housing requirement of the adopted Local Plan 2011-2031 Part 1 which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum of a total of 22,800). The five year land supply also includes a 5%

buffer for the reasons explained at paragraph 6.28 of the AMR. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

#### Neighbourhood plan

An application for designation of a Neighbourhood Plan area (Mid-Cherwell) was submitted on 8 August 2014 by Ardley with Fewcott Parish Council which is the lead Parish on behalf of a consortium. The consortium includes: Kirtlington Parish Council, Duns Tew Parish Council, Lower Heyford Parish Council, Middleton Stoney Parish Council, Somerton Parish Council, Steeple Aston Parish Council, Middle Aston Parish Council, North Aston Parish Council, Fritwell Parish Council, Upper Heyford Parish Council, Heyford Park Residents Associated, and Dorchester Group.

The application for designation of Mid-Cherwell Neighbourhood area was approved by the Council's Executive at a meeting on 7 April 2015.

#### Overall Policy Observations

The adopted Local Plan 2011-2031 Part 1 identified Kirtlington as a Category A village, one of the most sustainable villages in the district, where minor development, infilling and conversions will be permitted within the built-up limits of the village.

Policy Villages 2 of the adopted Local Plan 2011-2031 Part 1 provides for a total of 750 dwellings at Category A villages which includes Kirtlington to meet Local Plan housing requirements. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014. However, from the Housing Delivery Monitor in the 2014 AMR it can be determined that a total supply of 473 dwellings is presently expected from deliverable sites (10 or more dwellings) in the rural areas that did not have permission on 31 March 2014. This leaves only some 277 left to be identified to meet the Policy Villages 2 requirement through to 2031 (the Housing Delivery Monitor shows this as 275). Sites will be identified through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

In principle, the provision of some additional housing at Kirtlington to meet Policy Villages 2 requirements accords with the Development Plan. However, the site is in a sensitive location - Kirtlington Park and Conservation Area. The site lies outside the built-up limits of the village, would extend development into the countryside and would introduce an area of built development in a presently very loose knit part of the village. Very careful consideration of visual and landscape impacts including impact on heritage assets needed and on the built form of the village.

In identifying and considering sites under Policy Villages 2, particular regard will be given to the following criteria:

- Whether the land has been previously developed land or is of lesser environmental value
- Whether significant adverse impact on heritage or wildlife assets could be avoided
- Whether development would contribute in enhancing the built environment
- Whether best and most versatile agricultural land could be avoided
- Whether significant adverse landscape and impacts could be avoided
- Whether satisfactory vehicular and pedestrian access/egress could be provided Whether the site is well located to services and facilities

- Whether necessary infrastructure could be provided
- Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period
- Whether land the subject of an application for planning permission could be delivered within the next five years
- Whether the development would have an adverse impact on flood risk.

As the Council now has a defensible five year housing land supply position the application site is not needed to assist in housing delivery in the near term. The likely extent of any harm should therefore be considered in this context and policies in the NPPF, new, saved and non-statutory plans for protection of the countryside.

It is noted that the level of affordable housing proposed accords with emerging policy (BSC3) and the needs for affordable housing is of course high as evidenced by the SHMA Work has commenced on Local Plan Part 2 and there will be further opportunities for considering Kirtlington’s needs both through Local Plan Part 2 and Neighbourhood Plan.

In conclusion, although Kirtlington is a sustainable village with a nursery, primary school, food shop, post office, public house, recreational facilities and a village/community hall Policy Villages 2 makes provision for some development to be accommodated. However there are concerns over the potential impact on Kirtlington Park, the Conservation Area and the nearby listed building, and harm caused to the character of the village, landscape impact and the existing settlement pattern. These will all need careful consideration. The development impact on the existing services and facilities will also need to be considered.

Policy Recommendation

A Planning Policy objection is raised subject to further detailed assessment of heritage and landscape impacts.

**Conservation Officer:** The Conservation Officer comments as follows:

Principle of development

The Heritage Impact Assessment states .....

- There are significant concerns in principle with the development of a key area of (previously undeveloped) green space in the registered parkland and at the entrance to the conservation area. The proposed development is considered to cause substantial harm to the heritage assets and their settings and it is not considered that the substantial public benefits that could potentially outweigh the harm have been demonstrated in the application.
- There is no link between the proposed development and the long term viability of the heritage assets, other than the proposal to repair the stone boundary wall. This is considered insufficient justification for the level of harm proposed.

Form of development

The Heritage Impact Assessment claims that it is an appropriate form of development due to its layout, density and retention of open green spaces. It also refers to its inward looking nature retaining the distinction between the parkland area and the surrounding village.

- Notwithstanding the concern in principle with development in this location, there are concerns with a form of development at the gateway to the village

which is designed to be inward looking and being concealed behind boundaries.

- This form of development does not preserve, enhance or better reveal the character and appearance of the conservation area or registered parkland. The proposed settlement does not integrate well with either the historic parkland or the village and is not considered to be a sustainable form of development.

#### Demolition of Jersey Manor Cottages

The Heritage Impact Statement claims these building are of mid to late 20th century, are not sympathetic to the local vernacular and are not of any heritage interest.

- There are no concerns with the demolition of these buildings, which would enhance the character and appearance of the Kirtlington Conservation Area and Kirtlington Park Registered Park.

#### Planning history for Jersey Manor Cottages

The semi-detached houses in this location were erected in 1954 and the detached buildings were added in 1978. This pre-dated the designation of the Registered Park boundary in 1995 and the Conservation Area boundary in 1988 and should not set a precedent for further non-sympathetic development on the site.

#### Impact on Kirtlington Park

##### Kirtlington Park – setting of grade I listed building

The Heritage Audit identifies that there is no inter-visibility with the grade I listed Kirtlington Park house and claims that the site does not have any impact on the setting of the building. Historic England (formerly English Heritage) has produced guidance on 'The Setting of Heritage Assets', which it identifies as 'the surroundings in which the asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve'.

- The application site is situated at some distance from Kirtlington Park House and does not form part of its immediate setting. It does however form part of its extended setting and the way in which the park is experienced. Non estate housing situated on a parkland estate is clearly an incongruous element that causes harm to the significance of the historic parkland and the experience of the wider setting of listed building.

##### Impact on Kirtlington Park – registered parkland

Kirtlington Park was added to the Registered Park and Garden in 1995. A brief history of the development of the park is included in the Register description, which includes the establishment of a 'new park' in 1279 (which later became the 'old park') and was incorporated into the Sir James Dashwood's 'new park' in 1750. The document describes the early proposed design for the parkland by Thomas Greening (the Royal Gardener) and the later work carried out by Capability Brown.

The Heritage Audit by Asset Heritage does a more detailed analysis and identifies that the application site was not part of the Capability Brown scheme, but originally formed 'Town Green' and was incorporated into the Dashwood park at enclosure in 1811. The document speculates about why the application site has been included within the Registered Park, whilst the area to the north has not. It also identifies that

Jersey Cottages have been specifically excluded from the Registered Park boundary.

- The Registered Parkland was designated at national level by English Heritage (now Historic England). If there are queries regarding the boundary of the Registered Parkland this should be addressed formally with the Designations Team of Historic England. Unless the boundary is re-drawn the application site is considered to lie within the Registered Parkland and should be treated accordingly.
- A decision needs to be made, by Historic England, about the significance of this element of the parkland and whether it should remain on the Register prior to the granting of any consent for significant development on the site.
- The application site may not have been designed by Capability Brown, but has been incorporated into the parkland at a later date and has assimilated with the overall character of the park.
- The specific exclusion of Jersey Cottages from the Registered Parkland (in an area that would ordinarily have been included within the application site boundary) demonstrates the level of harm caused by the properties to the parkland. The provision of more houses to this area would cause additional significant harm to the registered parkland. If the development were permitted and built out and the parkland boundary was reviewed in future the almost inevitable conclusion would be that the development area should be removed from the registered parkland boundary.
- Development of private, modern suburban or 'Executive' homes not associated with the estate should not be permitted on a Registered Parkland as a matter of principle.

#### Impact on setting of Home Farm

Home Farm is a grade II listed building of 16th century or earlier. The listed building description is basic (for identification purposes only) and does not discuss its history or origin. The Heritage Audit describes its physical position and layout and its association with Town Green, but does not give any detail about its historical development.

The name 'Home Farm' would indicate that the building is directly associated with Kirtlington Park, although this is not addressed in the Heritage Audit. Further information is required in this respect. If the listed building is directly related to Kirtlington Park, either initially or following enclosure it would enhance the significance of the land (including the application site) surrounding it in association with the registered park and setting of the grade I listed building.

The Heritage Impact Assessment claims that 'The application site makes some contribution to the setting of the grade II listed Home Farm (in enabling views across open land to the front of this building, albeit this is within a changed context without particular historic significance) and, as an established piece of open land on the edge of the conservation area, makes some contribution also to the latter's character and appearance'.

The Supporting Planning Statement claims that the development will 'enhance the setting of the listed farmhouse to the east by the demolition of the twentieth century farm buildings close to the building and returning the site of these to grass and to replace the roof on the lean-to on the northern side of the farmhouse with a tiled roof to match the main roof'

- The proposed development would cause harm to the setting of the listed building of Home Farm as it alters its immediate surroundings from a rural setting to that of a housing estate.
- The Heritage Impact Assessment details the proposed design and layout of the development proposal and how it has been designed to minimise the harm, but does not claim that there is no harm.
- The current setting of the listed building does include some modern agricultural buildings, which is entirely to be expected with a listed farmhouse and the removal of these structures is not considered to mitigate the harm caused by the proposed development.

#### Impact on setting of listed buildings to west of Heyford Road

The Heritage Impact Assessment states 'The proposals quite evidently do not cause harm to what is significant about the setting of the listed buildings on the western side of Heyford Road'.

- The majority of the listed buildings along Heyford Road will be screened from the development by the existing tree belt, although as stated elsewhere this does not make it an acceptable form of development.
- The impact on the setting of 3-4 Foxtownsend Cottages will be greater due to the proximity to the altered, upgraded access way and the encroachment of modern houses up to the site entrance.
- The harm to the setting of these listed building is considered to be less than substantial.

#### Impact on character and appearance of Kirtlington Conservation Area – settlement form

The proposed site lies within the Kirtlington Conservation Area, which includes the historic settlement and the entire extent of the Registered Parkland boundary.

The Kirtlington Conservation Area Appraisal identifies that some of the key characteristics of the area are the linear form, the convergence of routeways, the greens and the continuity of enclosure. The historic development of the settlement is well documented and there are a range of historic maps that pre-date the Ordnance Survey.

The historic settlement form of Kirtlington is as a linear settlement linked by a series of village greens (including Town Green discussed below). There has been some later development to the south of the settlement and outside the conservation area, which does not respect this, but the settlement form to the north end of Kirtlington remains largely intact.

The Heritage Impact Statement claims '..... As an established piece of open land on the edge of the conservation area, makes some contribution also to the latter's character and appearance; its more significant contribution in this respect, however, derives from the western boundary wall and tree belt, which are strong features of the streetscape' and 'It does not make a substantial contribution to what is most significant about the character and appearance of the conservation area, other than through its western boundary, which contributes to the characteristic identified in the Kirtlington Conservation Area Appraisal as the continuity of enclosure along the main route through the village'

- It is considered that the proposed development would have a harmful impact on the settlement form. The proposed development would be on previously undeveloped land in a key location at the northern gateway to the village. The

suburban nature of the development is also entirely contrary to the linear form of the remainder of the settlement.

- There would be a visual impact on the conservation area, particularly from the north. It is acknowledged that the development would be partially screened by the existing tree belt and wooded plantation along the Heyford Road, but this should not be used as mitigation for a poor form of development.

#### Impact on character and appearance of Kirtlington Conservation Area – significance of Town Green

The proposed development incorporates the former Town Green, which formed a key part of the settlement pattern of the historic village. The presence of this green had an impact on the configuration of the remainder of the settlement 'Maps from the C18 indicate that prior to the formation of the current park the Town Green was cited in the north of the settlement to the east of Portway. This might explain why the building line is particularly strong on the west side of the main route as much of the east side was open until mid C20th'.

The inclosure of Town Green (in 1815) is one of the key areas of change to the historic settlement of Kirtlington. 'Apart from the inclosure of Town Green and with the exception of the council houses..... and the more recent infill in the north west .....the general plan of Kirtlington is much as in the map of 1750. A fair number of the present houses must have been standing then.'

- The former Town Green was allocated to Sir Henry Dashwood at inclosure and was incorporated into the parkland surrounding Kirtlington. The character of this area is different to the remainder of the parkland, but this does not diminish its significance.
- The parkland has preserved the open space nature of Town Green and therefore retains its historic significance far better than the proposed housing estate.
- The Heritage Impact Assessment states that an area of open space is allocated at the north end of the site 'The pond and village green are reflective of the original Town Green and its large central pond, the site of which originally lay just to the south, now within the large plantation'. The very different alignment and layout would not replicate former Town Green and is not considered to mitigate against the loss of the greenspace.

#### Impact on character and appearance of Kirtlington Conservation Area – proposed new access

The scale of the development will necessitate an upgraded access to the site. This will include the loss of a section of dry stone walling and some trees to the east of Heyford Road. The loss of historic fabric and mature trees from the conservation area are considered to cause harm to the significance of the area. The character of the access will also be altered from that of a simple track to a suburban road.

The Kirtlington Conservation Area Appraisal discusses the character of 'Carriage ways, pavements and footpaths' on the settlement of Kirtlington and the positive impact that informal rural routes can have on the character of the settlement and how this can be destroyed by formal adoption.

The Heritage Impact Assessment acknowledges that there is less than substantial harm to the significance of the conservation area by the proposed alterations to the access, but claims that there is 'no appreciable difference in overall character arising from this loss as the tree belt will continue up to the new widened opening in the

same way'. It does not discuss the impact on character by the creation of an entrance to an essentially suburban estate.

The Heritage Impact Assessment outlines that as part of the proposed development a section of the dry stone wall will be repaired and have a noticeably positive effect on the streetscape. It offers this as mitigation for the loss of the wall and although not specifically stated it suggests that the public benefit of this would outweigh the harm caused. This does not, however, take into account the harm caused by the creation of a more formal access to the site.

### Conclusion

The Heritage Impact Assessment itself states 'While it is of course undeniable that the proposed development will constitute a substantial change to the character and appearance of the application site, and thus to this part of the conservation area and the Registered Park, the scheme as designed responds in every way it can to the established context and character of the conservation area (and the setting of Home Farm as a listed building), in a manner that helps to 'place-shape' the proposed scheme'.

Considerable emphasis within the submission is placed on boundaries and how the development will be screened. The terminology used within the application includes 'mitigation', 'loss', 'unfortunate necessity' and 'screened'. Harm is acknowledged, but is identified within the document as being 'less than substantial'.

- The Heritage Impact Assessment acknowledges the substantial change that the development would have on the conservation area, registered park and setting of the listed building of Home Farm, but that is not the test laid out in the National Planning Policy Framework. Paragraph 137 of the document states 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. The proposed development cannot be considered to either preserve or enhance / better reveal the significance of any of the heritage assets.'
- It is positive that the historic tree belt and stone wall along Heyford Road will be retained as they are of historic merit in their own right, but hiding the proposed development behind this area is not considered an appropriate response.
- There are a number of heritage issues, which the proposed development has been identified as having an impact on (as identified above). The accumulative effect is considered to be 'significant harm'. There are not considered to be significant public benefits to outweigh this harm.

### NPPF

The proposed development is considered to cause substantial harm to the heritage assets of Kirtlington Conservation Area and Kirtlington Park Registered Parkland and on the settings of Kirtlington Park grade I listed building (extended setting) and Home Farm grade II listed building and to a lesser extent the grade II listed buildings to the west of Heyford Road.

It is not considered that the substantial public benefits that could potentially outweigh the harm have been demonstrated in the application.

It is recommended that the application should be refused.



The proposed development is considered to be contrary to Policy ESD 15: The Character of the Built and Historic Environment as it is not considered that the development

- Contributes positively to an area's character and identify by crating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes within the Cherwell Valley and within conservation areas and their settings.
- Conserve, sustain and enhance designated and non-designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings and ensure new development is sensitively site and integrated in accordance with advice in the NPPF and NPPG.
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosure and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces and building configured to create clearly defined active public frontages. .
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features.

**Housing Officer:** The affordable housing statement for this application denotes a requirement for 11 affordable housing units, however 35% of 34 units is 11.9 therefore there should be a provision of 12 affordable units.

The applicant is correct in the assertion that there should be a 70/30 tenure split in the affordable housing requirement.

It is also agreeable that the detail of the affordable housing units can be agreed at reserved matters stage, should this application be awarded outline planning permission.

However I would suggest the following as an indicative mix for the applicant to consider.

Rent  
4x1b2p Maisonettes  
3x2b4p Houses  
1x2b4p bungalow

Shared Ownership  
4x2b4p Houses

The affordable housing units should be dispersed into two clusters with 50% of the rented to meet Lifetime Homes Standards.

All the affordable housing will need to meet the HCA's Design and Quality Standards including the necessary HQI requirements

The registered provider that takes on the affordable housing will need to be agreed with the Council.

**Landscape Officer:** The site is on the northern periphery of Kirtlington. It is bounded on the Heyford road side by an estate dry stone wall which is in need of repair in places, on the western and southern sides by woodland. The northern

boundary has sparse vegetation and is open to view from Heyford Road as you drive towards the village and from Akeman Street to Chesterton. The Home Farm House is Grade 2 listed and also comprises some modern Farm buildings which it is proposed to demolish.

The development would be visible from Heyford Road in the village mostly as glimpses through the tree belt in summer and much more clearly in winter due to a lack of much under storey. It would be visible from Akeman Street as you approach the T junction due to very thin gappy vegetation along the northern boundary and from Heyford road approaching the village from the north. The development is unlikely to be visible in the wider landscape due to the topography and intervening tree cover. There are no PRoW in the area from which the proposal would be visible due to intervening topography.

The indicative layout is very poor. It does not have an interface with Heyford Road, the existing farmhouse or northern boundary. There appears from map evidence to be an existing pond on the northern boundary which has been ignored. Gardens and their accompanying clutter face the public view and the layout is dominated by roads. There needs to be a LAP as there are more than 10 dwellings.

**Arboricultural Officer:** No comment to date

**Environmental Protection officer:** No comment to date

**Ecologist:** Currently I would object on the basis that there is insufficient information on European Protected Species. Given the number of dwellings to be demolished and their location in good bat foraging habitat I think we need a bat survey - at the least a scoping one initially - to rule out potential of these dwellings first. The buildings themselves have been missed out of the Phase 1 Survey remit entirely as far as I can see.

In addition the Phase 1 survey states that Great Crested Newts are a possibility on site (7.3.4), however we do not have any information yet on whether they are present and whether mitigation can be achieved on site if they are.

I therefore cannot at this time state whether there will be an unacceptable impact on European protected species as a result of these proposals, whether licences are required and whether they are likely to get licences (which we also need to assess prior to determination). In short there is a lack of ecological information and I would request this is submitted prior to determination so the impacts are known up front.

The remainder of the site has been assessed by the Phase 1 survey. The conclusions are appropriate and the recommendations in Section 7 should be conditioned. The landscaping scheme will need to demonstrate a net gain for biodiversity overall in line with NPPF recommendations and include measures within the built environment such as built in nesting provisions or bat tubes as well as planting to replace biodiversity lost on site. Currently there will be an overall loss for biodiversity on site (7.2.3).

**Waste and Recycling Manager:** Happy with the developers proposal for waste and recycling storage. If the developer needs any more advice please refer to: Waste and Recycling guidance which can be found on the Cherwell District Council website <http://www.cherwell.gov.uk/index.cfm?articleid=1735> Section 106 contribution of £106.00 per property will also be required.

**Community Development Officer:** As this is a development of under 50 dwellings, on this occasion we will not be seeking a community contribution.

## **Oxfordshire County Council:**

### **Transport:**

#### **Public Transport**

The application site is located adjacent to the Upper Heyford to Oxford bus route, where the County's Bus Strategy proposes to increase the level of provision towards an increased level of bus service of two buses per hour.

The County's strategy is to provide attractive bus services on its main routes, so new residents have access to a credible alternative to the car, especially for journeys to work and to education.

The application site is located approximately 250 metres from the Kirtlington Park bus stops. The infrastructure at these stops is rather deficient, with a complete absence of a marked stop at the entrance to Kirtlington Park and a substandard pole and flag in the northbound direction.

The Bicester-Upper Heyford – Oxford bus service currently operates on an hourly basis, Mondays to Saturdays. There is no Sunday service and no late evening service (apart from a single journey on Fridays and Saturdays).

Most of the cost of enhancing the bus service will come from section 106 contributions from development at Upper Heyford. Other contributions have been agreed from a development in Bletchington, and have been requested also from other proposed developments along the route.

The current bus stops fall far short of the standards set out in the Oxfordshire Bus Stop Infrastructure Design Guide (2006). The bus stop is the access point to the public transport network and should meet minimum standards, including hard-standing areas where there is no footpath (such as on the eastern side of Heyford Road). The modern bus stop pole, flag and information case units will provide the means of providing up-to-date timetable information and so will give the new passengers the confidence to use the bus service.

This development will be required to contribute £1000 per residential dwelling towards the cost of enhancing the Bicester – Upper Heyford – Oxford bus route to operate twice per hour, with improved evening and Sunday bus services and an additional £5000 towards upgrading the nearby bus stops.

#### **Strategic comments**

Kirtlington is a category 'A' village.

The CRAITLUS study identified 14 villages that could accommodate new development in a sustainable way with minimal adverse impact on the transport network.

The Submission Local Plan (January 2014) identifies Kirtlington as a 'Type A' village, representing a village with the highest level of sustainability. As a Type A village, Kirtlington is considered to be suitable for minor development *'typically but not exclusively for less than 10 dwellings'*, infilling and conversions were permitted within built-up limits.

Policy Villages 2 of the Submission Local Plan identifies 16 villages where *'development of 10 or more dwellings will be directed'*. Kirtlington is one of 16 villages across which an allocated 96 dwellings would be directed.

### Pedestrian

It is proposed that pedestrian access to the site be achieved via the main site access onto Heyford Road (west of the site). The applicant proposes improvements to the existing verge/highway as there is no footway immediately adjacent to the application site on the eastern side of the highway. The improvements cater for a crossing point for pedestrians which lead to the full length footway on the west side of Heyford Road.

Any future layout within the site must show a comprehensive pedestrian network; in the main with footways provided on both sides of the carriageway. The access detail at this time initiates such a design from the access/junction point. The location of the site also benefits from nearby bus stops within a short walk away.

### Layout

It is appreciated that an indicative layout is submitted at this time, however, the final layout of the proposal will be subject to Oxfordshire County Council perusal when the reserved matters/detailed planning application is submitted.

### Adoption of streets

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

### Traffic Impact

In terms of traffic activity (trip generation) it is evident that there will be a minor increase in traffic movements in the morning and in the evening during the commuter peak hour from the development proposal. To assess the trip generation of the development an analysis of data using the latest TRICS database was undertaken. It is a computerised database and trip rate analysis package used for transport planning and development control purposes. TRICS provides vehicle trip rates for a variety of land uses and enables the breakdown of surveys by very specific criteria in this case dwelling houses both privately owned and affordable.

The database comprises of over 6500 transport surveys at over a 110 different types of development and allows comprehensive trip rate analysis and auditing.

TRICS continues to be the nationally accepted standard source of trip generation information. TRICS was established in 1989 by a consortium of County Councils and is the system that challenges and validates assumptions about the transport impacts of new developments.

Using TRICS data it is estimated within the applicants' Transport Statement that around 16 to 17 vehicles two way flow in any one busy hour will be generated by the development. The Highway Authority agrees with these figures. To conclude the associated trip generation traffic is considered negligible given the numbers it will generate such small changes in traffic flow would not result in a significant material change in highway operation.

To conclude in terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposed development. Furthermore, it is considered there are no existing highway safety

issues on the adjacent/nearby local highway network that would be exacerbated by the proposed development.

Should the application be recommended for approval there are no objections subject to a Legal Agreement and a number of conditions that must be imposed:

- A section 106 contribution of £1000 per residential dwelling towards the cost of enhancing bus services through Kirtlington.
- A section 106 contribution of £5000 towards the cost of improving the Kirtlington Green bus stops with two modern pole, flag and information case units and a hard-standing area adjacent to the Kirtlington Green entrance.

#### Conditions

1. That prior to the first occupation of the proposed development the access works on Heyford Road between the land and the highway shall be formed laid out and constructed strictly in accordance with the Local Highway Authority's specifications including the footway pedestrian provision across Heyford Road shall be undertaken within a section 278 agreement under the Highways Act 1980.
2. Prior to the commencement of the development hereby approved, full details of the vehicular access visibility splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development the visibility splays shall be constructed in accordance with the approved details and the land and vegetation within the visibility splays shall not be raised or allowed to grow above a maximum height of 0.6m above the adjacent carriageway level.
3. Prior to the first occupation of any dwellings hereby approved, all of the estate roads, footways/footpaths shall be laid out, constructed and lit and drained in accordance with Oxfordshire County Council's conditions and specifications for the construction of roads.
4. Section 106 agreement to contribute £1000 per residential dwelling towards the cost of procuring additional bus vehicles and journeys operating along Heyford Road through Kirtlington.
5. No development shall commence on site for the development until a 'Construction Traffic Management Plan' providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
6. A residential travel information pack should be produced and submitted to the Travel Plans Team at Oxfordshire County Council for approval prior to first occupation.
7. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - Discharge Rates

- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing
- Any surface water storage must be sited outside any know areas of flooding

Informatives:

Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access and footway crossing works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk)

**Education:**

Kirtlington CE Primary School is already operating close to capacity and would have difficulty in absorbing increased local population. The school's site area just meets minimum guidelines for the current number of pupils, and would be below the minimum guidelines for a larger school. Initial assessment is that a small-scale expansion of the school, from an annual intake of 15 to one of 20, is likely to be possible but a full assessment would be required.

Growth beyond this is less likely to be feasible. Such a scale of expansion would be broadly in line with the pupil generation expected from around 100 new homes, or slightly more, given the existing pressure on places at the school. If the school cannot expand sufficiently to meet local population growth, there would be an impact on other local schools, at which additional permanent capacity would be required. Any housing development in the area is therefore required to contribute towards expansion of primary school capacity in the area.

There is another application for housing development currently at appeal. If that is allowed, then this new proposal in addition would mean a significant risk that, in some years, not all village children would be able to attend the school. We would be able to provide more confidence regarding the education implications of this application after the appeal has been decided.

Education contributions

- £141,477 Section 106 contribution for necessary expansion of permanent secondary school capacity in the area by a total of 8.04 pupil places. This site lies in The Marlborough CE School's designated catchment area.
- £6,704 Section 106 as a proportionate contribution to expansion of Special Educational Needs provision in the area by a total of 0.22 pupil places. This site is served by a Special Resourced Unit at The Marlborough CE School, in Woodstock as well as those special schools which serve the whole county.

Conditions

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in

order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

#### Informatives:

##### Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

#### General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. As the planning application is an outline proposal and in recognition that the delivered scheme may differ from that so far assumed and assessed the council provides & requires a matrix mechanism for inclusion within the S106 agreement. The matrix sets out the contributions payable per 1, 2, 3 & 4+ bedroomed dwelling built. This avoids potential over / under payment of infrastructure contributions. The matrix for this application is:

Service	1 Bed	2 Bed	3 Bed	4+ Bed
Primary Education	£0.00	£1,968.94	£4,516.98	£5,906.82

#### **Property:**

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.

- The following housing development mix has been used:
  - 0 x One Bed Dwellings
  - 10 x Two Bed Dwellings
  - 19 x Three Bed Dwellings
  - 5 x Four Bed Dwellings
- It is calculated that this development would generate a net increase of:  
**93.02 additional residents including:**
  - 6.88 resident/s aged 65+
  - 63.11 residents aged 20+
  - 8.38 resident/s ages 13-19
  - 10.49 resident/s ages 0-4

#### Legal Agreement

OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

If a S106 agreement is required to secure either transport or education contributions then the County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment would also be required for the purposes of administration and monitoring of the proposed S106 agreement.

#### Conditions:

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations

cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a s106 obligation in respect of:

- Library £7,906.70 - This development is served by Kidlington Library which is significantly under-size in relation to its catchment population
- Central Library £1,595.29 - Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.
- Waste Management £5,953.28 - To meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment.
- Museum Resource Centre £465.10 - The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities. The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.
- Adult Day Care £7,568.00 - This development is served by Oxford Options and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Oxford Options

**Total\* £23,488.37**

\*Price Base 1st Quarter 2012

**County Archaeologist:** Objects - The site is located in an area of archaeological interest to the south of the Roman Road of Akeman Street and to the east of a second possible Roman road, the Portway. Iron Age settlement has been recorded to the north of the site, North of Akeman Street along with Iron Age and Roman burials and two possible Saxon burials have been recorded immediately south of Akeman Street. A gold Roman coin has been recovered immediately south of the proposed site and a second Roman coin has been found in the vicinity. A Roman stone building has been recorded along the line of the Portway, to the south of Kirtlington.

It is therefore possible that further archaeological deposits related to these sites, including further Roman buildings, could survive within the application site which, as



there has been very little modern development of the site, could be relatively well preserved.

The site is also within Kirtlington Park, a grade II registered Park and Garden.

In accordance with the National Planning Policy Framework (NPPF), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

**County Ecologist:** OCC Ecology have not reviewed this application. The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:  
<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

#### Other External Consultees:

**Historic England:** Our specialist staff has considered the information received and we do not wish to offer any comments on this occasion.

Recommendation - The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### **Thames Water:** Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

#### Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**Environment Agency:** Do not wish to comment

**Garden History Society:** No comment to date

## **5. Relevant National and Local Planning Policy and Guidance**

### **Development Plan Policies**

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1

VIL1 - Village Categorisation

VIL2 - Distributing Growth Across the Rural Areas

VIL4 - Meeting the Need for Open Space, Sport & Recreation

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC10 - Open Space, Outdoor Sport & Recreation Provision

BSC11 - Local Standards of Provision - Outdoor Recreation

ESD3 - Sustainable Construction

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

#### Cherwell Local Plan 1996 (Saved Policies)

H18 - New dwellings in the countryside

C8 - Sporadic development in the open countryside

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

C33 - Protection of important gaps of undeveloped land

ENV12 - Development on contaminated land

TR1 - Transportation funding

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Kirtlington Conservation Area Appraisal

Mid-Cherwell Neighbourhood Plan: The Mid Cherwell Neighbourhood Plan remains at an early stage of preparation following the formal designation of the Neighbourhood Area on 7 April 2015. In particular a pre-submission Plan is yet to be published for consultation. Therefore only limited weight can be afforded to the Neighbourhood Plan.

## **6. Appraisal**

The key issues for consideration in this case are:

- Planning policy and principle of the development
- Visual amenity and landscape impact
- Design issues and form of development
- Heritage assets
- Archaeology
- Transport and access
- Ecology
- Flooding and drainage
- Planning obligation
- Planning balance

### **Planning policy and principle of the development**

- 6.1 The Development Plan for Cherwell District comprises the Cherwell Local Plan 2011-2031 and saved policies in the Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The site in question is not allocated for development in any adopted or draft plan forming part of the development plan. Kirtlington is designated as a Category A settlement in the Cherwell Local Plan 2011-2031 and as such is one of the more sustainable villages in the district, where minor development, infilling and conversions will be permitted within the built-up limits of the village. However the site is not within the built up limits and the proposal does not therefore qualify for consideration under Policy Villages 1.

- 6.3 Saved Policy H18 of the Cherwell Local Plan 1996 restricts new dwellings beyond the built up limits of settlements in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specified housing need that cannot be met elsewhere. Quite clearly the development proposed fails to comply with this policy and in doing so also potentially conflicts with Policy C8 which seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.
- 6.4 Policy Villages 2 of the Cherwell Local Plan 2011-2031 is concerned with the distribution of housing growth across the rural areas. It states that a total of 750 homes will be delivered at Category A villages in addition to the rural allowance for small site 'windfalls' and planning permission for 10 or more dwellings as at 31 March 2014. In identifying and considering sites particular regard will be given to a number of criteria including:
- Whether land has been previously developed land or is of lesser environmental value;
  - Whether significant adverse impact on heritage or wildlife assets could be avoided;
  - Whether development would contribute in enhancing the built environment.
- 6.5 The provision of some additional housing at Kirtlington could therefore accord with the Development Plan, subject to development proposals being acceptable having regard to these criteria and other material considerations. In this case the application site is, as stated previously, within a Grade II Registered Park, in the setting of Grade II listed buildings and within the Kirtlington Conservation Area. It is also in an area of archaeological interest and has the potential as habitat for protected species. The proposal would also extend development into the countryside and would introduce an area of built development in a presently very loose knit part of the village. These issues will be considered further below.
- 6.6 The Cherwell Local Plan 2011-2031 and the saved policies within the Cherwell Local Plan 1996 are considered up-to-date. The NPPF advises that proposed development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.
- 6.7 The NPPF is a material consideration in respect of the consideration of this proposal.
- 6.8 The NPPF at paragraph 14 states 'At the heart of the National planning policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking'.....For decision taking this means
- Approve development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
  - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole, or
  - Specific policies in this framework indicate development should be restricted
- 6.9 Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'.
- 6.10 The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report which was published on 31 March 2015. The AMR concluded that

the district has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This is based on the housing requirement of the adopted Local Plan 2011-2031 Part 1 which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum of a total of 22,800). The five year land supply also includes a 5% buffer for the reasons explained at paragraph 6.28 of the AMR. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

- 6.11 An Inspector for a recent appeal on the southern edge of Kirtlington (14/01531/OUT) stated that the Council could demonstrate a five year supply of deliverable housing sites and that the relevant policies for the supply of housing in the Local Plan are up to date (paragraph 55 of the appeal decision). She also concluded that saved Policies H18, C8, C28 and C30 were consistent with the NPPF in that they contribute to conserving and enhancing the natural environment and could be afforded significant weight.
- 6.12 In the light of the above the enhanced presumption in favour of sustainable development set out in the NPPF does not apply. Therefore the test in this case is whether there is conflict with the Development Plan, and if so, whether there are other material considerations that outweigh that conflict such that the proposal can be considered sustainable development. This issue is returned to at the “planning balance” section toward the end of this report.

#### **Visual amenities and landscape impact**

- 6.13 The application site lies beyond the existing built up limits of Kirtlington in an area of open countryside which forms part of the Grade II Kirtlington Park. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the landscape, preventing sporadic development that would cause harm to the topography and character of the landscape and the explanatory text states that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. Careful control of the scale and type of development is necessary to protect the character of these designated areas. Policy ESD 13 of the Cherwell Local Plan 2011-2031 seeks to conserve and enhance the distinctive and highly valued local character of the entire district. The NPPF also advises that the open countryside should be protected for its own sake.
- 6.14 Whilst the development will have a limited effect on the wider landscape it will be visible from the north when entering the village along Heyford Road as well as from Akeman Street and from within the village itself. In your officer's opinion a housing development in this location would have a detrimental impact on the setting of the village introducing an urban feature into this very rural edge to the village. The required upgrading of the access and laying of footways will increase this urbanisation of this part of Kirtlington to the further detriment of the rural character and visual amenities of the area. Therefore the development is considered to be contrary to saved Policy C8 of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031.
- 6.15 The proposal will also represent an extension of the village contrary to the established linear settlement pattern of Kirtlington. The Council's Countryside Design Summary SPD suggests that “new development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene and limit backland development.” The proposed development does not respect the street pattern as it is primarily a cul-de-sac development extending over 100m to the east of Heyford Road with limited frontage onto Heyford Road, and so is not well integrated with the

village and is considered to harm the character of the settlement and visual amenities of the area. Further the Countryside Design Summary SPD states that “development in historic parklands or within their setting must maintain or enhance the specific character, which defines this part of the District.” The proposed development does not maintain or enhance the parkland character.

### **Design issues and form of development**

- 6.16 The NPPF advises that ‘securing high quality and inclusive design goes beyond aesthetic considerations’, and that decisions should ‘address the connections between people and places and the integration of new development’. Supporting advice in the Planning Practice Guidance (PPG) says that ‘achieving good design is about creating places or spaces that work well; successful integration of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre; proposals should promote accessibility and safe local routes by making places that connect appropriately with each other and are easy to move through; a place should have an appropriate number of routes to and through it; and that designs should ensure that new and existing buildings relate well to each other, that spaces complement one another.’
- 6.17 Access is the only matter to be considered at the current time and with this development proposal accessibility would be limited to the northern part of the site. The development would have a very limited connection with the village and in your officer’s view it would appear as a separate housing estate on the edge of the village. It would not be well integrated into the fabric of the built environment of Kirtlington and it would therefore fail to comply with the Framework and would not amount to sustainable development. If additional access points were to be created to link the site better into the village the wall enclosing the Park would need to be breached which would have an adverse impact on the character and appearance of the Conservation Area and the setting of the Park.
- 6.18 The illustrative layout submitted with the application has the appearance of a suburban estate and whilst this is only an indicative plan it is difficult to see how an alternative layout could be achieved without increasing the potential harm to the heritage assets such as introducing further access points into the wall bounding Heyford Road. It further demonstrates the lack of integration with the settlement.
- 6.19 Whilst the layout is indicative only due to the relationship with other dwellings it does not appear that the proposal will result in any detriment to the residential amenities of the existing residents nearby nor to those of the new residents.

### **Impact on the Heritage Assets**

- 6.20 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Likewise section 72 of the same Act states that in considering proposals for development in a Conservation Area, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.21 Paragraph 132 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset the greater the

weight should be". It continues "substantial harm to or loss of a grade II listed building, park or garden should be exceptional".

- 6.22 As stated above there are a number of heritage assets affected by the proposal. The site is partly within the Kirtlington Park Registered Park and Garden and the Kirtlington Conservation Area. There are a number of listed buildings surrounding the site including Grade II listed Home Farm and further to the east, the Grade I Listed Kirtlington Park. It is also within an area of archaeological interest
- 6.23 The Conservation Officer has provided a comprehensive response regarding the impact of the proposal on the Registered Park, the Conservation Area and the nearby listed buildings. The comments are set out above in section 4.2 of this report. In summary, the proposed development is considered to cause substantial harm to the heritage assets and their settings and it is not considered that substantial public benefits that could potentially outweigh the harm have been demonstrated in the application. Furthermore there is no link between the proposed development and the long term viability of the heritage assets, other than the proposal to repair the stone boundary wall. This is considered insufficient justification for the level of harm proposed.
- 6.24 Notwithstanding the concern in principle with development in this location, there are concerns with a form of development at the gateway to the village which is designed to be inward looking and being concealed behind boundaries. This form of development does not preserve, enhance or better reveal the character and appearance of the conservation area or registered parkland. The proposal does not integrate well with either the historic parkland or the village and is not considered to be a sustainable form of development.
- 6.25 The NPPF states at paragraph 137 that 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. The proposed development cannot be considered to either preserve or enhance / better reveal the significance of any of the heritage assets.

### **Archaeology**

- 6.26 With respect to the Archaeological interest of the site the County Archaeologist objects to the proposal. The site is located in an area of archaeological interest to the south of the Roman Road of Akeman Street and to the east of a second possible Roman road, the Portway. Iron Age settlement has been recorded to the north of the site, North of Akeman Street along with Iron Age and Roman burials and two possible Saxon burials have been recorded immediately south of Akeman Street. A gold Roman coin has been recovered immediately south of the proposed site and a second Roman coin has been found in the vicinity. A Roman stone building has been recorded along the line of the Portway, to the south of Kirtlington.
- 6.27 It is possible that further archaeological deposits related to these sites, including further Roman buildings, could survive within the application site which, as there has been very little modern development of the site, could be relatively well preserved. In accordance with the NPPF the County Archaeologist recommends that, prior to the determination of this application the applicant should be responsible for the implementation of an archaeological field evaluation. It is understood that the applicant was intending carrying out such an evaluation but to date no further information has been submitted to support the proposal.

### **Transport**

- 6.28 The Highway Authority has not raised any objections to the application. They have stated that in terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposed development. Furthermore, it is considered there are no existing highway safety issues on the adjacent/nearby local highway network that would be exacerbated by the proposed development.
- 6.29 The Highway Authority however is seeking a contribution towards upgrading the Bicester – Upper Heyford – Oxford bus route as well as a number of conditions including footway/pedestrian improvements required adjacent to the site on Heyford Road and the upgrading of the existing vehicular access.

### **Ecology**

- 6.30 Paragraph 99 of Circular 06/05 states that: it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Likewise Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: every public authority must in exercising its functions, have regard...to the purpose of conserving (including restoring/enhancing) biodiversity”.
- 6.31 The Council's Ecologist has raised an objection to the application as insufficient information has been provided on European Protected Species. The Ecologist has stated that a bat survey is required due to the number of dwellings to be demolished and their location in bat foraging habitat. This area has been omitted from the Phase 1 survey submitted with the application. The Phase 1 survey states that Great Crested Newts are a possibility on the site however no information on whether they are present or not has been submitted to date and whether mitigation can be achieved on site if they are. This information has been requested from the applicant's agent but has not been provided to date.
- 6.32 The remainder of the site has been assessed by the Phase 1 survey and the recommendations in Section 7 of the survey report can be supported.
- 6.33 Currently there will be an overall loss for biodiversity on site and this is contrary to advice given in the NPPF. The applicant has not demonstrated a net gain for biodiversity overall.

### **Flooding and Drainage**

- 6.34 Objections have been received from nearby residents regarding adequacy of the existing drainage and sewerage infrastructure. Thames Water deals with such matters and they have raised no objections to the scheme. The applicant has also provided a flood risk assessment and the conclusions of which are that no significant flood risks have been identified and that appropriate surface water drainage management will ensure that the development will be safe from surface water run-off and there will be no increase in run-off from the development.
- 6.35 The Environment Agency was consulted on the application but they have advised that it is not a category of development that they respond to. No other technical evidence has been submitted that contradicts with the applicant's evidence. Therefore the scheme is considered to be acceptable in this regard.

### **Planning Obligations**



6.36 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. New development often creates a need for additional infrastructure or improved community services and facilities without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for or contribute towards the cost of all or part of the additional infrastructure/services necessary to make the development acceptable. Obligations are the mechanism to secure these measures.

6.37 In respect of planning obligations the NPPF advises at paragraph 204 that the following should be sought where they meet all the following tests:

- Necessary to make development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in kind and scale to the development.

6.38 Having regard to the above the contributions that would be sought in the event that planning permission were to be granted would include the following:

Cherwell District Council

Affordable housing – 12 dwellings (with an indicative mix of 4x1b2p Maisonettes, 3x2b4p Houses and 1x2b4p bungalow for rent and 4x2b4p Houses for shared ownership)

The affordable housing units should be dispersed into two clusters with 50% of the rented to meet Lifetime Homes Standards.

All the affordable housing will need to meet the HCA's Design and Quality Standards including the necessary HQI requirements

The registered provider that takes on the affordable housing will need to be agreed with the Council.

Play Space – Unequipped Local Area of Play to be provided on site with £15,194.85 contribution towards maintenance

Informal open space – to be provided on site with £14.99/m<sup>2</sup> towards maintenance

Maintenance of existing tree belt - £9.59/m<sup>2</sup>

Maintenance of new hedges on site – £11.30/linear metre

Maintenance of pond - £57.09/m<sup>2</sup>

Oxfordshire District Council

Education – A contribution of £135,046 towards the expansion of Kirtlington CE Primary School, by a total of 11.66 pupil places

Transport – A contribution of £1000 per residential dwelling towards the cost of enhancing bus services through Kirtlington.

A contribution of £5000 towards the cost of improving the Kirtlington Green bus stops with two modern pole, flag and information case units and a hard-standing area adjacent to the Kirtlington Green entrance.

## Planning Balance

- 6.39 The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.
- 6.40 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. The applicant's agent has stated that there will be an economic benefit provided by the construction of the proposed dwellings, sourcing materials through local building suppliers and future maintenance by local tradespeople. Also that the future residents will use local services and facilities which will help to support services and shops etc. It should be noted however that employment opportunities within the village and the immediate area are very limited.
- 6.41 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. Objectors have expressed concern that a lack of local services and lack of capacity within existing facilities will make it difficult for future residents to integrate fully into the community and result in residents having to go elsewhere for essential services. In addition to this the location of the application site and its form are considered to create a development that is not well integrated with existing streets and public spaces and prevents an appropriate level of interaction with the existing village.
- 6.42 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These issues have been covered in the sections above. The development is considered to result in harm to the various heritage assets and due to the lack of information provided regarding protected species and archaeology it is not possible to properly assess the potential harm that the development may cause in these respects.
- 6.43 The proposed development will result in conflict with the policies of the Development Plan and in particular the criteria for identifying and considering sites in Policy Villages 2 of the Cherwell Local Plan 2011-2031 as:
- the site is located outside the built up limits of the settlement with only a small part of the site having been previously developed
  - there is likely to be a significant adverse impact on heritage assets
  - it has not been demonstrated that there would not be adverse impacts on protected species, and
  - the development would not enhance the built environment.
- 6.44 In conclusion, when considering the economic, social and environmental impacts of the development as a whole, officers consider the limited benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons given at section 9 of this report, below.

## **7. Engagement**

- 7.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the agent has been kept informed of any problems or issues that have arisen during the application. It is considered that the duty to be positive and proactive has been discharged.

## **8. Conclusion**

- 8.1 To conclude the site is not considered to be acceptable for residential development in the form and scale proposed due to its impact on the visual amenities and rural character of the village and its setting. It will also be harmful to the traditional settlement pattern and will have a significant adverse impact on Kirtlington Park and will neither preserve nor enhance the character and appearance of the Conservation nor the setting of Home Farm.
- 8.2 The Council can demonstrate a 5 year housing land supply which has been supported by the Inspector for the Local Plan Inquiry and the Inspector for the recent appeal for residential development at Lince Lane in Kirtlington. However even if it were to be determined that the Council cannot demonstrate a 5 year housing land supply in accordance with paragraph 14 of the NPPF the adverse impact of the development on the locality, character and form of the village as well as on the heritage assets significantly and demonstrably outweighs the benefits that housing would bring. The development would not constitute sustainable development and the presumption in favour does not apply.

## **9. Recommendation**

Refusal for the following reasons:

1. The proposal constitutes development which by virtue of its scale, size and form fails to respect the traditional linear settlement pattern of Kirtlington extending well beyond its built up limits to the east into open countryside and Kirtlington Park, resulting in an incongruous, unsustainable and inappropriate form of development which would relate poorly to the remainder of the village, and cause demonstrable harm to the character of the village and visual amenities of the immediate locality. Therefore the proposal is contrary to saved Policies H18, C8, C27, C28 and C30 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
2. The proposed development would by reason of its location, scale, and form cause substantial harm to the significance of the heritage assets of Kirtlington Conservation Area and the Grade II Registered Kirtlington Park, and would cause unacceptable harm to the settings of nearby listed buildings contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and the National Planning Policy Framework in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the Planning Practice Guidance.
3. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation the Local Planning Authority cannot be satisfied that the proposal would not result in

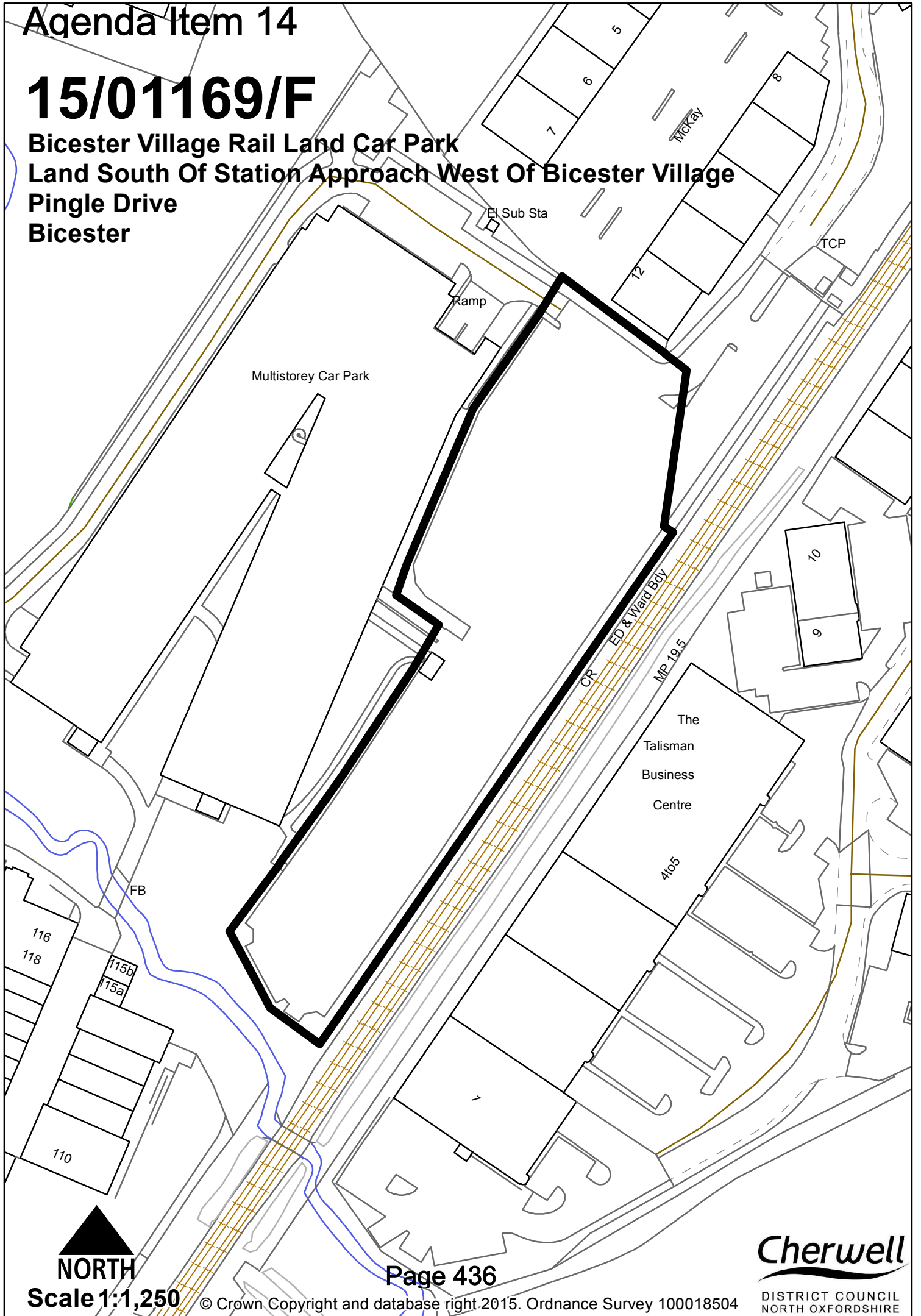
unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with Policies ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, the National Planning Policy Framework in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the Planning Practice Guidance.

4. In view of the harm identified in refusal reasons 1, 2 and 3 above and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be unnecessary, undesirable and unsustainable new housing development that would conflict with the criteria for assessing proposals for minor development listed under Policy Villages 2 of the Cherwell Local Plan 2011-2031. Therefore the proposal is contrary to Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
5. The application site has the potential for protected species and important habitats to be present on the site and in the absence of adequate survey information the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to protected species and their habitats. Therefore the proposal conflicts with Policies ESD10 and Policy Villages 2 of the Cherwell Local Plan 2011-2031, the National Planning Policy Framework in particular paragraph 17 'Core planning principles' and section 11 'Conserving and enhancing the natural environment', and the Planning Practice Guidance.
6. In the absence of a satisfactory planning obligation the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policies BSC3 and INF1 of the Cherwell Local Plan 2011-2031 and central government guidance within the National Planning Policy Framework.

# Agenda Item 14

## 15/01169/F

**Bicester Village Rail Land Car Park  
Land South Of Station Approach West Of Bicester Village  
Pingle Drive  
Bicester**

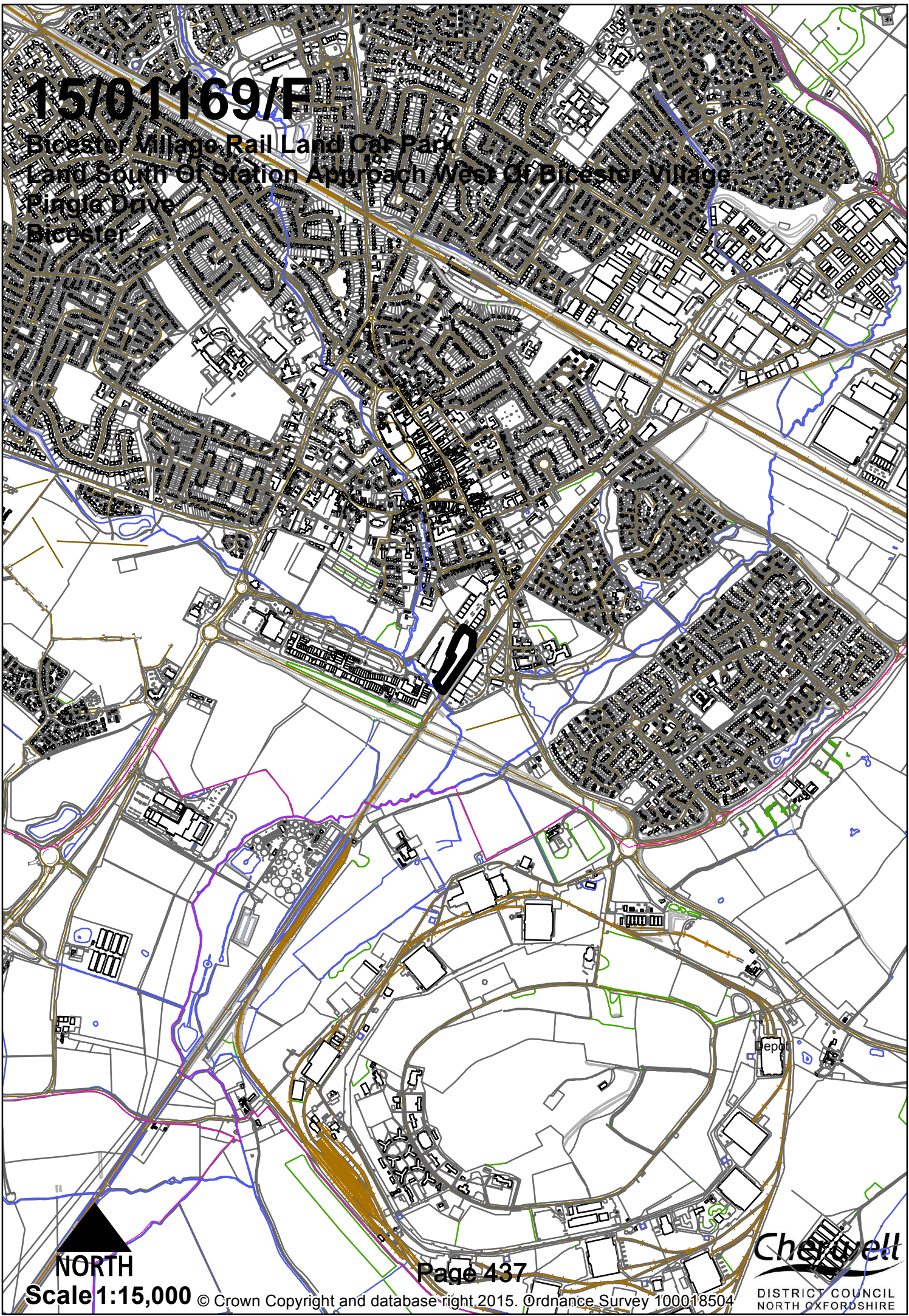


**NORTH**

**Scale 1:1,250**

**15/01169/F**

**Bicester Village Rail Land Car Park  
Land South Of Station Approach West Of Bicester Village  
Pingle Drive  
Bicester**



**NORTH**

**Scale 1:15,000**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Site Address: Bicester Village Rail Land  
Car Park, Land South of Station  
Approach, West of Bicester Village,  
Pingle Drive, Bicester**

**15/01169/F**

**Ward: Bicester Town**

**District Councillor: Cllr Richard Mould, Cllr  
Debbie Pickford**

**Case Officer: Linda Griffiths**

**Recommendation: Approval**

**Applicant: Bicester Nominees Ltd and Bicester II Nominees Ltd**

**Application Description: Alterations to the down ramp area of the existing car park deck, landscaping and the extension of and changes to the external appearance of the reception accommodation for visitors to Bicester Village (Amendments to previously approved 13/01934/F)**

**Committee Referral: Major**

## **1. Site Description and Proposed Development**

- 1.1 This application relates to the Rail land car park, a tarmac surface car park covering 1.1ha and accommodating 379 car parking spaces. The car park lies between the Bicester Village Phase 3 decked car park to the west and the Bicester to Oxford rail link to the east. The Pingle Stream lies to the south, with the Mackay Trading Estate and Bicester Town Station to the north. While the surface of the car park is level, due to the height of this car park above Pingle Stream and the adjacent land, a timber retaining structure is necessary to support the west side of the car park.
- 1.2 Vehicular access to the Rail land car park from within Bicester village is via a bridge from the upper deck of the phase 3 car park. Access is also available via Station Approach, which in turn leads from the junction with London Road. The north end of the car park provides accommodation for users of Bicester Town Station and is available for Bicester Village visitors at the weekends and bank holidays.
- 1.3 Planning permission was granted in April 2014 (13/01934/F refers) for alterations to the existing car park, including a reduction in the car park area, the erection of a parking deck and the erection of reception accommodation for visitors to Bicester Village arriving by train. The land released by the reduction in car park area now forms part of the new railway station and related works in connection with the improvements to the Oxford to Bicester rail link. The site is not within a Conservation Area and there are no listed buildings within close proximity.
- 1.4 This application seeks amendments to the previously approved scheme for alterations to the down ramp area of the existing car park deck, enhancing the visitor's reception accommodation at the car park for visitors to Bicester Village arriving by train, and introducing an area of landscaping. The proposed alterations to the car park deck are due to structural engineering issues necessitating repositioning of the down ramp away from the west boundary. Repositioning the ramp results in a vacant area within the site adjacent to the Phase 3 deck car park, this area will be landscaped. The enhanced visitor's reception accommodation includes the introduction of toilets. The previous consent has been implemented and construction works are underway. The amended proposal will result in a reduction of 27 car parking spaces from that previously approved.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice.

1 letter of support has been received: "although additional car parking is essential to help tackle local traffic management issues, I welcome the reduction of 27 car parking spaces to allow 230sq mts of landscaping that will enhance the aesthetic and visual quality of what is a very significant concentration of car parking".

## **3. Consultations**

- 3.1 Bicester Town Council: No objection

### **Cherwell District Council Consultees**

- 3.2 Landscape Officer: details of hard and soft landscaping must be conditioned. Tree planting pit details are also required under the relevant condition.

### **Oxfordshire County Council Consultees**

- 3.3 Transport Officer: the principle of development in this location was permitted through planning application 13/01934/F. The modifications are relatively minor and involve the loss of 27 parking spaces compared to the original proposal.

15/0069/DISC Condition 5 – Bicester Village Car Park Management Plan is an outstanding condition from planning application 13/01934/F, as a plan has yet to be agreed with the local authorities. In particular the highways authority is concerned to ensure that the proposed access through to the station (marked as a bus gate) remains closed to all other vehicular traffic.

Regarding the layout of the car park, the drawings appear to show two-way traffic circulation and yet the lane widths appear constricted in places, with insufficient room for cars to pass, and in some places insufficient manoeuvring room. Further clarification is required via a detailed layout drawing showing circulation and tracking at narrowings. This could be conditioned but I would prefer this to be clarified at this stage.

In particular I note the constriction near to the pedestrian access from the reception building, where there appears to be insufficient room for vehicles to pass, and insufficient space for manoeuvring out of spaces. Additionally on this access route it is indicated that there will be frosted screens – further detail is required (could be conditioned) to ensure these do not obscure visibility and endanger the safety of pedestrians crossing the traffic route.

- 3.4 Drainage Officer: No comments received

### **Other Consultees**

- 3.9 Thames Valley Police Crime Prevention: raised no objection in respect of the previous application but advised that the development should achieve Park Mark accreditation in order to retain its current Park Mark status and maintain its very low crime levels. It is suggested that this should be incorporated as a planning note.
- 3.10 Environment Agency: raised no objection to the previous application. As the development lies in Flood Zone 1, it will have no impact on fluvial flooding. It is



suggested that a planning note is incorporated in respect of works in proximity to Pingle Brook.

#### **4. Relevant National and Local Policy and Guidance**

##### 4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996 (Saved Policies)

- C28: Layout, design and external appearance of new development
- C31: Compatibility of development in residential areas
- C32: Access and facilities for the disabled
- TR7: Development attracting traffic on minor roads
- TR10: Heavy goods vehicles

Adopted Cherwell Local Plan 2011-2031

The Cherwell local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20<sup>th</sup> July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's Report was published on 12<sup>th</sup> June 2015 and the recommended main modifications required to make the plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan, and provides the basis for decisions on land use planning within Cherwell District.

The Policies listed below are considered material to this case:

- Policy PSD1: Presumption in favour of sustainable development
- Policy SLE2: Securing dynamic town centres
- Policy SLE3: Supporting tourism growth
- Policy ESD1: Adapting to climate change
- Policy ESD7: Sustainable drainage
- Policy ESD15: Character of the built and historic environment
- Policy Bicester 5: Strengthening Bicester Town Centre

##### 4.2 Other Material Policy and Guidance

National Planning Policy Framework 2012

Planning Policy Guidance

#### **5. Appraisal**

##### 5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of Development
- Design and Effect on the Character and Appearance of the Area
- Access and Highway Safety

## **Relevant Planning History**

- 5.2 Planning permission was granted in January 1994 for Bicester Village Phase 1 for the erection of a factory outlet shopping centre (CHS 305/93 refers). Further extensions were granted in 1996, 1998 and 2001. A more recent application has been granted and the permission issued in July 2014 relating to a further extension known as Phase 4 (12/01209/F refers). This relates to the demolition of the existing Tesco store and petrol filling station and erection of a new extension to Bicester Village. This consent has yet to be implemented. At the meeting in April 2015 the Planning Committee resolved to approve a revised Phase 4 scheme subject to referral to the Secretary of State and the completion of a legal agreement (15/00082/F refers).
- 5.3 Planning permission for the Phase 3 extension to Bicester village, comprising retail accommodation and a decked car park at the eastern end was granted in December 2006 (05/02131/F) refers. This permission has been fully implemented. It is an extension to this decked car park area that this application relates.
- 5.4 Planning permission was granted in July 2008 for the change of use of the former coal yard, Station Approach to a surface car park (08/00704/F refers). This car park was for the use of Bicester Town Railway station and Bicester Village. It is this car park which is the subject of this submission. In May 2012 planning permission was granted for the use of land to the west of Pingle Drive for 20 coach and 200 car parking spaces (12/00292/F) refers). This consent has been implemented.
- 5.5 Planning permission was granted in April 2014 for alterations to the existing Rail land Car Park to include a reduction in site area, erection of a parking deck and the erection of reception accommodation for visitors to Bicester Village arriving by train (13/01934/F refers). It is that consent that this application seeks to amend.

## **Principle of Development**

- 5.6 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell local Plan 1996 and the newly adopted Cherwell Local Plan Part 1 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as is material to the application and any material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Act, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.7 Saved Policies TR7 and TR10 of the adopted Cherwell Local Plan 1996 consider traffic generated by proposed development and its impact on the local highway infrastructure. Policies C28 considers the design of the proposed development and Policy C31 considers the impact of a development in a residential area. Policy Bicester 5 of the adopted Cherwell local Plan 2011-2031 aims to support the viability and vitality of the existing town centre, encourage economic activity, assist with the connectivity between the existing town centre, a new Bicester Town railway Station; Bicester Village; and the adjoining and proposed residential areas; and, improve the character and appearance of the centre of Bicester and the public realm.
- 5.8 The National Planning Policy Framework requires that there must be a presumption in favour of sustainable development. There are three dimensions to sustainable development, these being economic, social and environmental. The NPPF advises that these three dimensions are interlinked and that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The presumption in favour of 'sustainable development' should be seen as a

'golden thread' running through both plan making and decision taking.

- 5.9 Section 4 of the NPPF 'Promoting Sustainable Transport' at paragraph 32 advises that all developments that generate significant amounts of movement should be supported by a transport Assessment or Statement. Plans and decisions should take account of whether
- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
  - Safe and suitable access to the site can be achieved for all people
  - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.
- 5.10 Since it opened in 1995, Bicester Village has traded successfully, being one of the most prestigious factory outlet destinations and has been extended a number of times. The positive impact of Bicester Village on the local and wider sub-regional economies is significant, with Bicester Village being one of the largest employers in Bicester and attracting significant numbers of tourists to the town. There is clearly an economic benefit to the proposed development which will seek to ensure that investment within Bicester Village continues which is beneficial to the town and the locality in terms of economic growth, attracting visitors to the District and securing employment opportunities. In terms of its social benefits, the proposal will ensure the benefit of the shopping facility for residents and visitors to the District. In terms of design, the proposal has been designed to reflect the existing deck car park and the existing development. It is therefore considered that the proposal accords with the requirements of the NPPF above.
- 5.11 The permitted use of the site is for car parking purposes, a permission for which was granted in 2008 as part of the Phase 3 development of Bicester Village (08/00704/F refers). A subsequent consent to which this applications seeks an amendment for a deck car park was given in 2014 (13/01934/F refers). The application site is therefore established as car parking and there are no specific policies within the Development Plan which would preclude this use in this location. The use and suitability of the site for the purpose of car parking in conjunction with Bicester Village is therefore established.
- 5.12 The application relates to land which is known as the Rail Land, which is to be reduced in area, to facilitate the provision of the new Bicester Town Railway Station which will be located on the west side of the railway land including the northern part of the existing Rail land car park. The construction of the new Bicester Town Railway Station is currently underway. Due to the nature of Bicester Village, the duration of stay tends to be longer than traditional retail facilities within Town Centres or Retail Parks, so the turnover of spaces is lower, resulting in the need to provide a greater number of parking spaces than would ordinarily be associated with retail development. The development is proposed to help ease congestion which currently occurs at peak times on the highway network.

#### **Design and Effect on the Character and Appearance of the Area**

- 5.13 The site is situated within the built up limits of Bicester Town. It is bounded along its eastern edge by the Bicester to Oxford railway line and the Talisman Business Centre, to the north by the new Bicester Town Station development, to the west by the existing deck car park to Bicester Village and to the south by the Pingle Brook and existing Bicester Village development. The site is elevated from the adjacent Bicester Village buildings but on a level with the existing Station Approach and station. The proposal will be visible from Station Approach, from the London Road

behind the Talisman Centre and railway as well as the approach into Bicester Village along Pingle Drive.

- 5.14 The deck car park has been designed to reflect the existing Bicester Village deck car park, located immediately to the west. Following the design precedent of the Phase 3 car park, the massing of the proposed deck has been designed to have a horizontal emphasis. Due to the topographical variations the upper deck of this new car park will be higher than the existing Phase 3 car park. The close proximity of this existing car park however, will result in the new deck car park not being unduly prominent and apparent when viewed across from the adjacent public vantage points, these being Pingle Drive and the adjacent Pingle Field recreation ground and the London Road behind the Talisman Business Centre. The new deck will be below the height of the new Bicester Town Station building and overbridge structure. The design and materials will match the existing car park deck.
- 5.15 The design and external appearance of the entrance/stair core will match the twin cores to the existing decked car park; with the finish comprising green oak timber cladding, columns and beams, green painted hand rails and a slate roof. The surface of the car park will be tarmac, as the existing.
- 5.16 The platform facing elevation of the enlarged reception accommodation will be characterised by the introduction of bay windows set within vertical timber cladding above a brickwork plinth, instead of rendered facades as approved. The design of the bay windows and the use of timber cladding are in keeping with the existing Bicester Village development and are therefore considered appropriate. The balustrade fronting onto the railway will comprise metal railing with a timber handrail. Glare prevention panelling is proposed to address train driver vision, in the interest of railway safety.
- 5.17 The visitor route linking the entrance to the stair/lift core has been designed to provide a high quality, illuminated and safe pedestrian priority environment. The platform frontage of the tower feature will comprise recessed glazing set within a frame formed by vertical timber cladding with inset louvres. The remaining exposed elevations will be timber clad to match the tower feature and will include cornice detailing at roof level. The elevation to the lower level of the car park will be finished in full height glazing set between rendered walls on each side.
- 5.18 The car park lighting at deck level is proposed to match the rail provision while the general lighting at the lower level will match the existing provision within the enclosed area of the Phase 3 deck car park.
- 5.19 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment, and advises at paragraph 56 that ‘good design’ is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
- 5.20 Paragraph 61 states ‘although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 5.21 Paragraph 63 states ‘In determining applications, great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally within an area’.
- 5.22 Policy ESD15 of the newly adopted Cherwell Local Plan 2001-2031 advises that the design standards for new development whether housing or commercial development

are equally important, and seeks to provide a framework for considering the quality of built development and to ensure we achieve locally distinctive design which reflects the built context within which the development sits. The adopted Cherwell Local Plan 1996 contains saved policy C28 which states that 'design control will be exercised over all new development to ensure the standards of layout, design and external appearance, including choice of materials are sympathetic to the character of the area and of the development.

- 5.23 Having regard to the above, it is considered that the proposed amended proposal is acceptable in design terms and will not have any detrimental impact upon the character and appearance of the locality and is therefore in accordance with the relevant policies within the Development Plan and the guidance within the NPPF.

### **Access and Highway Safety**

- 5.24 The principle of the development in this location was approved through the previous planning permission (13/01934/F refers). The modifications are relatively minor and involve a loss of 27 car parking spaces compared to the previous permission.
- 5.25 In respect of the previous application, whilst it was recognised that there is a need for additional parking provision, the Highway Authority considered that it is essential that Bicester Village continues to promote and provide alternative non-car modes via the existing Travel Plan and that a robust car parking management plan is provided to utilise the existing on-site parking arrangements. A planning condition was recommended in this respect. This condition remains outstanding in respect of the previous approval. In particular the Highways Authority is concerned to ensure that the proposed access to the station (marked as a bus gate) remains closed to all other vehicular traffic.
- 5.26 In respect of the initial car parking layout, the highway Authority raised concerns that the drawings appeared to show two-way traffic circulation although the lane widths were constricted in places, with insufficient room for cars to pass and in some places insufficient manoeuvring room. Further concerns were also raised in this respect regarding pedestrian access from the reception building where there appeared to be insufficient room for vehicles to pass and insufficient space for manoeuvring out of spaces. The applicants agent has sought to address these concerns, markings have been added to warn drivers to slow down, arrows on the ground, exit signs etc, a motorcycle bay has also been introduced instead of two spaces close to the up-ramp. The highway authority have responded stating that whilst the two way traffic is not ideal, it is not a highway safety matter and everything will be moving slowly, so the layout plan is now ok, and if it proves awkward, the markings could be amended.
- 5.27 A Transport Statement was submitted and considered acceptable by the Highway Authority as part of the previous application (13/01934/F refers). The assessment undertaken showed that during the week the car parks operate within capacity, but during the weekends the car parks experience utilisation beyond 100%, although this is not for significant numbers of vehicles and for short periods only. The report concluded that additional parking was necessary to manage demand for visitors at peak times.
- 5.28 Having regard to the above, Oxfordshire County Council as Highway Authority raise no objections to the proposal but recommend a number of conditions below relating to car park management and drainage.

### **Engagement**

- 5.29 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to

be positive and proactive has been discharged through the efficient and timely determination of the application.

## Conclusion

- 5.30 The proposed development accords with the Development Plan and Government guidance within the NPPF representing sustainable development which would not cause harm to visual amenity and neighbour impact, design and highway safety. The application is therefore recommended for approval and planning permission for the revised deck car park scheme as proposed should be granted subject to the imposition of appropriate conditions as recommended below.

## 6. Recommendation

**Approval**, subject to:

a) the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out in accordance with the following plans and documents: Application forms, Design and Access Statement dated June 2015; External lighting design planning statement dated December 2013; surface water drainage strategy dated December 2013; Drawing numbers 08048 P-540 Rev B; P-523; P-522; P-521; P-525; P-524; P-526; P-533; P-534; P-531; P-532; P-536; P-537; P-535; P-530; P-528; P-529; P-527; P-538 and P-539.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Within one month of the date of this permission, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the proposed tree and shrub planting including their species, number, sizes and positions, together with any grass seeded/turfed areas.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the car park being first brought into use, or on completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Within one month of the date of this permission, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall thereafter be carried out in accordance with the approved management plan.

Reason In the interests of highway and to comply with Government guidance within the NPPF

6. Within one month of the date of this permission a full drainage scheme for the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Council's Drainage Team).The approved drainage scheme shall be implemented within three months of approval and shall be maintained as such thereafter.

Reason: In the interests of highway safety and flood prevention and to comply with government guidance within the NPPF.

#### **Planning Notes**

1. The development shall seek to accord with 'Park mark' accreditation
2. Under the terms of the Water Resources Act 1991, and the Thames Region Bylaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of Pingle Stream, designated a 'main river'.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 and Paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

## Cherwell District Council

### Planning Committee

1 October 2015

<b>Decisions Subject to Various Requirements - Progress Report</b>
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### Report of Head of Development Management

This report is public

#### Purpose of report

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

#### 2.0 Report Details

The following applications remain outstanding for the reasons stated:

10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Road, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT	
13/00330/OUT (6.3.14)	81-89 Cassington Road Yarnton Subject to legal agreement	
13/00433/OUT (11.7.13)	Land at Whitelands Farm, Middleton Stoney Road, Bicester Subject to legal agreement concerning on-site and off-site	



	infrastructure	
13/00444/OUT (11.7.13)	Land west of Edinburgh Way, Banbury Subject to legal agreement concerning on-site and off-site infrastructure	
13/00847/OUT (7.8.14)	Phase 2 SW Bicester Subject to legal agreement re infrastructure contributions	
13/01372/CDC (6.2.14 and 24.4.14)	Land rear of Methodist Church, The Fairway, Banbury Subject to legal agreement re affordable housing	
13/01601/OUT (6.2.14) and (7.8.14)	Land adj. Spiceball Park Road, Banbury Revised proposal received late May 2014 – reconsultation and return to Committee) Sec. of State indicates that he does not want to intervene. Legal agreement re off-site infrastructure contributions to be completed	
13/01811/OUT	Land at Dow Street, Heyford Park, Upper Heyford Subject to legal agreement with CDC/OCC	
14/00697/F (21.5.15)	Land off Skimmingdish Lane ,Bicester Subject to legal agreement to secure infrastructure contributions and affordable housing	
14/00962/OUT (27.11.14)	Land S of High Rock, Hook Norton Rd. Sibford Ferris Subject to legal agreement to secure the affordable housing	
14/01205/Hybrid (18.12.14)	Springfield Farm, Ambrosden Subject to legal agreement to tie in previous agreement	
14/01384/OUT (19.3.15)	Bicester Eco-Town Subject to legal agreement for affordable housing, and on-site provision and off-site infrastructure contributions	
14/01737/OUT (19.2.15)	The Paddocks, Chesterton Subject to legal agreement to secure infrastructure contributions and affordable housing	
14/01843/OUT (19.2.15)	Land W of Great Bourton Subject to legal agreement to secure infrastructure contributions and affordable housing	

14/01816/F (3.9.15)	Longford Park, Bodicote Subject to linking agreement to 05/01337/OUT	
14/02132/OUT (11.6.15)	Land at Bunkers Hill, Shipton on Cherwell Subject to legal agreement concerning on-site infrastructure delivery	
14/02156/OUT (3.9.15)	Land SW Cotefield Business Park, Bodicote Subject to agreement to ensure phasing after 11/00617/OUT and infrastructure contributions	
15/00082/OUT (16.4.15)	Site of Tesco, Pingle Drive, Bicester Subject to (i) referral to Sec of State ( Sec of State indicates that does not wish to intervene) (ii) subject to applicant entering into legal agreement re employment and skills plan and relating to previously agreed off-site highway works	
15/00476/F (6.8.15)	Wildmere Road Banbury Subject to OCC and Environment Agency withdrawing their objection	
15/00723/F (6.8.15)	The Pits, The Moors, Kidlington Subject to legal agreement concerning off-site infrastructure	
15/00695/OUT (9.7.15)	Graven Hill, MOD Bicester Subject to amending the legal agreement entered into re 11/01494/OUT re site boundary	
15/1006/F (3.9.15)	Land adj Bicester Community College Sport England maintained objection Sent to Sec of State to consider need for call-in	

### 3.0 Consultation

None

### 4.0 Alternative Options and Reasons for Rejection

The following alternative options have been identified and rejected for the reasons as set out below

Option 1: To accept the position statement

Option 2: Not to accept the position statement. This is not recommended as the report is submitted to Members information only

## **5.0 Implications**

### **5.1 Financial and Resource Implications**

The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Kate Crussell, Service Accountant, 01327 322188,  
[Kate.Crussell@cherwellandsouthnorthants.gov.uk](mailto:Kate.Crussell@cherwellandsouthnorthants.gov.uk)

### **5.2 Legal Implications**

There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,  
[nigel.bell@cherwell-dc.gov.uk](mailto:nigel.bell@cherwell-dc.gov.uk)

### **5.3 Risk Management**

This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,  
[nigel.bell@cherwell-dc.gov.uk](mailto:nigel.bell@cherwell-dc.gov.uk)

## **6.0 Decision Information**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

A district of opportunity

### **Lead Councillor**

None

## Document Information

Appendix No	Title
None	
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
<b>Report Author</b>	Bob Duxbury, Development Control Team Leader
<b>Contact Information</b>	01295 221821 <a href="mailto:bob.duxbury@cherwell-dc.gov.uk">bob.duxbury@cherwell-dc.gov.uk</a>

# Agenda Item 16

**Cherwell District Council**

**Planning Committee**

**1 October 2015**

<b>Appeals Progress Report</b>
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## **Report of Head of Development Management**

This report is public

### **Purpose of report**

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To accept the position statement.

### **2.0 Report Details**

#### **2.1 New Appeals**

**15/00485/F – Former Rosemary (Plot 1), Main Street, Fringford, OX27 8DP –** Appeal by Mrs and Mrs Ward against the refusal of planning permission for variation of Conditions 1 and 2 of 13/00718/F - Plot 1 only (to retain house with an altered façade/side elevation) - No changes to Plot 2.

**15/00486/F – Former Rosemary (Plot 1), Main Street, Fringford, OX27 8DP –** Appeal by Mr and Mrs Ward against the refusal of planning permission for removal of Conditions 1 and 2 of 13/00718/F (retain Plot 1 building "as built" with first floor side window to be removed) - Plot 1 only.

**15/01190/F – Former Rosemary (Plot 1), Main Street, Fringford, OX27 8DP –** Appeal by Mr and Mrs Ward against the refusal of planning permission for variation of condition 1 of planning permission 13/00718/F - In relation to Plot 1 only.

**14/01475/F (14/00194/ENDEV) – Brookside House and The Annexe, Weston-on-the-Green, OX25 3QQ –** Appeal by Mr Hawes against an enforcement notice for the matters which appear to constitute the breach of planning control,

- 1) Without planning permission, the use of the building (which was previously used as two separate dwellinghouses comprising Brookside House and the Annexe) as seven separate dwellinghouses (comprising Brookside House and 6 bedsits).
- 2) Without planning permission, the erection of conservatories to form kitchens for the unauthorised bedsits

**14/02139/OUT – Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington, Oxfordshire** – Appeal by Gladman Developments against the refusal of outline planning permission for demolition of an existing bungalow and agricultural buildings and the construction of up to 75 dwellings including highway works, landscaping and public open space.

**15/00211/F – The Hey Cabin, Blacklocks Hill, Nethercote, Banbury, OX17 2BN** – Appeal by Mr Chris Rankin against the refusal of planning permission for the change of use from B1 to B2 - Re-submission of 14/01280/F.

## 2.2 **Forthcoming Public Inquires and Hearings between the 1 October and October 29 2015.**

None

## 2.3 **Results**

Inspectors appointed by the Secretary of State have:

- 1) **Dismissed the appeal by Mrs Jackie Noquet against non-determination of Change of Use for the Certificate of Lawful Use Proposed - from A4 to A1 – Bishops End, Street Through Burdrop, Burdrop Banbury, OX15 5RQ – 14/01383/CLUP (Delegated).**

Bishops End was vacant at the time of the application and its last use was mixed use A1 and residential. Permitted development rights can only be exercised if Bishops End is in use or last used as an A4 use. Class A provisions do not apply in this case. The Inspector fully supported the assessment of the Council's Planning Officers.

- 2) **Dismissed the appeal by Gladman Developments Ltd against the non-determination of Outline - Demolition of existing bungalow and agricultural buildings and residential development of up to 95 dwellings including highway works, landscaping and public open space – Land off Lince Lane, Kirtlington, OX5 3HE – 14/01531/OUT (Committee).**

The Inspector considered the appeal raised two main issues. The first was whether the development would be appropriate having regard to the relevant Local Plan policies and the character, setting and settlement pattern of Kirtlington and its location in the countryside. The second was whether the Council has a five year housing land supply.

On the first issue the Inspector concluded that the development would not be appropriate. In particular she found that: *although not perhaps the most elegant*

*description, I agree with (the Council's witness) that the proposal represents a large bulge jutting out from the long and relatively narrow shape of Kirtlington into the open countryside. Furthermore she found that although the development could fall to be considered under Policy Villages 2 of the recently adopted Local Plan (which provides for a total of 750 dwellings to be delivered at the District's Category A villages of which Kirtlington is one): the proposed development, involving a large number of houses and residents at one time, would considerably exceed the threshold of incremental change and expansion that has occurred in Kirtlington and would be detrimental to the established character of the village. She also concluded that the development would not reflect the linear settlement pattern of the village, and that the opportunities to integrate the development into the existing village were limited.*

On the second issue, the Inspector noted that the Local Plan had been found sound and adopted "after a lengthy process and full examination". In weighing up the differences in position between the Council and the appellant, she gave particular importance to the findings of the Local Plan Inspector. In particular she concluded that: *it is clear that he was satisfied that the figures provided in the (Local Plan) housing trajectory, which were based on a 5% buffer, represented a reasonable and realistic, deliverable and justified basis for meeting local needs over the plan period...if he had not been so satisfied, it is a reasonable assumption that he would not have found the Local Plan to be sound.* She went on to observe that in respect of supply and rates of delivery: *The case made by the Appellant in this appeal was in many respects similar to the representations made to the Local Plan Inspector which were rejected.* She was also satisfied that the Council's specific data and analysis on supply and delivery rates was more reliable in the circumstances than the appellant's "more generalised data". Finally, in coming to the conclusion that the Council is indeed able to demonstrate a five year housing land supply, she was mindful that: *the Appellant's case (that a 20% buffer should be applied) as put at this Inquiry would mean that the Local Plan is not deliverable contrary to the Local Plan Inspector's conclusions.*

For the avoidance of doubt, the Inspector made clear in her concluding remarks that even had she found in favour of the appellant's case in respect of housing land supply, she would still have found that the benefits of the scheme would have been significantly and demonstrably outweighed by the harm caused, which she considered to be "very substantial" in this case.

- 3) **Allowed the appeal by Mr David Stanton of D J Stanton Engineering Ltd against the refusal of planning permission for the demolition of existing farm buildings. Erection of new build industrial building with associated vehicle yard and car parking. – Railway Farm, Station Road, Hook Norton, OX15 5LT- 14/01087/F (Committee).**

The Inspector made the following observations:

*...The site is on farm land and so is recognisably countryside. But it is not in deep countryside, isolated from other development. It is immediately outside the built-up area of Hook Norton. The site is hard up against the embankment of a dismantled railway. Other industrial premises (KMS litho) are positioned on the opposite side of the road.*

*...The proposal is not inherently contradictory to policy SLE1 of the Cherwell Local Plan 2011-2031, (the Local Plan) adopted on 20<sup>th</sup> July 2015. This replaced and is less restrictive than policy EMP4 of the previous Local Plan, referred to in the reasons for refusal. The new policy provides (in part) that employment development in the rural areas should be located within or on the edge of villages in Category A of policy Villages 1. Policy Villages 1 includes Hook Norton as a Category A Service Village.*

*Policy SLE1 goes on to provide that new employment proposals within rural areas on non-allocated sites will be supported if they meet seven criteria....*

*...Of more significance is the observation in the emerging Neighbourhood Plan that local employment opportunities are limited and many residents travel long distances to work. It records that consultation showed support for local employment and homeworking.*

*Although the emerging Neighbourhood Plan makes no provision for new employment development, one of its goals is to maintain and enhance employment opportunities and businesses providing sustainable services and local employment. It includes the objectives of encouraging and supporting local agriculture and businesses in suitable locations and opportunities for local people.*

*The appellant's business currently employs six people. Others are added in response to fluctuating workloads. Expansion would add two or four more. So the proposal would give employment to few people but the policy does not envisage large scale employment in rural locations. Nor can there be any guarantee that this or any other business located in Hook Norton would employ people who live in Hook Norton. But it cannot be denied that it would provide opportunities and that these are sought...*

- 4) **Split decision for the appeal by Mr A Jordan and Ms N Roberts against the refusal of planning and listed building consent for erection of two storey rear extension and first floor side extension including works to adapt dwelling. Raising roof of outbuilding to rear garden. Widening of existing entrance in frontage wall and provision of off-street car parking area. – The Malt House, Weston Road, Bletchington, Kidlington, OX5 3DH – 14/01861/F + 14/01862/LB (Delegated).**

The Planning Inspector issued a split decision in relation to the appeal by Mr A Jordan and Ms N Roberts.– Dismissed the appeal in relation to the 2 storey extension and first floor side extension to the house, and works to adapt the dwelling consisting of alterations to an opening in the rear wall at ground floor level, and at first floor level, the rearrangement of the internal partitions; the infilling of an existing opening and the formation of a new opening in the rear external wall; and the formation of a new opening in the north-east elevation, and the widening of the existing entrance in frontage wall and provision of off-street parking. Allowed the appeal in relation to the extension and raising the roof of the outbuilding to the rear garden and works to adapt the dwelling consisting of the rearrangement of the internal partitions and the infilling of two



window openings at ground floor level - The Malt House, Weston Road, Bletchingdon, OX5 3DH (Delegated).

The Inspector concluded that the proposed two storey rear extension element would be harmful to the listed building, the conservation area, and in terms of its impact on the Green Belt. It was concluded by the Inspector that the first floor side extension would have a significant detrimental effect on the living conditions of the occupiers of Nos.1-3 Blenheim Terrace and would harm both the special interest of the listed building and the character and appearance of the Conservation Area. The Inspector stated that the remaining elements of the adaptations to the dwelling, at ground floor, and first floor levels, would have detrimental effects on the listed building itself.

The Inspector concluded that the widening of the opening in the boundary wall and the provision of a parking area in the front garden would detract from the special interest of the listed building, its setting, and the conservation area despite the Local Planning Authority granting permission and consent for these elements.

The Inspector noted that the extension proposed to the outbuilding is acceptable, as are some of the adaptations proposed to the ground floor of the dwelling, subject to the conditions dealing with materials and aspects of detailed design. The Local Planning Authority has previously granted permission and consent for the extension to the roof of the outbuilding.

**5) Dismissed the appeal by B A Property Management Ltd against the refusal to vary the planning obligation to approved application 13/01576/OUT (14/01827/OBL) – The Tally Ho Inn, 45 Ploughly Road, Arncott, Bicester, OX25 1NY (Delegated)**

The principal consideration with this appeal was whether the affordable housing contribution, set out in the signed S106 agreement, made the development economically unviable. It was accepted by both parties that although the original description of development was for 17 retirement homes, the appellant had an unfettered C3 (dwellinghouses) use.

The Inspector determined that the appellant had a couple of options to progress the scheme: omitting a communal facility which formed part of the approved scheme; or constructing the communal facility and retaining a realistic hope value for its subsequent conversion. Taking these scenarios into account as well factoring in local land values, the Inspector concluded that the development was economically viable without any adjustment to the affordable housing contribution.

### **3.0 Consultation**

None

## 4.0 Alternative Options and Reasons for Rejection

- 4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

## 5.0 Implications

### Financial and Resource Implications

- 5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Kate Crussell, Service Accountant, 01327 322188,  
[kate.crussell@cherwellandsouthnorthants.gov.uk](mailto:kate.crussell@cherwellandsouthnorthants.gov.uk)

### Legal Implications

- 5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687,  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

### Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning, 01295 221687,  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

## 6.0 Decision Information

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

A district of opportunity

**Lead Councillor**

None

**Document Information**

<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
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