

**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 demarked 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